THE
General Hiſtory
OF
ENGLAND,
BOTH
Eccleſiaſtical and Civil:

Containing the REIGNS of

EDWARD I, II, III,
AND
RICHARD II.

Taken from the moſt Antient *Records*,
Manuſcripts and *Printed Hiſtorians*.

AS ALSO

AN APPENDIX,

Repreſenting the moſt MATERIAL Arguments and Authorities, *for* and *againſt* the Antiquity of the COMMONS Summoned to *Parliament* before the 49th of *Hen.* III.

VOL. III.

By *JAMES TYRRELL* Eſq;

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The *NAMES* of the *Authors*, both in Print and Manuſcript, made uſe of in this *Volume*; and how denoted in the Margin.

In Latin, Printed.

CHronicon Thom. Wikes. *T. W.* }
Annales de Waverly. *A. W.* }
Inter Script. Oxon. *edit. Vol. II.* }

Annales Wigorn. *Edit. inter Script. in* Anglia Sacra, *Vol. I.* *An. Wig.*

Mat. Weſtmonaſt. *Flores Hiſt.* *M. W.*

Thom. de la More, *Vita R.* Edwardi *II.*

Hen. de Knyghton, *de Eveetibus* Angliæ. *H. K.*

Thom. Walſingham, *Hiſt. Regum* Angliæ. *T. W.*

Ejuſdem Ypodigma Neuſtriæ. *Y. N.*

Polydori Vergilii *Hiſt. Anglic.*

Johan. Fordun. *Hiſt. Scotorum.*

Hector. Boethii *Hiſt.* Scotica.

Johan. Leſlæi *Epiſcop.* Roſ. *Chronicon* Scotiæ.

Pauli Æmylii, *de Rebus geſtis* Francor.

Odorici Raynoldi *Annal.* Baronii *Continuatio.* *Od. Raynold.*

Antiquit. Acad. Oxon. *per* Anton. Wood, ~~Bren.~~

Fran. Godwin *de Præſul.* Angliæ.

In French.

Jean Froiſſart, *Hiſtoire de* France, *&c.* *Froiſ.*

*Hiſt. d'*Angleterre, *per* And. du Cheſne.

abregé de l'Hiſtoire de France, *par le Sieur* de Mezeray.

Italian.

Franciſ } Villani *Hiſtoria d'*Italia. *Vil.*

In Engliſh.

Ran. Hygden's *Polychronicon.*

Caxton, Hollingſhed, Stow, *their ſeveral* Chronicles. *Dr.*

In Latin, Manuſcript

CHronicon Nich. Trivet, *Regum* Edwardi *I. & II. in Bib. Regin.* Oxon. *C. N. T.*

Adam de Murimuthe, *Hiſt. Reg.* Edwardi *I. & II. in eod. Vol. Extat etiam plenius in Bib.* Magdal. Oxon. *C. A. M.*

Annal. Civit. London, *in Libro antiquo de Legibus penes Clericum Urbis.*

Annal. Johan. *de* London, *in Bib.* Officii Herald.

Chron. Joh. Everſden, *in ead. Bib.* *C. J. E.*

Walter Hemingford *Chronic. Reg.* Edwardi *I. & II. in Bibl. S.* Trinitat. Cantab. *C. W. H.*

Annales de Abbingdon, *in Bib. Pub.* Cantab. *& in Bib.* Bod. Oxon.

Annales Monaſt. S. Auguſt. Cant. *in Bib. Coll. S.* Benedicti, Cantab. *An. Aug.*

Annal. Anon. in Bib. Cotton. *Chron. Cot.*

Chronicon Monaſt. de { Lanercoſt. *Chr. Lan.*
{ Norwic.
{ *S.* Alban.
{ Dunſtaple.

Annales Johan. Troclow.
Extant omnia in Bib. Cotton.

Robert. Aveſbury *Hiſt. Rerum* Edwardi *III. Regis.*

Chronic. Monaſt. Chriſti, Cant.
Extant ambo in Bibl. Domini Simonds D'Ews, *Baronetti.*

Chronic. Anon. Monaſt. de Eveſham *(ut puto) Regum* Ang. *ad* Rich. *II. incluſ. in Bib.* Bod. Oxon.

Joh. Tin-muthe *Hiſt. Aurea, in Bib.* Lamb.

Regiſters.

Regiſtrum Arch. Cant. *vocat.* Pecham.

Regiſtrum Monaſt. S. Edmundi, *vocat.* Werkton, *penes* Rich. Gipps *Mil.*

Rolls.

The Names of the Authors, &c.

Dr. Power's *Annals of* Wales.

Cotton's *Abridgment of the Records of Parliament.*

Rolls in the *Tower*

Rot. Clauſ. Rot. Pat. Rot. Parl. Rot. Vaſ. *Rot.* Scot. *Rot.* Alman. *Rot.* Walliæ, *Rot* Pipæ.

Manuſcripts in old French.

Scalæ Chronicon, *in the Library of* Bennet College *in* Cambridge.

Les Chroniques de St. Denys, *a large and fair Manuſcript belonging to the City of* London, *in the Cuſtody of the Town-Clerk.*

THE Author's almoſt conſtant Abſence from the Preſs, hath occaſion'd the *Errata* to be more, eſpecially in proper Names, than otherwiſe they would have been. The Literal ones, and thoſe of leſs moment, the Reader may eaſily diſcover and correct: The greater are theſe that follow, *viz.*

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THE PREFACE.

I *Shall perſue the ſame Method in this, as I did in my former Preface; which is, in the Firſt Place, To give ſome Account, together with a ſhort Character, of the Principal Authors, as well in* Print *as* Manuſcripts, *from whence the enſuing Hiſtory hath been collected.*

This Volume commences with the Reign of King Edward I. *which is indeed a Noble and Glorious One; and it is great pitty that ſome able Pen of his own Age had not undertaken the Writing of it in a Work deſign'd for that purpoſe: Yet, ſince that Task was never hitherto perform'd as it ought to have been, I have taken ſome Pains to collect the moſt memorable Actions of his Reign, not only from* Printed, *but* Manuſcript *Authors, who lived in or about that time, and which have hitherto lain hid in the* Libraries *of private Gentlemen, or elſe in thoſe of the Univerſities, or ſome particular Colleges there.*

As for Printed *Authors, I have drawn the Main Strokes of the Reign abovemention'd, from* Matt. Weſtminſter, *his* Flores Hiſtoriarum, *who continued that Work to the end of this King's Reign, as well as from the divers* Manuſcript *Chronicles, not only of his own Abbey, but thoſe of* Norwich *and* Rocheſter, *now in the* Cottonian *Library, that noble Repoſitory of our* Engliſh *Antiquities.*

To him I muſt, in the next Place, add Thomas *of* Walſingham, *a Monk of* St. Albans; *who, tho' he took upon him to continue* Matt. *of* Weſtminſter's *Deſign, yet nevertheleſs begins his Work with the Reign of* Edward I. *and hath thereto added a great many memorable Paſſages, that the former had omitted, which he might very well do, having not only the Aſſiſtance of the Antient Annals of his own* Abbey, *(that* *ſtill preſerved in the Library of* Bennet-*College in* Cambridge) *but alſo of the Chronicles of* Nicholas Trivet, *and* Adam Murimuthe, *and others: Tho' I cannot omit here taking notice, that this Author, in the very firſt Page of his Hiſtory, places the Death of King* Henry *the* Third *in the Year* 1273. *whereas indeed it was in* 1272. *and he has by that means made King* Edward *not to have began his Reign till* 1274. *in which he not only differs from* Matt. Weſtminſter, *but alſo from himſelf, One whole Year, as appears by his* Ypodigma Neuſtriæ, *where he makes that King's Reign to have began,* A. D. 127$^{2}_{3}$. *as it indeed did.*

After theſe, I cannot omit the Chronicle of Thomas Wikes, *as alſo the Annals of* Waverly *and* Worceſter, *which I have alſo made uſe of in the laſt Volume, together with the Elaborate Collections of* Henry de Knyghton, *which he ſtiles* Ymagines Hiſtoriarum: *Who, tho' he flouriſhed under* Richard *the* Second, *yet had no doubt the peruſal of many choice Manuſcripts more than he cites in his Margin. I have made but little uſe of* Ranulph Higden's Polychronicon, *unleſs it were to Adjuſt the exact Time of ſome Action, which by the various Reports of other Writers was rendred dubious and uncertain, this Author being accounted the moſt exact and diligent in point of Time of any that have undertaken to write our* Engliſh *Annals; yet he was never ~~yet~~ publiſhed entirely in* Latin, *tho' he was Tranſlated into* Engliſh *as far as the Year* 1301. *by* John Treviſa, *a Secular Prieſt, Rector of* Berklay *in* Gloceſterſhire, *and Chaplain to the Lord of that Name, to whom he Dedicated that Work; and this I take to be the firſt Hiſtory that we have in the* Engliſh *Tongue, at leaſt in Proſe; for as to the* Manuſcript *Hiſtory of* Robert *of* Glouceſter, *written in Rhime, it does not ſeem by the Stile of it to be more Antient than the Reign of* Edward II. *or beginning of* Edward III. *at furtheſt.*

Having done with the Printed Hiſtorians, I ſhall now proceed to thoſe in Manuſcript: *In the Firſt Place, I cannot but take notice of an Anonimous Chronicle in the* Cottonian *Library, written in a very bad, but yet no very antient Character. This is falſly aſcribed to* Walter *of* Coventry, *but with whom it does not at all agree, as to what he writes concerning the Reign of* Henry *the* Third: *Nor could he write the Hiſtory of his Son, ſince he Died about the middle of his Father's Reign,* *as I have obſerved in the Preface to my laſt Volume: However, I have made uſe of this Author, as to ſeveral Paſſages either wholly [illegible]itted, or leſs exactly related, by other Hiſtorians.*

I have likewiſe Extracted ſome Matters of Moment concerning Edward *the* Firſt *and* Second, *from* John *of* London, *a Monk of* Weſtminſter, *his* Manuſcript *Chronicle, and in particular that Noble Character he gives of the firſt of theſe Princes; And I had borrowed more from him, had not* Matt. *of* Weſtminſter *prevented me, by Tranſcribing many Paſſages from him almoſt word for word.*

I have alſo made ſome Uſe of John *of* Everſden's Series Temporum: *He was a Monk of St.* Edmunds-Bury, *and Cellarer of that Monaſtery: He begins his Chronicle from* Adam, *and brings it down as far as the Year* 1300, *being the 28th of* Edward *the* Firſt; *but is very faulty and careleſs in point of Time, and other Circumſtances: Both theſe laſt mention'd are preſerved in the Library of the* Heralds *Office, and were formerly the Lord* Howard's *of* Naworth.

I have been alſo beholding, for ſome choice Tranſactions, to a Manuſcript *Chronicle formerly belonging to the Abbey of St.* Alban's, *written by a Monk of that Monaſtery, at the particular Inſtance of* John *the* Abbot, *in the time of* Edward *the* Firſt: *It begins* Ann. Dom. 1200. *and ends* 1300. *being the ſame Year that* Everſden *concludes his Hiſtory. This Chronicle is extant in the* Cottonian *Library, as is alſo another of the Abbey of* Rocheſter, *which ends imperfectly with the Year of our Lord* 1306. *Out of this* Matt. *of* Weſtminſter *hath alſo taken a great deal, as I have done ſome Things which he has omitted.*

I have Collected (as is aboveſaid) ſome Paſſages from Nich. Trivet, *a* Dominican *Fryar, who flouriſhed under King* Edward *the* Third, *and begun his Chronicle* Ann. Dom. 1303. *and wrote moſt of it from his own Knowledge, as far as the Twenty firſt Year of* Edward *the* Firſt, *from which it is continued by another Hand to the Year* 1318. *being the Twelfth of* Edward *the* Second.

I have been beholding likewiſe to Adam Murimuthe's *Chronicle, (who was a Learned Canon of St.* Paul's) *and firſt wrote to the Year* 1303. *and then continued his Chronicle down as low as to the Year* 1342. *being the Sixteenth of* Edward *the* Third, *and is very exact for the Time it treats of: The moſt perfect Copy of which is preſerved in the Library of* Trinity-College in Cambridge; *and there is alſo another in St.* Mary Magdelen's *College*, Oxon.

To theſe I muſt likewiſe add Walter Hemingford's *Chronicle; the firſt part of which, as far as the ~~the~~ beginning of the Reign of* Edward *the* Firſt, *is Printed in the laſt Volume of our* Engliſh *Hiſtorians, Publiſhed by the learned Dr.* Gale *late deceaſed; but the ſecond part which contains the Reigns of* Edward *the* Firſt *and* Second, *with great part of that of* Edward *the* Third, *is not yet Publiſhed, but remains ſtill in* Manuſcript, *in the Library of* Trinity-College *in* Cambridge, *where I had the favour to peruſe it, and have added ſome things from thence into the Reign's of* Edward *the* Firſt *and* Third.

But the moſt conſiderable Aſſiſtance I have had, eſpecially concerning the Wars of King Edward *the* Firſt *in* Wales *and other Places, hath been from* an Anonimous *Chronicle in the* Bodleian *Library, the Original of which is in a* moſt *elegant Character, which once belonged to the Abbey of* Abingdon, *and is ſtill preſerved in the Publick Library of the Univerſity of* Cambridge: *I ſhall ſay no more of this Author, but that I find* Walter Hemingford *abovementioned, and* Henry de Knyghton, *to have Tranſcribed ſeveral of the moſt conſiderable Paſſages into their Reſpective Hiſtories, though according to the Manner of the Monks of that time, they have not thought fit to cite it.*

To this Collection I muſt add another Anonimous *Chronicle in the* Bodleian *Library, often quoted by Sir* William Dugdale *in his* Baronage *of* England, *by the Name of the Chronicle of* Eveſham; *but ſince I find the very ſame, or much the like Chronicle in the* Cottonian *Library under the Title of The Chronicle of* Glaſtenbury, *which has moſt the ſame things word for word, I cannot tell to which of them to aſcribe it; for they have both of them inſerted divers Tranſa~~n~~ctions and Relations which particularly concern each of thoſe Monaſteries: I ſhall therefore here ſay no more of it, but that I have extracted ſome paſſages from thence, not elſewhere to be found.*

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Nor have I left ſome Biſhops Regiſters unſearched; having been beholding for the Relation of the great Tranſaction between King Edward *the* Firſt *and* Llewellyn *the laſt Prince* *of* Wales, *to Archbiſhop* Peckham's Regiſter, *from whence it was Tranſlated into* Engliſh *by Dr.* Powell, *who inſerted it into his Hiſtory of* Wales, *and is now Printed from the Original in the Second Volume of Sir* Henry Spelman's *Britiſh Councils.*

I have alſo made uſe of ſome other Manuſcript *Chronicles in the* Cottonian *and other Libraries; but ſince the Paſſages I have borrowed from them are but few, I have not thought it worth my while particularly to mention them in this place, but refer the Reader to the Catalogue before the enſuing Volume: But though that* antient Manuſcript *Book belonging to the City of* London *(which I have ſo often cited in my laſt Volume) go no farther then the Reign of* Henry *the* Third, *yet I have there found ſome few conſiderable Paſſages inſerted relating to the Reigns of* Edward *the* Firſt, *and* Edward *the* Second, *which I have put in their proper places; but as for the* Scotiſh *and* Northern *Affairs in the latter end of the firſt of the Kings laſt mentioned, and during the whole Reign of the latter, I have been beholding to the* Manuſcript *Chronicle of the Abbey of* Lanercoſt *in* Cumberland, *which contains ſo exact an Account of our* Engliſh *Affairs, eſpecially in all things relating to* Scotland, *that one may admire how thoſe* Monks *that lived in ſo remote a Corner of* England, *ſhould come to that nice and particular Information of moſt Civil and Military Tranſactions. This is alſo preſerved in the ſame Library, and it is pity that that part of it at leaſt had not been Publiſhed in the ſame Volume with the* X. Scriptores.

In Writing the Reign of Edward *the* Second, *beſides the Printed Authors made uſe of for his Father's Reign, and continued to this, I have taken divers Paſſages from Sir* Thomas Delamore's *Hiſtory of this King, who hath given us an Account of ſeveral Particulars omitted by others, though having been a Servant to Him, he is not to be credited in all he relates, eſpecially when he oppoſes the contrary Teſtimonies of other Writers of much better Credit; and indeed he ſhews himſelf ſo partial to this King's Perſon and Cauſe, that he plainly diſcovers he is not to be relied on as a juſt and Impartial Writer; I have alſo borrowed ſome particular Paſſages in this Reign from the ſhort* Manuſcript *Annals of* John Trocklow, *a Monk of St.* Alban's, *a very exact and diligent Writer, as far as he undertook the Hiſtory of our Affairs, which he ends with the Death of this Prince.*

For the Reign of Edward *the* Third, *I confeſs I have had greater Helps than for any of the former; ſince beſides the* Printed *and* Manuſcript *Authors already mentioned, of which ſome of them carry on the Hiſtory as far as the beginning or middle of this King's Reign, I have extracted divers conſiderable things in both Reigns, from a* Manuſcript *Hiſtory of one* Le Grey, *which he calls by the Name of* Scalæ Chronicon, *i. e.* the Chronicle of the Ladder; *and the reaſon why he ſays he gave it this Title, was, becauſe he had, from the ſeveral Authors which he made uſe of, aſcended (as it were) by ſo many Rounds, from his own, to the Knowledge of more antient Times. It appears by his Book, that he was taken Priſoner in an Expedition againſt the* Scots, *and finiſhed it in the Caſtle of* Edinburgh. *There is but one Copy of this* Manuſcript *extant (that I know of) and that is in the Library of* Bennet's *Colledge in* Cambridge, *where I had the favour of the Peruſal of it.*

I have alſo taken many things from the Manuſcript *Hiſtory of* Robert Avesbury, *Regiſter of the Archbiſhop of* Canterbury's *Court, a conſiderable Writer of that Age, who is very exact in his Account of this King's Actions beyond Sea, as having taken them from ſeveral* Original Letters *of Perſons of Note, who were then preſent with him, ſeveral of which he hath given us at large; and indeed it had been very conducing to the Writing of a perfect Hiſtory of this King's Reign, if he had continued his Labours; but he is ſo far from that, that whether he was prevented by Death, or hindered by ſome other occaſions, he leaves off Writing about the Twenty ninth Year of this King,* viz. Anno Dom. 1355. *when he had recovered* Berwick, *which had not long before been taken by the* Scots.

I have likewiſe borrowed ſeveral conſiderable Paſſages relating to this King's Reign, from a fair and antient Manuſcript *Chronicle in* French, *preſerved in the Archives of the City of* London, *under the Cuſtody of the Worthy* Henry Aſhurſt *Eſq; their preſent Town Clerk, which ſeems to be written by a* Monk *of the Abbey of* St. Denis *near* Paris: *But though he is very partial to his own Nation, yet he hath ſeveral Memorials which are not to be met withal elſewhere, particularly concerning the Treaty of* Bretagne, *beſides others that are not reported with that exactneſs in the Printed Hiſtorians. This Author ends his Hiſtory with the Reign of* Charles VII.

As for King Edward *the* Third's *Actions abroad, I confeſs my ſelf to have been cheifly beholding to the* French *Hiſtory of* John Froiſſard, *who by his frequenting the Courts of the Princes of that time, and his Acquaintance with divers great Men, and Principal Commanders, both of the* French *and* Engliſh *Nations, during thoſe long and Bloody Wars between them, could not but be very well informed of moſt of the Chief Actions and Succeſſes that happened on either ſide in* France, Flanders *and other Places; yet one great Fault of his Hiſtory is, that it is very tedious in the Relations, and ſtuffed with many unneceſſary Circumſtances, as Dialogues and Speeches delivered in an ordinary and familiar Stile; which plainly ſhews his* Memoirs *were not borrowed out of Books, but from the particular Relations of the Parties concerned: But I have abridged what I have taken out of him into as narrow a Compaſs as I could; but how great ſo ever the Credit of this Author may be, in Reſpect to* Foreign *Affairs, I cannot allow him the like as to thoſe of* England, *concerning which he often received very falſe or imperfect Informations, for I will not lay it to his charge, that he himſelf invented thoſe Stories; ſuch as are the taking and burning of* Durham *by* David *King of* Scots, *which is contrary to the Teſtimony of all our Hiſtorians and Annals in* Print *and* Manuſcript, *who agree that the King never approached nearer the City laſt mentioned, than* Nevil's Croſs, *where that Battel was fought; and whereas he ſuppoſes Queen* Philippe *to have been perſonally preſent at this Battel, and to have encouraged the Soldiers to Fight, I do not find it related by any of our* Engliſh *Hiſtorians, who ſpeak of the Archbiſhop of* York, *and the Lord* Piercy *and* Nevil, *as the ſole Commanders at that Battel, without one word of the Queen's being there, or ſo much as of her going down into thoſe Parts; which if true, ſure ſo memorable a Circumſtance could have hardly been omitted by thoſe that Writ the Hiſtory of thoſe times. To theſe I may likewiſe add that* Romantick *Expedition of King* Edward *againſt the* Scots, *for the Relief of the Caſtle of* Weark, *and the Counteſs of* Salisbury *who was therein beſieged by the* Scots, *whom this Author makes to have been ſet free by the King, and that he then fell in love with her, when indeed ſhe was not there at all; and if it were any one of that name, it muſt have been the Counteſs Dowager her Mother in Law, as I have obſerved in the enſuing Hiſtory: Nor can*

I find, either by our own or the Scotiſh *Hiſtorians, that either King* David *invaded* England, *or that King* Edward *made any Expedition into the* North *that Year; and whoever will carefully peruſe this Author, may obſerve a* Romantick *Humour of Love and Honour running through all his Hiſtory; ſo that there is ſcarce an Action performed by a young Commander, in which his Miſtreſs is not ſome way or other concerned; therefore although I have for the Reader's Entertainment ſet down thoſe falſe or at leaſt ſuſpicious Relations, yet I ſhall leave it to their Judgment how far they will give Credit to them; and I have thought fit to give you theſe Advertiſements concerning this Author, ſince they may be of ſome uſe, and have never been taken notice of before by any other Writer that I know of. But before I leave him, this muſt be acknowledged for his Honour, that his Hiſtory was of that Reputation above 200 Years ago, that Sir* Henry Boucher, *Lord* Barners, *a Learned Baron, undertook to tranſlate it into* Engliſh *in the beginning of the Reign of King* Henry *the* Eighth, *by the particular Command of that Prince; and it is ſtill extant in the old Print of that time, being the firſt Work of that kind that was performed in* Engliſh *by a Perſon of his Quality.*

To conclude with Parliamentary and other Civil Affairs, I have for thoſe chiefly made uſe of the Records in the Tower, *by the Favour of my worthy Friend* William Petyt *Eſq; the faithful Keeper of, as well as Diligent and Labourous Collector from them; though I could not begin more early then the 3d Year of* Edward *the* Third, *becauſe no Proceedings in Parliament are extant on the Rolls before that time; however the Writs of Summons to all Parliaments, from the 23d of* Edward *the* Firſt, *down as low as the Reign of* Henry *the* Seventh, *are found moſt commonly entered on the back of the cloſe Rolls; and their Authority, whenever I had Occaſion, I have made uſe of; but as for the Account of moſt Parliamentary Proceedings related in this Volume, I muſt own my ſelf beholden to Dr.* Brady's *diligent Collection of them in the laſt Volume of his Hiſtory, as alſo from the Rolls of* Scotland, France, Gaſcoigne, Rome *and* Almayne, *concerning ſeveral Tranſactions of great moment, though I have examined many of them my ſelf, when I doubted any thing to differ from the Original.*

Nor have I tyed my ſelf up to his Tranſlation, but have often varied from it, when I thought it for the better; and added *ſome conſiderable paſſages, which he had omitted, and reſtored others to their due Order, where I found them miſplaced.*

I have alſo corrected ſeveral Errors, and made ſome Additions from the Records themſelves to that Abridgment of them, which goes under the Name of Sir Robert Cotton, *though erroneouſly through* **Mr.** Prynn's *Miſtake, who finding it among the* Manuſcripts *of that learned Antiquary ſuppoſed it to be of his compoſing, whereas if he had ever ſeen the* Original Manuſcript *of that laborious Collection now in the* Herald's *Office, he would have found by a* Memorandum *in the very firſt Page of it, under the hand of* Mr. Robert Bowyer, *that it was made by his Father, Keeper of the* Tower *Records in the latter end of the Reign of Queen* Elizabeth, *and beginning of King* James *the* Firſt, *and what was wanting in it,* viz. *the Abridgment of the Rolls of Parliament of the 21ſt and 46th of* Edward *the* Third, *the 8th of* Henry *the* Fifth, *and 20th of* Henry *the* Sixth, *were ſupplied by* William Bowyer, *the Son and Succeſſor of* Robert *in the ſame Office, as appears by a Certificate under the hand of this* William; *and that Sir* Robert Cotton's *Copy was from an Imperfect one of this* Robert Bowyer's, *appears by its wanting the Abridgment of thoſe Rolls abovemention'd. This I thought fit to mention, for the Information of the Curious Reader; but I ſhall now proceed to the further Account of the* Manuſcripts, *from whence I have digreſſed.*

And as for Leagues and Agreements, with ſome other great Tranſactions, between ſome of the Kings, whoſe Reigns I now write, and thoſe of France, *I have been beholding to the* Codex Juris Gentium Diplomaticus *of Mounſieur* Leibnitz; *with the* Mantiſſa, *or Second part to it, for ſome rare Charters and Inſtruments, which I have not met with elſewhere.*

I am alſo beholding for ſome conſiderable Tranſactions to the Writers of Eccleſiaſtical *Hiſtory, eſpecially* John of Tinmuthe's Hiſtoria Aurea, *who among a great many fabulous Relations, often intermixes very conſiderable Paſſages relating to* Civil *Hiſtory; and I have in the beginning of the Reign of* Edward *the* Third *extracted an Account of that great Riot and Aſſault, made by the Mayor and Townſmen of St.* Edmundſbury, *upon the Abbots and Monks of that Monaſtery, out of an Antient* Leiger *Book that belonged to that Abbey, and from whence I ſuppoſe* Hollingſhed *hath inſerted it into his*

Hiſtory, though I have made it much ſhorter in mine, as you will find in the beginning of this King's Reign laſt mention'd: But as for the Letters and Tranſactions between ſeveral Popes and this Prince, during the Wars between France *and* England, *they are moſtly taken from* Odoricus Raynoldus's *Continuation of the Annals of* Cardinal Baronius; *and indeed that Author having had acceſs to the Pope's* Archives, *hath given us ſeveral choice Letters, not to be met withal elſewhere; ſome of which I have inſerted, That ſo the Reader may obſerve, how partial thoſe Popes of the* French *Nation, and (who commonly reſided at* Avignon*) then were to the intereſt of the* French *King, whoſe Subjects they had been.*

And indeed I muſt acknowledge my ſelf very much obliged to the Voluminous and Elaborate Hiſtory of this King, written by the Learned Mr. Joſhua Barnes, *late Fellow of* Emanuel College *in the Univerſity of* Cambridge; *who hath, out of a great number of Authors, collected all that ~~ever almoſt~~ can be found relating to this King's Life and Actions, or of thoſe of the Great Men either Biſhops or Laymen that lived in his time; and I confeſs, I have borrowed from thence a great many Paſſages, eſpecially of* Foreign *Authors, not commonly known in* England, *ſuch as are the* Italian *Hiſtories, of both the* Villani's, *whereof* John *was the* Uncle, *and* Matthew *the* Nephew, *who continued the Hiſtory that the former had began; yet I have not followed Mr.* Barnes *as a Plagiary, in blindly Tranſcribing whatever I found in him for my purpoſe, but by comparing his Quotations from the Authors from whence they were taken, and by Abridging the length of his Relations, eſpecially as to Sieges and Battles, have made them in a manner my own: Nor do I always approve of the Authors he makes uſe of, particularly of an* Engliſh *Manuſcript Chronicle in* Bennet-College *Library, which contains a ſhort Hiſtory of the Kings of* England, *down to the Reign of* Edward *the* Fourth; *yet as it is of no great Antiquity, ſo it is ſtuffed with a great many falſe and futilous Relations, very different and often contradictory to the Accounts of our beſt and moſt credible Writers. However I confeſs I have taken from this, or rather from* Caxton's *Chronicle, (who hath tranſcribed a great deal from him almoſt* verbatim*) ſome Paſſages which not being to be found elſewhere, may ſerve to* *illuſtrate this Hiſtory, and being very probable, may deſerve our Notice. I have nothing more to obſerve concerning this* Manuſcript, *but only that I find it for the moſt part tranſcribed from another more Antient one, written in the* French *Tongue about the time of* Richard *the* Second, *or* Henry *the* Fourth, *and is to be ſeen in the* Cottonian *Library. To conclude this Head, I hope the Learned Author abovementioned will pardon me, if I have taken upon me to differ from him in the Account he gives of ſome Actions, and the Cauſes of them, as alſo as to the time when they were performed, which I have ſometimes corrected according to* Walſingham's *Account, who begins the Year at* Chriſtmaſs-day.

In the writing of the Reign of Richard *the* Second, *as I have been overwhelm'd with Authors in that of his Grand-father, ſo I find a great Deficiency of good Writers, eſpecially* Manuſcripts, *concerning this King's Life and Actions; therefore I have been moſt beholding to* Henry Knyghton *and* Thomas Walſingham: *Yet I cannot but obſerve, That the only Copy I know of extant, of the former Author in the* Cottonian *Library being imperfect, ends at the* 18*th Year of his Reign; but that it is very likely he wrote the Hiſtory of the other Three Years, appears by this, That at the end of the* Manuſcript *Copy abovementioned, there is ſtill extant the Articles of the Parliament againſt* Richard *the* Second, *the manner of his* Reſignation *and* Depoſition, *and the Form of their renouncing their Homages to Him; which being faithfully tranſlated, you will find inſerted at the end of this King's Reign.*

But indeed Thomas Walſingham, *hath been ſo very large and particular in his Relation of this King's Life and Actions, that he hath made ſome amends for the want of other Authors; and though he lived and wrote ſome Years after this King's time, yet he had very good Authorities for what he related, for there is ſtill preſerved in the Library of* Bennet-*College in* Cambridge *a large* Leiger *Book, that once belonged to St.* Alban's-*Abbey, of which our Author was a Monk, wherein among divers particulars relating to that Monaſtery, there is alſo intermixed (by way of Annals) a great deal of* Civil *Hiſtory, eſpecially relating to the Reign of this Prince, and from whence I find our Author to have bor-*

rowed moſt of his matter, though he had digeſted it into a much better Stile and Order.

There is likewiſe preſerved in the Bodleian *Library a* Manuſcript *Copy of this Author's Chronicle, which as it wants divers things that are found in the Printed Editions of it,* D contains *ſo ~~that~~ alſo ~~has~~ ſome Paſſages, particularly relating to the Affairs of the Church, which are not in the Prints, and ſeem to have been added by ſome Monk of the Abbey laſt mention'd, who tranſcribed it: Some of which I have made uſe of in the enſuing Hiſtory.*

I have likewiſe in this Reign, for want of more antient Writers, taken ſome Paſſages out of Fabian's *Chronicle, chiefly relating to that King's ſevere dealing with the City of* London; *for he being a Citizen was moſt likely to underſtand the truth of thoſe Tranſactions: I have alſo borrowed ſome few things from* Polydore Vergil's *Hiſtory of this King's Reign, with reference to the Grounds and Reaſons of the King's great hatred to the Duke of* Glocester *and Earl of* Arundel, *and which I ſuppoſe he found in ſome* Manuſcript *Hiſtory of that time, that is either now loſt, or elſe carried by him away into* Italy.

But as for Manuſcript *Authors, I have found but very few concerning this King's Reign, from which I could extract any thing that might give greater light to it; Two in the* Lambeth *Library, One whereof contains certain Annals which begin with the latter end of* Edward *the* Third, *and proceed to the very end of* Richard *the* Second; *but moſt of the ſame things being related more exactly by* Walſingham *and others, I only collected ſome Paſſages here and there, which had been omitted by them.*

The next I met with in the ſame Place, is an exact Account from a nameleſs French *Gentleman, that came over by the leave of the King of* France *to attend King* Richard *in his laſt Expedition into* Ireland, *and upon the News of the* arrival *~~Land~~ing of the Duke of* Lancaſter, *and his ſtrange Succeſs, return'd with* that King *~~Him~~ into* England, *and Landing in* Wales, *was preſent at all the Meſſages and Tranſactions that paſſed between* that Prince *the Duke of* Lancaſter, *~~and King Richard,~~ whilſt He remain'd at* Conway *Caſtle, and alſo at his being carried to that of* Flynt, *with the manner of the meeting of the King and Duke at that Place, and what paſſed between them at that fatal*

fatal Interview; *as alſo how this King was conveyed to* Cheſter, *and from thence to* London *as a Priſoner*; *all the particular Circumſtances of which, not being ſo exactly related by any other Writer, as I find they are in his* Manuſcript, *partly in Proſe, and partly in pitiful Rhime, I have tranſlated from the* French *Original, as you may find near the end of this Volume.* +

And ſince I have now given you the Account I deſign'd concerning the Authors from whom I have collected this Work, I ſhall beg leave to ſay ſomewhat of the undertaking it ſelf, in the drawing up of which, I have not to my knowledge omitted any Action, either Civil *or* Military *worth mentioning, tho I confeſs I have done as much as I could to avoid the inſerting of any unneceſſary Matters or Circumſtances, eſpecially in the Relations of* Sieges *and* Battels, *becauſe I thought they would not prove very inſtructive to the Gentlemen of the Sword*; *War being an Art to be chiefly learn'd by Action and Experience, rather than by Books*; *but I hope none of my Readers will take it amiſs, that I have been ſo particular in the Relation of* Parliamentary *Affairs, from the Rolls in the* Tower; *ſince beſides the uſefulneſs of this kind of Learning, I would not fall ſhort of Dr* Brady's *Performance in this way, ſuppoſing a competent knowledge of them to be very neceſſary for our Young Nobility and Gentry, who have or ſhall have Places in either Houſe of Parliament*; *and I have moreover for their Uſe, and for the Satisfaction of the Students of our* Common-Law, *or ſuch Noblemen and Gentlemen and others that ſhall peruſe this Hiſtory, inſerted (at the end of each King's Reign) a brief Abſtract of the Statutes or Acts of Parliament now in force,* and ſome of them obſolete, *that were made in their Reigns, containing the Chief Heads of thoſe that are of greater Moment, and moſt neceſſary to be known*; *by which means the Reader will have a clear view before him of the Riſe, Progreſs and Alteration of our Statute Laws, which were at firſt but few and ſhort, though now they are riſen to ſuch an immeaſurable Bulk of a great many unneceſſary and obſolete Statutes, that I know nothing that the Wiſdom of the State could better employ it ſelf about, than in appointing ſome of the Learned Profeſſors of the Law to reduce that vaſt Volume into a leſſer Compaſs, by throwing aſide thoſe Laws, that are now become unneceſſary, ~~and obſolete~~, and by Abridging thoſe that are in force and deſerve to be* *continued, and bringing them under certain Heads after the method of* Juſtinian's *Inſtitutions. But to ſay no more of this great Deſign, which I can rather wiſh for, than expect to ſee done in my time, I have likewiſe (to give you as perfect a Hiſtory of our Laws as I could) tranſcribed, from the late Lord Chief Juſtice* Hales's Manuſcript Annalyſis *of the Laws of* England, *certain Learned and Judicious Obſervations he hath made upon the Laws and Statutes of each King, eſpecially ſuch as have alter'd or amended the former Courſe of the* Common-Law, *either in Point of Proceſs, or of the Law it ſelf. All which taken together, may, I hope, give the Reader ſuch an Account of our Common and Statute Laws, as the Learned Lord* Bacon *propoſes as neceſſary to a Compleat Hiſtory of* England, *or at leaſt may come ſomewhat near that excellent Model laid down by that great Perſon.*

And that I may render this Work ~~still~~ the more uſeful to all ſorts of Readers, I have further for the Benefit of thoſe, whether Divines or others, that delight in Church-Hiſtory, given a brief Account of the chief Eccleſiaſtical Matters in each King's Reign, eſpecially ſuch as relate to Synods *and* Convocations, *and the Diſputes between the King and the Pope or Clergy: And ſince the Riſe and Progreſs of New Doctrines and Opinions in Religions is very neceſſary to be known, and not unpleaſant to be read, I have alſo added a brief Hiſtory of* Dr. John Wickliff *and his* Tenets, *which were much the ſame with thoſe of* John Huſſe *and* Hierome *of* Prague *in* Bohemia, *and ſeem to be derived from the antient* Albigenſes, *who* have *continued ſo many Ages in the South of* France, *and in the* Mountains *of* Savoy *and* Piedmont, *until they were lately* likewise *expell'd their Country by a cruel and unjuſt Perſecution.*

But I cannot deny, That after Wickliff's *Death, if not before, divers of thoſe that pretended to be his Followers, broached ſeveral extravagant and unorthodox Opinions, which are much the ſame with thoſe of the* Quakers *and other Sectaries of our times, as you will find by their Doctrines and* Tenets *at the end of this Volume: And here I muſt own my ſelf beholding to* Dr. Brady's *diligent and elaborate Collections of theſe Matters, which I have tranſcribed, with the Addition of ſome particular Obſervations of my own, eſpecially from a* Manuſcript *Copy, or rather Abridgment of* Thomas Walſingham,

ſingham, *done by ſome Monk of the ſame Monaſtery, who hath inſerted ſome things concerning the Opinions and Demands of* Wickliff's *Followers in Parliament, which are not to be found in^that Author.*

^the printed Copies of

Before I conclude this Preface, I ſhall anſwer what I am ſenſible may be objected againſt this Performance, viz. *That ſince* Dr. Brady *hath wrote a* Compleat Hiſtory *of theſe Four Kings, to what purpoſe was it, that I took upon me to do the ſame? To which I reply, That had his Work fully anſwered the* Title *it bears, I had not put my ſelf to the trouble to write, or the Reader to peruſe the enſuing Collections; for I muſt needs ſay (and ſhould have done the ſame were the Learned Doctor now living) that his Second Volume much leſs deſerves the Name of a* Compleat Hiſtory *than the former, ſince it omits a great many conſiderable Actions both* Civil *and* Military, *eſpecially in the Reigns of King* Edward *the* Third, *and* Richard *the* Second, *of whoſe Perſonal failings and Errors in Government, by breaking in upon the Privileges both of the Nobility and People, he hath given us a very partial and imperfect Relation; ſo that indeed one would believe that the chief Intent of the Writing of thoſe Reigns, was, to juſtify the illegal Proceedings of thoſe Princes, or elſe to tack together the Collection he had made of Parliamentory Records, by intermixing here and there ſome Paſſages from the Hiſtorians of thoſe times, yet omitting a great many others altogether as conſiderable, and fit to be known; for the truth of which cenſure, I deſire the Reader to compare the Doctor's Hiſtory with the Printed or* Manuſcript *Writers of the Reigns of thoſe Four Kings he has undertaken to write of, or if that be too great a trouble, he may compare it with what I have Writ in the enſuing Volume; and though I freely acknowledge, That the Records ſtill extant on the Patent-Clauſe and Parliament Rolls, may be of great uſe, not only to give light to many Paſſages in our Printed Hiſtorians, but alſo^to correct divers Errors, eſpecially in the Account of Parliamentary Affairs, they have fallen into ~~by conſulting them~~; yet that a* Compleat Hiſtory *of* England *can ever be wrote from Records, I believe no Man that underſtands any thing of it, as he ſhould do, will be ſo bold as to Affirm.*

^by consulting them

^yet these were a line higher

I ſhall now conclude this Preface with ſome Obſervations upon the groſs Errors and wilful Miſtakes of Father d'Orleans *his* French *Hiſtory of the* Revolutions of England, *ſince I perceive it hath been of late much in vogue among our young Nobility and Gentry, who are Maſters of the* French *Tongue, and who may have thereby received ſome Prejudices and Miſinformations concerning thoſe great Changes and Revolutions which the Neceſſity of preſerving our Common Liberties hath ſometimes produced. I ſhall begin with the Author's Firſt Volume, where, in the beginning of the Reign of* Edward *the* Firſt, *he ſays of* Leolyn *(as he calls him) Prince of* Wales, '*That He had united in his Perſon, all* '*that the Antient* Brittiſh *Nation poſſeſſed in the Country of*
three '*Wales, divided before him into ~~the~~ Petty Eſtates, ~~the one~~*
e '*independant from the other, which were called according to* '*their ſituation* North-Wales *and* South-Wales, *and in* '*reuniting theſe Territories, He alſo reunited the hatred of* '*the whole Nation againſt the* Engliſh, *&c.*

This is a very great Miſtake; for as to South-Wales, *it was ſo far from being united to* North-Wales *at this time, That great part of it was then under the Dominion of King* Edward, *either by Conqueſt, or the Submiſſion of the Princes of that Country; though ſome of them were permitted to enjoy certain ſmall Territories in thoſe Parts, but without the Title of Princes, as any one that will take the pains to peruſe Doctor* Powel'*s Chronicle of* Wales, *may be eaſily ſatisfied: But as for* Llewelyn'*s thereby reuniting the antient hatred of the* Britiſh *Nation againſt the* Engliſh, *it is ſo far from being true, That they had never lived with fewer Quarrels, than from the latter end of* Henry *the* Third'*s Reign to the beginning of his Son's, when the War between Him and this Prince again broke out.*

In the Relation of King Edward'*s undertaking the Deciſion of the Claims of the ſeveral Competitors to the Crown of* Scotland, *he blindly follows* Hector Boethius *and* Buchanan, *in relating that King* Edward *offer'd to adjudge the Crown of* Scotland *to* Bruce, *provided he would promiſe to do Him Homage for it; but he diſdaining the Crown upon ſuch baſe Terms, the King applied Himſelf to* Baliol; *who having more Ambition, accepted it upon thoſe Conditions: This is the Sum of his Relation; but whoever will peruſe our Hiſto-*

Hiſtorians, confirm'd by that full Account which is given of it in the Rolls of Scotland, *will find that all the Competitors, at King* Edward's *Deſire, Sign'd an Inſtrument, whereby they own'd his Sovereignty over the Kingdom of* Scotland, *and promiſed to ſtand to the Award He ſhould make concerning it; the Original of which under all their Seals, (even that of* Robert Bruce *himſelf) is ſtill preſerved in the* Cottonian *Library: And though this Author will have only* Bruce *of all the* Scottiſh *Nobility to have refuſed to ſubmit to* Baliol, *yet it is a great miſtake; for he as well as the others, own'd his Title, and was preſent at his Coronation; neither was it this* Bruce, *but his Son, that afterwards poſſeſſed himſelf of the Crown of* Scotland.

This Author alſo under the Year 1303. *in his Relation of* P. 356. *King* Edward's *Reduction of* Scotland, *after his vanquiſhing the* Scottiſh *Army, follows* Boethius *in that falſe Story of this King's carrying away all the Libraries and Learned Men He could light on out of that Kingdom; which ſince it is already ſufficiently confuted in the following Hiſtory, I ſhall ſay no more of it in this Place.*

In the Reign of Edward *the* Second, *there is not ſo much to be excepted againſt as in the former; only contrary to the Teſtimony of almoſt all our Hiſtorians, he will needs make* P. 441. Henry *Earl of* Lancaſter *not Brother, but Son to* Thomas *who was beheaded, and blames (though without any juſt Cauſe) thoſe Writers who affirm the contrary.*

But the Two following Reigns will afford a more ample ſubject for our Animadverſions, *when under the Year* 1329 Tom. 2. p. 7. *he follows* Hector Boethius *in making the Lord* Edward Baliol, *being then in* Normandy, *to have been excited by one* Lawrence Twine, *a mean Fellow (who had fled out of* Scotland *into* France *upon his being Excommunicated) to renew his Father's claim to that Kingdom; whereas the Account I have given of that Tranſaction, from ſome of our* Engliſh *Hiſtorians, is much more probable, ſince the Lord* Beaumont, *who procured* Baliol's *Releaſe from the King of* France, *and brought him privately over into* England, *in order to that Deſign, was much more likely to have put him upon it, hebeing more able, (together with others of the ſame Party) to give him a powerful Aſſiſtance, and alſo might* *prevail with* King Edward *the* Third *to eſpouſe his Quarrel, as he did not long afterwards.*

P. 26. *Under* A. D. 1336 *he follows the Errors of* Froiſart, *in making* David *King of* Scots *to have return'd this Year into his own Country, and then to have invaded* England *with a great Army, and to have taken and burnt the City of* Durham, *and put the Inhabitants to the Sword; and in his Return to have beſieged the Caſtle of* Weark, *where the young Counteſs of* Salisbury *then reſided; and gives the ſame* Romantick *Account of the raiſing of the Siege by King* Edward, *and of his Interview and Falling in Love with that Lady; all which being pure Invention, I have ſufficiently confuted in this Preface, to which I refer the Reader.*

P. 58. *Under the Year* 1377, *being the beginning of the Reign of* Richard *the* Second, *he not only juſtifies all the raſh and violent Proceeding of that unhappy Prince, but alſo paſſes a very ſevere and unjuſt Cenſure upon the* Engliſh *Hiſtorians of thoſe times in theſe Words;* that whoever will but examine this King's Conduct (notwithſtanding whatſoever the *Engliſh* Hiſtories, always unjuſt to Kings, and ever favourable to the People, ſhall ſay to the contrary) will find that he did not at all merit his Misfortune. *This, whether it were true or not, is beſt to be judged from his Actions, as they are even related by* Froiſſart, *his greateſt Vindicater, who in divers Places blames his unadviſed Proceedings, and his taking the Advice of young and unexperienced Councellors, rather then of thoſe who were more ſober and diſcreet; and eſpecially in his falſe and ungenerous Dealing with the Duke of* Lancaſter *his Coſin, whereby He gave him a juſt Pretence of doing whatever he could againſt him.*

But to ſay ſomewhat in vindication of our Engliſh *Hiſtorians, they are ſo far from being too ſevere to the Memory of our Kings, when they have carried themſelves like Fathers, and not as Tyrants over their People, that none can give them a higher Character, when they deſerve it; as appears by this very Author's Accounts of the Actions of* Edward *the* Firſt, *and his Grandſon* Edward *the* Third, *which are chiefly taken from our own Hiſtorians; though it muſt be confeſſed that none are more ſeverely juſt in their Characters of thoſe mean ſpirited unjuſt and Tyrannical Princes that have ſat upon the* Engliſh *Throne: And in both theſe they have imitated the ſincerity of*

Suetonius *and* Tacitus, *with the reſt of the* Roman *Hiſtorians: But that ours have been more hard and unjuſt to Kings, and partial to the People, than they ought, none but thoſe of this Author's Principles will affirm, ſince the* Engliſh *have never been deſirous of Change, till the evil Conduct and falſe Meaſures of ſome weak and ill adviſed Princes, that have gone about to ſubvert the very Fundamentals of our Government, made them ready to lay hold on the firſt opportunity of caſting off their Yoke.*

To conclude, I ſhall leave it to the impartial Reader to judge, which ſort of Writers are moſt to be commended and believed, thoſe that relate Matters of Fact truly and impartially, without ſparing the Memory of any undeſerving Prince; or elſe ſuch as are hired in a certain Country of Europe, *to write Panegyricks inſtead of true Hiſtories, and to juſtifie even the Vices and Perjury of their Kings, and the cruel Oppreſſion of their Subjects, by palliating them under the ſpecious Titles of Royal Prerogatives, and the neceſſary Means for the Preſervation of their Government, and advancing the Glory of their Monarch; to bring about which, nothing is with them counted unjuſt or unlawful. Upon theſe Principles (if Princes themſelves or their Flatterers may be Judges) none ever were or can be guilty of Tyranny or Male-adminiſtration.*

But to proceed, in the following Page the Author gives us a ſhort Character of King Richard *the* Second, *in which I will except againſt nothing (ſince I did not know him) but the great Courage and Clemency with which he ſuppoſes him endued; Virtues, which none but this Author ever gave him before: For how can he be called courageous, who never ſignalized himſelf by any Noble or Warlike Action? For as for both his Expeditions into* Ireland, *they were made with vaſt Armies againſt an almoſt naked and divided Nation; and as for his paſſive Valour, how meanly he behaved himſelf in the* Reſignation *of his Crown, the Hiſtory it ſelf declares. And as for his Clemency, how that can conſiſt with putting his own Uncle to Death contrary to Law, and cutting of ſo many Noblemen, and condemning others to die for Matters done above nine Years before, and thoſe indeed neceſſary for the Preſervation of the State, and which had been already Pardon'd in Parliament; I leave to the Conſideration of the Impartial Reader. Nay, the* Engliſh *Nobility were ſo far from not paſſing over* *the Faults of his Youth, that notwithſtanding his ſetting on, and ſecretly ſupporting his Favourite the Duke of* Ireland, *to raiſe a new War to cruſh the oppoſite Party, yet they never laid it to the King's Charge, but again quietly ſubmitted to his Government; and after thoſe Favourites were puniſh'd that had been the Cauſe of the Quarrel, they ſuffer'd Him, when He came of Age, to put in and out what Officers and publick Miniſters He pleas'd, till He had brought all Things to the ſame Confuſion as they were before. But the true Reaſon, why this Author ſo magnifies this King's Actions, is, Becauſe He was always Averſe to a War with* France, *and made a Truce and Match with that Crown upon very Mean and Diſadvantageous Conditions, to buy a few Years unglorious Quiet, and that contrary to the Opinion and Advice of the Duke of* Glouceſter, *and the Senſe of the Nation at that time; altho' there was another Reaſon, why King* Richard *might be ſo fond of this Alliance with* France, *becauſe He hoped for Aſſiſtance from thence (as* Froiſart *and others expreſly relate) to free Himſelf from the Duke laſt mention'd, and to be Revenged on him and his Party, for having Baniſhed or put to Death his Minions and Favourites: And all the Hiſtorians agree, That it was from the Advice and Incitement of the Earl of St.* Paul, *who came Ambaſſador to the King from the Court of* France, *that He was firſt excited to rid Himſelf of the Duke of* Glouceſter, *and the Earls of* Arundel *and* Warwick.

Ibid. 85. *But to return to this Author; who blindly following* Froiſart, *gives a very falſe Account of the reaſon of the Duke of* Glouceſter, *and the reſt of the Lords of his Party, their taking up Arms, after they had been Pardon'd by the King, and had promiſed to refer all Matters in Diſpute to the next Parliament; which this Author ſuppoſes to have happen'd from the King's going down with his Favourite into* Wales *after the Parliament was Summon'd; and that this hindred that Duke, and the reſt of the Lords, from diſmiſſing their Forces as they had promis'd: Of which, the King being inform'd, ſent Sir* Robert Treſilian *(who* Froiſart, *and this Author, from him, falſly calls the King's Chamberlain)* to London, *in a Diſguiſe; and that Lodging near the Place where the Confederate Lords held their Aſſemblies, he was diſcover'd by a Servant of the Duke of* Glouceſter's; *who thereupon cauſed him to be Seiz'd, and put to Death, without any regard to the King, of whom he was much beloved.*

But whoever will conſult Walſingham *and* Knyghton, *and compare their Relations with the Records of Parliament, ſhall find, that this is pure Invention; For the King was in or near* London *during all this Tranſaction, and went not into* Wales *(till his Voyage into* Ireland*) after he had agreed with the Confederate Lords: But the Truth is, That the Duke of* Glouceſter, *and the reſt of his Party, defer'd the diſmiſſing of their Forces, till they might ſee what Courſe the Duke of* Ireland *and the reſt of the Favourites would take, who were now privately retired from the Court; and the next News thoſe Lords heard was, That the Duke laſt mention'd, by the King's Secret Orders, was levying an Army in* Cheſhire *and* Wales, *in order to march up to* London *and Subdue the Confederate Lords, and Reeſtabliſh Himſelf and His Accomplices in the Government: Upon which, the Duke of* Glouceſter *and the reſt of the Lords Muſtering up their Forces, marched againſt him, and put him to flight, in the manner as this Author truly enough relates: But that the King then went away with the Duke of* Ireland, *and ſent* Treſilian *as a Spy, to give an Account of the Lords Proceedings, is altogether falſe; for the King remain'd ſtill at* Weſtminſter, *and when He ſaw no hopes of any Succour from the Duke of* Ireland's *Forces, He was, after divers Delays and much Oppoſition on his part, forced at laſt to call a Parliament, as He had at firſt promiſed, and in which the Duke of* Ireland *and all the reſt of his Favourites were Attainted. But as for* Treſilian, *it appears on Record of this Parliament, that he could not be ſent by the King in a Diſguiſe to Spy out the Lord's Proceeding; but having been already Attainted in Parliament, for not appearing and anſwering to his Charge, he was taken in Diſguiſe in a Houſe near* Weſtminſter-Hall; *and being brought before the Lords, to ſee if he had any thing to ſay why Execution ſhould not paſs upon him according to the late Sentence; he having nothing material to alledge, was Executed accordingly: Nor do we find that the King ever interceeded for him, or indeed, uſed his Intereſt to ſave any of thoſe Offenders, except Sir* Simon Burley, *whom this Author makes to have been Beheaded before by the Sentence of the Duke of* Glouceſter *and the reſt of the Lords appointed Chief Governours of the Kingdom: But this is a great Miſtake, as I have already ſhewn; for this Gentleman was not Condemned to be put to Death until this Par-*

Parliament, as the Rolls of it ſufficiently teſtifie, the ſum whereof the Reader will find in this Hiſtory.

The like Faults this Author alſo perſues in the reſt of the Relation of the King's Reign, by following the falſe Accounts of Froiſart : *For this Writer, tho' he often blames King* Richard's *Imprudent Actions, yet accuſes the Duke of* Glouceſter *of divers Crimes, which after his Death were never laid to his Charge, and of which if he had been Guilty he would certainly have been Attainted in Parliament for them; whereas we find nothing of that nature laid to his Charge, being only Accuſed for having taken up Arms, with the Earls of* Arundel *and* Warwick, *to remove the Duke of* Ireland, *and the reſt of the King's Favourites from his Perſon, and for which he was then Murther'd in Priſon, and Attainted by Act of Parliament, as you will find in the enſuing Hiſtory; where, ſince I have given a brief Anſwer to* Froiſart's *Accuſations againſt this Duke, and ſhewn the great Improbability of them, I ſhall ſay no more in this Place, but refer the Reader to the Work it ſelf.*

I ſhall now proceed to the latter part of this King's Reign, and ſhew you ſome other of this Author's Miſtakes, in ſo blindly following Froiſart's *Authority, and deſerting our* Engliſh *Hiſtorians, who write with far greater Truth and Probability; tho' I cannot ſo much blame him for following* Froiſart *in making the Duke of* Norfolk *to have firſt accuſed the Duke of* Hereford *of Treaſon, ſince* Polydore Vergil, *and ſeveral others of our* Engliſh *Hiſtorians fall into the ſame Miſtake, which I have rectified in the enſuing Hiſtory, from* Walſingham, *and the Records of Parliament : But this will bear no Apology, his making King* Richard *never to have left the Kingdom, or gone over into* Ireland *at all in the laſt Year of his Reign, and yet that there ſhould be ſuch an unanimous Rebellion againſt Him, that the Eſtates of the Kingdom ſhould meet and ſend over the Archbiſhop of* Canterbury *to the Duke of* Lancaſter, *then at* Paris, *to invite him to come over into* England; *which is ſo falſe and improbable a Story, that I wonder* Froiſart, *who was then no farther off than the hither Parts of* Germany, *or the* Low Countries, *ſhould ever come to be ſo ill-inform'd. But ſince I have ſufficiently refuted that Miſtake in the enſuing Hiſtory, I ſhall paſs it by, without ſaying any more of it, but only to obſerve, That this*

Author has been ſo far from avoiding the Errors committed by others, that he falls into ſeveral new Ones of his own, as appears, by his making the Chair in which the Kings of Scotland *were wont to be Crown'd, and which King* Edward *the* Firſt *caus'd to be brought into* England *and placed in* Weſtminſter-*Abbey, to be different from that fatal Stone ſuppos'd to have been* Jacob's *Pillow, and on which the* Scotiſh *Kings having been antiently Crown'd, there was an old Prophecy, That it ſhould one day carry that Crown along with it wherever it was removed; whereas indeed, theſe were not two different Chairs or Seats, but one and the ſame, that Stone being only inſerted or put under the fore part of the Chair, as it is to be ſeen at this day.*

I ſhall omit ſeveral other ſmaller Miſtakes, (indeed too many to be here ſet down) among which I may reckon his groſs ones in the Names of the Places and Noblemen of England, *which ſufficiently expoſes his Ignorance in both; for though* Froiſart, *being a Stranger, might plead ſome Excuſe for it, yet this Author, pretending to Write from our own Hiſtorians, which then I ſuppoſe lay before him, and who write the Names of Men and Places moſt commonly true, cannot pretend to the ſame Excuſe.*

But to pay this Writer a little in his own Coin, and to let the World ſee, that England *is not the only Country of Troubles and Inſurrections, I have been the more particular in ſetting forth the great Tumults and Commotions that aroſe in the City of* Paris, *and adjacent Countries, among the Peaſants, ſome time after the taking of their King* John *Priſoner by our* Edward *the* Black Prince; *and during which the* Pariſians *taking part with the King of* Navarre, *were very like to have ſet the Houſe of* Valois *aſide, and to have placed him on the Throne, had it not been out of Fear, leaſt his Competitor King* Edward *ſhould have taken the Advantage from their Civil Diſſentions, to have reduced* France *wholy under his Obedience. To conclude, I ſhall defer my farther Obſervations upon this florid, tho' careleſs Writer, till the next Volume; and then I will do the like for the reſt of thoſe King's Reigns I deſign to write, if God ſhall pleaſe to grant me Life and Health for ſo Laborious an Undertaking.*

I ſhall conclude this Preface with a few Words, more concerning the length of this Third Volume; for I doubt the Reader *at firſt ſight may think it too prolix, eſpecially in the two laſt Kings therein compriſed; but I could not well make it ſhorter, without doing Injury to the Work it ſelf; for, in Writing a juſt Hiſtory of this Kingdom, I would not omit the inſerting the moſt conſiderable Tranſactions of each Parliament from the Rolls themſelves, as far as they are extant; and alſo at the end of every Reign to give an Abridgment of the chief Statutes that were then Enacted, and which are ſtill in Force; and in doing theſe Things (which I hope I have done) as they ought to be, tho' the Work be ſomewhat longer, yet the Candid Reader will more eaſily excuſe it, ſince it is impoſſible otherwiſe to give an Account of Affairs moſt neceſſary to be exactly known and tranſmitted to Poſterity.*

However, To ſatisfie thoſe whoſe conſtant Employments in their reſpective Profeſſions will not afford them leiſure to read over bulky Volumes, as well as others whoſe Natural Tempers render them averſe to it, I intend (if God ſpare me life) to Epitomize thoſe I have Written, or ſhall Write hereafter, into as ſmall a compaſs as the Subject will bear without doing Injury to the Matters to be therein related; and I hope it will prove ſuch a one as may bear the Tranſlating into Latin, *or any Modern Language, for the Uſe and Information of thoſe Foreigners who do not underſtand* Engliſh, *and have no opportunity to learn it.*

THE INTRODUCTION.

THE main Deſign of my *Introduction* to this Volume (as well as to the former) is to acquaint the Reader with ſuch Alterations, or new Inſtitutions in the *Civil* and *Eccleſiaſtical* Government of this Kingdom, as either have really been, or at leaſt by ſome are ſuppos'd to have been introduced within theſe Reigns, of which I have here given a true and faithful Hiſtory. The firſt and moſt conſiderable Change that I find alledged to have been made in the *Civil Conſtitution*, is the Summoning the *Commons* to our Parliaments under the Titles of *Knights*, *Citizens*, and *Burgeſſes*; which both Sir *Henry Spelman* and Mr. *Pryn* ſeem poſitive to have begun in the 49th Year of the Reign of King *Henry* the *Third*, though Dr. *Brady* will only allow them to have been Summon'd but once to a Parliament, even in this very Year, by *Simon Montfort*, and that too in a time of open Rebellion, when he and the Earls and Barons of his Faction had that King abſolutely in their Power, and kept his Brother the King of the *Romans*, and their Sons, like Priſoners, untill Prince *Edward* making his Eſcape, and ſetting himſelf free, joyn'd with the Earl of *Gloceſter* and other Barons of the Marches of *Wales*, by whoſe Aſſiſtance he fought that famous Battle of *Eveſham*, wherein *Montfort* and his Son were Slain, and He reſcued and reſtored to his Liberty and Government; after which the King reſolving to Act like a Conqueror, not only neglected to call the Repreſentatives of the *Commons* to any Parliament during his Reign, but He made the great Barons and Tenants *in Capite* the only Conſtituent parts of his Great Councils, wherein He enacted Laws, with ſuch others of his Privy Council as he was pleas'd to Summon: And thus the Doctor ſuppoſes it continued in his Son's Reign, only that he called ſeveral new Barons to Parliament by *Writ*, and again Summon'd the leſſer Tenants *in Capite* to appear there alſo, according to the Form of King *John*'s Charter; which with the Biſhops, Abbots and Earls, then made up the whole *Community* or Body Politick of the Kingdom in Parliament. And thus he ſays it continued till the 18th Year of *Edward* the *Firſt*'s Reign, when (as he further alledges) the King, at the Inſtance and Requeſt of the Earls and Barons of the Kingdom aſſembled in Parliament firſt ſummon'd the *Knights of Shires*, and about four Years after, the *Citizens* and *Burgeſſes*, to another Parliament at *Weſtminſter*; this mighty Change in the Civil Conſtitution being ſuppos'd to be brought about and ſettled in this King's Reign, with which I begin the preſent Volume.

At firſt I deſigned to have made this important Controverſy the main Subject of this Diſcourſe; but finding it hath ſwell'd to a Bulk beyond what will well conſiſt with an Introduction, I have order'd it to be Printed by it ſelf, as an *Appendix* to this Volume; that ſuch as deſire it ſhould be Bound up with the Book; may have it ſo if they pleaſe.

I ſhall not ſay any thing here of the Reaſons which induced me to undertake ſo laborious, and (as ſome may think) unneceſſary a Task; but will refer thoſe that deſire further Light in this matter to the Preface to that Diſcourſe, where I hope I have given a Satisfactory Account of the Reaſons that render'd this Performance, if not abſolutely neceſſary, yet at leaſt very fit and uſeful at this time.

The next Parliamentary Inſtitution (for I dare not call it a Change or Alteration, ſince it was without doubt much Elder then this King's Reign, though the Records of it are now loſt) is, that of the *King's Council* in Parliament, who were commonly ſummon'd thither by diſtinct Writs, entred in the *Clauſe Rolls* immediately after thoſe to the Lords Spiritual and Temporal. *The Perſons ſo Summon'd to be of this Council were chiefly the Kin'g Great Officers of the Crown, as the Lord Chancellor, Treaſurer, and Chancellor of the *Exchequer*, the two chief Juſtices, the Juſtices of *King's Bench* and *Common Pleas*, with the Barons of the *Exchequer*, and Juſtices in *Eyre*, and *Itinerant*, Juſtices *aſſigned*, the Clerks of the Council (who were then all Clergymen) as appears by their ſeveral * Writs, the firſt to be found of this kind extant on the Rolls, being the 23d of *Edward* the *Firſt*, *M.* 9. *Dors.* and is almoſt the ſame with that of the Biſhops and Barons, being both alike Commanded to give their Advice, *ſuper quibuſdam arduis negotiis Nos & Regnum noſtrum tangentibus de Conſilio noſtro, &c.* without any Clauſe, *ad tractandum, &c.* which is the Diſtinction between their Writs and thoſe to the Peers. The chief Buſineſs of this Council was, to be the ordinary Aſſiſtants in Points of Law, both to the King and the Lords in all Cauſes, Controverſies and Queſtions of Moment, that came before them: And beſides this, they often Sate with the King ~~alone~~, and gave Him their Advice in ſuch Matters, as came before Him by way of Petition in Parliament. * and this further appears from

Power &
* or the Authority of this Council
see the statutes
and Reports cited
in this loose paper

*See Mr. Pryn's firſt Part of the Regiſter of Parliamentary Writs, p. 341. 342.

Theſe Petitions were then commonly directed, as appears by their Titles on the Rolls, to the King and his Council in Parliament; and the King's Anſwers to ſuch Petitions, eſpecially concerning Grievances either from the Clergy, the Lords or Commons, were oftentimes the only Acts or Statutes that were made for the redreſſing of them; as the Reader may obſerve by the manner of the King's paſſing ſeveral Acts, only by way of Anſwer to the Petitions of the Lords and Commons, and as we may ſee was practiſed in the King's Anſwer to that Great Petition of *Right* in the fourth Year of *Charles* the *Firſt*.

This Council alſo, with the Aſſiſtance of a Committee of ſuch Biſhops Lords and others, as the King or Houſe of Peers pleas'd to appoint, drew up all Bills into the Form of Acts, ſometimes before, and ſometimes after the Parliament was riſen, which in thoſe Reigns we now treat of, Sate for the moſt part but a very ſhort time, and ſo had not leiſure to ſee the Acts themſelves drawn up with that Formality as they were afterwards publiſhed. But I cannot forbear taking notice of a very great miſtake in Doctor *Brady*'s *Introduction* to the Hiſtory of *England*; in which, becauſe he found it recited in the Titles to the Statute of *Bigamy*, 4 *Edw.* I. and that of *Mortmain* and *Acton Barnel*, and other Statutes in *Edward* I. his Reign, that they were made by the King and his Council in Parliament, that therefore this Council had as great a hand

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* the Justices of the one Bench and of the other together with others of [illegible], of the
the Kings Council, shall have full Power from the King, upon Petition of the Par
aggrieved, to hear and determine all complaints, by reason of such delays and
the Tenor of the Records and Processes relating to such Judgments, to be
before them, and that then the Judges, shall allow on these Lords of Parliament
recited who upon hearing the whole matter, shall give a good Judgment,
shall thereupon be amended, and entred ~~before such~~ Justices, before whom
cause or complaint did depend. and it further appears by the year book of 40
E. 3. that a doubt arising among the Judges, and Sergeants, whether the Co

by vertue of this Statute, any whole word ~~might be~~ ~~added~~ ~~in a Record~~ that add or amend
een omitted in the Record, since that Statute gave them Power to amend no more
a single letter, or syllable omitted in a Record by the mistake of the Clerk,
there sayd, that the Judges would not give their opinions, before they had attended
ings Council in Parliament, which then consisted of divers Bps, Earls and
Barons, of whom they demanded how they would please to declare their Judgment in the point which was that such a word so omitted might be added or amended.

hand in paſſing thoſe Acts into Laws, as the Peers themſelves, whoſe Conſents (as well as Advice) was always neceſſary thereunto; whereas the Advice of the former was no farther neceſſary, than as the King and Lords thought fit to make uſe of them, and at laſt they took this Buſineſs wholly out of their hands into their own, as alſo the *Commons*, when they became a diſtinct Houſe, did the drawing up of all Bills, that concern'd themſelves, or that began there; yet that the conſent of this Council was not neceſſary, or ever given as a diſtinct Eſtate of the Kingdom, Mr. *Pryn* himſelf might have inform'd the Doctor in the ſame Treatiſe already cited, if he had been as mindful to follow him in this, as he is other things, wherein that Author hath written according to the Doctor's notions.

Regiſt. of Parliamentary Writs, Tom 1. p. 362.

I ſhall ſay no more of this Council in this Place, but that it was no part of the King's Privy Council, which ſate conſtantly, and this only in Parliament time; but the extraordinary Power of this Council, dwindled away by degrees, and became at laſt ſettled in the Court of *Star Chamber*, in *Edward* the *Third*'s time, and had afterwards other greater Powers annexed to it by the Statute of *Henry* the *Seventh*, Cap. 3. tho' the firſt Memorial of this Council's Sitting as a Court by its ſelf in the *Star Chamber* is to be found on the Clauſe Roll 41 *Ed.* 3. upon a Complaint of *Nicholas Audley*, Plaintiff againſt *Jane Audley* Defendant, who appeared before the King's Council, there mentioned by name, being the Lord Chancellor, Treaſurer, Juſtices and Barons of the *Exchequer*, with ſome others, and as the Record ſays, were aſſembled *en la Chambre des Eſtoiles pres de la* * *Receipt*: But this Court of *Star Chamber* becoming very grievous and oppreſſive by reaſon of its Severe and Arbitary Proceedings in fining, impriſoning and inflicting other Corporal Puniſhments beyond what the Crimes could deſerve, was by a Statute made in the Sixteenth Year of King *Charles* the *Firſt* wholly diſſolved, and taken away, as prejudicial to the Rights and Liberties of Free-born *Engliſhmen*.

See more of the Original of the Court of Star Chamber, *in* Cokes 4th. *Inſt. p.* 62.

* i.e. *The Office of the Receipt in the* Exchequer.

To conclude this Head concerning the King's Council in Parliament; the only Remains of it ſtill continue in the Judges of both Benches, the Maſters of Chancery and King's Serjeant and Attorney, who ſit on the Wooll Packs in the Houſe of Lords to aſſiſt them with their Advice in Matters of Law, whenever they are required ſo to do.

The next Alteration, or rather Innovation in Parliamentary Proceedings, is, that Power the Houſe of Commons firſt took (as far as I can find by the Parliament Rolls) in the latter end of the Reign of King *Edward* the *Third*, of Impeaching any Perſons, whether Lords or others, of *High Treaſon*, or Miſdemeanors before the Peers in Parliament; though this way of Proceeding, againſt ſuch great Offenders became more Common in the Eleventh Year of *Richard* the Second, when they impeached the Arch-biſhop of *York*, the Duke of *Ireland*, with ſeveral others, of High-Treaſon; and at the ſame Time alſo Sentenced moſt of the Judges of *England*, ſome to be Hanged, and others to be Baniſhed into *Ireland*, for certain Arbitrary and Illegal Opinions they had not long before given the King under their hands.

But as for the Proceſs againſt the Duke of *Gloceſter* and Earl of *Arundel*, with the reſt of the Noblemen and Gentlemen, who had been of their Party, they were not impeached by the *Commons* in the Parliament of the 20th of *Richard* II. but by certain Lords Appellants, who then took upon them their Proſecution, and Proof of the Articles given in againſt them, and upon which they were Attainted, and moſt of them Condemned to be Beheaded; only the Earl of *Warwick*, upon the acknowledgement, and begging pardon for his Offences, was to be kept a Perpetual Priſoner in the Iſle of *Man*, and the Duke of *Gloceſter*, being by his Keeper the Earl *Marſhal* returned dead of an Apoplexy at *Calais* (though indeed privately Murder'd there) was attainted by Act of Parliament: But ever ſince the Reigns laſt mention'd, eſpecially in that of *Henry* the *Sixth*, Impeachments of Great Officers of the Kingom, or others, by the *Commons* in Parliament, have been often practiced, though more frequently in modern Times.

But before the Reign already aſſigned I do not find by any Records, or Hiſtorians now extant, that the Commons ever took upon them to Impeach any Perſons after that Manner; the uſual way of Proceeding againſt Offenders in Parliament, before that time, being by Acts of *Attainder* or *Baniſhment*: Thus was *Pierce Gaveſton* removed for ever from the King's Perſon, and Baniſhed out of *England* in the beginning of the Reign of *Edward* II. the like is to be ſaid of the Baniſhment of the *Spencers*, Father and Son, which was done about the middle of the ſame Reign; both which Proſecutions began with the Lords, who were their Chiefeſt Enemies and Accuſers.

Before I conclude this Head concerning Parliamentary Proceedings, I muſt here obſerve it was towards the latter end of this Period, that the Phraſe or Expreſſion of all the *Eſtates* of Parliament (conſiſting of the Biſhops, Abbots, with the Clergy, and Lords Temporal and Commons) began firſt to come in uſe; being borrowed from the like Phraſe then uſual in *France*: The firſt time we meet with it is, in the 5th Year of *Richard* II. Cap. 2. ſo likewiſe in the Preamble to the Statute of the 16th of that King, Cap. 5. where the Commons pray him *To examine all the Lords in the Parliament as well Spiritual as Temporal and all the Eſtates of Parliament, &c.* by which it appears that the King was not then accounted as one of the Eſtates, though afterwards, in the * Second Year of *Henry* the *Fourth*, it ſeems as if he were then reckon'd among them, as you may find by an Addreſs the Commons then made to that King in Parliament, wherein they tell him, That *the Eſtates of the Realm may very well be reſembled to* ~~*a*~~ the *Trinity, to wit the Perſon of the King, the Lords Spiritual and Temporal, and Commons*; and then follows their deſire that the King would make up the Quarrel between the Earl of *Rutland* and the Lord *Fitz Walter*.

* *Rot. Parl.* 2 H. 4. *m* 12. *n* 32.

The next Parliamentary Alteration I am to take notice of, began about the end of the Reign of King *Henry* the *Third*, and was in reſpect of the ancient Barons of *England* by *Tenure*; many of whom dying ſome time before, without Iſſue Male, or elſe being kill'd in the Battel of *Eveſham*, and their Heirs reduced to a low Condition by the great Fines that were impos'd upon them by the Sentence or Decree of *Kenelworth*, the King took hold of that Opportunity of leaving out whom of them He pleas'd, and calling others by Writ who were not anciently Barons, to ſerve in their ſteads; and many of theſe enjoy'd that Title to them and their Heirs: Which Courſe was alſo followed by his Son King *Edward* I. who had an opportunity of calling many new Barons to Parliament, upon the Death of ſeveral of the old ones without Iſſue, who Died in the long Voyage they made with that Prince to the *Holy Land*; ſo that in the Reign of *Edward* the *Third*, this King's Grandſon, that antient

Vid. Camden's *Preface to his* Britan. *Engl. Edit.* Spelman's Gloſs. Tit. Baro *p* 66.

antient Dignity of Barons by *Tenure* dwindled by degrees into that *Titular* Honour we now ſee at this day, diſpoſable by the King's Writs or Letters Patents; in the laſt of which there is moſt commonly a particular Clauſe inſerted, whereby there is granted to the Peer ſo created, and his Heirs, a Place and Seat as a Baron among the other Barons in all Parliaments to be held by the King and his Succeſſors.

And though a General Summons by Writ to a Nobleman or Gentleman to Parliament, to treat with the King and the reſt of the Prelates, and Greatmen of the Kingdom is looked upon at this day to give the Perſon to whom it is directed a Place in Parliament to Him and his Heirs for ever, whether Male, or Female, yet anciently it was not ſo; ſince Mr. *Pryn* hath given us ſeveral Inſtances of divers Noblemen, who were called to Parliaments once, twice, thrice, or oftener, and they and their Sons not being conſtantly Summon'd, they were quite omitted, and not reckon'd any more among the Barons of the Kingdom; and theſe I conceive were the Perſons, which in the *modus Tenendi Parliamentum*, and Parliament Rolls of *Edward* the *Third* and *Richard* the *Second*, are often mention'd after the Barons, by the Title of *Pares Baronum*, *i. e.* Barons Peers, or elſe of *Antres Grantz*; and theſe continued to be ſo ſummoned, till about the middle of *Richard* the *Second*'s Reign, when a Summons by Writ was looked upon to confer a conſtant Title and Place in Parliament to the Party ſo ſummoned and his Heirs, as appears by the Example Mr. *Selden* hath given us of Sir *Thomas Camoys*, who being choſen a Knight of the Shire for the County of *Surrey*, was, by the King's Writ, directed to the Sheriff of the ſaid County, ordered to be diſcharged of that Employment, and another choſen in his room, becauſe he was a *Banneret*; by which Title Mr. *Selden* underſtands ſuch a one, who by himſelf or Anceſtors had been oftentimes ſummoned to Parliament by Writ, though without any Barony by *Tenure* annexed to it: And this way of Creation of Barons by *Writ* is attended with this Advantage, That for want of Heirs Male, it deſcends to a Daughter. But this way of creating Barons was not ſo much in uſe, when the other of making them by *Letters Patents* came in faſhion; the Firſt of which kind, that we can diſcover upon the Rolls, being *John* Lord *Beauchamp*, who (as Mr. *Selden* informs us) was created Baron of *Kederminſter* by King *Richard* II. as appears from the *Letters Patents* to him and his Heirs Males, as that Honour is moſt commonly granted at this day, unleſs the King pleaſes to limit it further to ſome particular Perſons in *Remainder*: And yet the old way of making Barons by *Writ*, is not wholly diſuſed, the King ſometimes calling up the Eldeſt Son of a Duke, Earl or Baron, by a *particular Writ* directed to him for that purpoſe; though it is now declared by a late Reſolution of the Lords in Parliament, That ſuch a Summons ſhall not create any new Title of Honour to the Deſcendent of any Nobleman ſo ſummoned.

Ib. p. 237.

Tit. of Honour, Part 2. *Cap.* 5. *p.* 609. 610. *Rot. Clauſ.* 7 *Rich.* 2. *m.* 32.

As for the Creation of *Earls*, that was antiently perform'd by the King's Girding a Sword about them, and thereby delivering them the Cuſtody of the County they were to command, with the *Third Peny* out of the Pleas of the County Court; and aſſigning them their Places accordingly, amongſt the reſt of the Earls of the Kingdom, without any *Letters Patents* of Creation: The antienteſt of which, that we know of, and as I can find, was that of the Empreſs *Maud* to *Geoffery de Mandeville*, Earl of *Eſſex*, which you may find in *Selden*'s *Titles of Honour*. And during the Reigns of the Firſt Three *Edwards*, and *Richard* the *Second*, when Dukes and Earls were created by *Letters Patents*, even that was often not thought ſufficient, until they had their *Charters* confirm'd by Aſſent of Parliament, where they being ſolemnly introduced, and Girded by the King with a Sword, and Inveſted with the Cap and Robes ſuitable to their Dignities, they took their Places among the reſt of their Peers. This may be proved from divers Inſtances and Precedents, not only mention'd by our Printed Hiſtorians, but which are alſo found upon the Parliament Rolls themſelves: But this way of confirming Peers by Act of Parliament, grew into Diſuſe in the Reigns of King *Henry* VI. and *Edward* IV. for which I refer the Reader to Mr. *Selden*'s learned and elaborate Work of *Titles of Honour*. *Rot. Clauſ. 21 Rich. 2. m. 14.* *Par. 2. p. 624*

I was about here to inſert a Hiſtory of Money and Coinage ſince the Conqueſt; but there being, during the Period I now write of, no Alteration made in the antient *Engliſh* Standard, Silver being now worth Twenty Pence the Ounce, I ſhall defer the treating of it till my next Volume; only ſhall here obſerve that the intrinſick Value of every Peny of thoſe times (which was then the largeſt Silver Piece of *Engliſh* Money) was really worth our preſent Threepence, as appears by that antient Standard, commonly known among Goldſmiths by the name of a *Threepeny weight*, at this day.

But as for the Value of *Gold* in Compariſon to *Silver*, it bore in that Age we now write of near three times a higher Value, then it does at this day, ſince the Diſcovery of the *Weſt-Indies* and the Sea-Coaſt of *Affrica*, whereby a Trade hath been eſtabliſhed in *Guinea* and other Places on that Coaſt for Gold Duſt and other Commodities; before which times, there was little or no *Gold* brought into *Europe*, but what came by the Merchants of *Spain* and *Italy*, who Traded with the *Moors* of *Barbary*, by bartering Cloth and other Commodities for *Gold* in Duſt, which was brought them out of the more inward Parts of that Continent, where it is waſhed down from the Mountains, and left in ſmall Particles mixed amongſt the Sands.

But the Reader may take notice, That though we had ſome *French* and *German Gold* Coins that went current in *England*, yet there was none coined here until *Edward* the *Third*'s time, who, in the 18th Year of his Reign, firſt coined the *Golden Noble*, of the Value of about Twenty Shillings at this day, and on which you will ſee the Figure of this Prince ſitting in a *Ship*, bearing a Shield of *France* and *England* quarter'd on his Arm, to expreſs his Sovereignty over the *Britiſh* narrow Seas. And thô I have already taken notice in my laſt Volume, That King *Henry* the *Third* coin'd a ſmall Piece of Gold, of the Value of Twenty Pence *Sterling*, and equal to about Five Shillings of our preſent Money, yet the City of *London* being diſcontented at it, as ſuppoſing it to be ſet at too high a Rate, it was ſoon called in, and no more of them coined afterwards, as I have ſhewn in the former Volume. *Lownds Eſſay of Coins, p. 35.*

I hope it will not be thought foreign to the Deſign of this *Introduction*, if I give you a Brief Account of the Claim which King *Edward* the *Firſt* laid to be ſupreme Lord of *Scotland*, upon his being made Arbitrator by the Eſtates of that Kingdom, in that great Diſpute about the Succeſſion of the Crown; which He would not undertake to decide, before all the Competitors to it had ſeal'd an *Inſtrument*, wherein they publickly acknowledged his *Right*: The Original whereof, under all their Seals, is not only preſerved in the *Cottonian* Library to this day, but there are divers Authentick Copies of it entred, by that King's Order, in the *Leigier Books* of ſeveral Monaſteries, and are there likewiſe ſtill to be found; which may ſerve to confirm the Authority of *Matt. Weſtminſter* and *Tho. Walſingham*, who have alſo entred it in their reſpective Hiſtories. But beſides all this, there is ſtill preſerved a Noble Monument among the Records of the *Tower*, entituled, *Rotulus Scotiæ de Superioritate Regis*; in which is contained at large a faithful and exact Account of King *Edward*'s demanding an Acknowledgment from the *Scottiſh* Clergy, Noblemen and Commons, of his ſaid *Superiority*, and that it was then ſolemnly own'd by them, thô afterwards they recanted it: And it alſo ſets forth the manner of *John Baliol*'s doing his Homage to that King, after he had adjudged the Crown for him; and likewiſe the Homages that were then made by the *Scottiſh* Biſhops and Lords. All which will ſerve evidently to confute the falſe Relations of *Boethius*, *Buchanan* and other *Scottiſh* Hiſtorians, concerning this Affair; who ſuppoſe that King *Edward* had made a ſecret Bargain with *Baliol* beforehand, to paſs Sentence in his Favour, and to confer the Crown on him, provided He would do Him Homage for it; which *Bruce* (as they ſay) refuſed: Whereas it appears by this Record, That the King did not give any Judgment in this Caſe, without the Adviſe and Conſent of the *Scottiſh* Prelates and Noblemen, who were, by the Eſtates of both Kingdoms, appointed his Counſellors and Adviſers in this ſo high and difficult a Caſe, the like to which I do not find in any Antient or Modern Hiſtory. And as for the Competitors, (of whom *Baliol* and *Bruce* were the chief) they had no reaſon to count themſelves injur'd in the Acknowledgment they made of King *Edward*'s being Superior Lord of *Scotland*; becauſe they themſelves declar'd they did it *ex animo*, willingly, as appears by their Charter of Submiſſion already mention'd, under their reſpective Seals; and among which is alſo found the Acknowledgment of *Robert Bruce* the Elder, Father to him who ſome Years after ſhook off the *Engliſh* Yoke, and made Himſelf King of *Scotland*.

I ſhall not here enter into Debate concerning the Juſtice or Legality of this Homage and Superiority then claim'd by King *Edward* the *Firſt*, and afterwards by his Grandſon *Edward* the *Third*, over *Scotland*; but only obſerve, That it was at that time the current Opinion of thoſe who pretended to any Skill in Antiquities, that it was this King's and his Predeceſſors undoubted Right; which appears by that famous Epiſtle the King himſelf ſent to the Pope, to aſſert and prove his being ſuperior Lord over *Scotland*: The Authorities therein produced are collected out of our moſt antient *Engliſh* Hiſtorians, and the Chronicles of ſeveral Abbies. This Epiſtle to the Pope was not long after ſeconded by another from almoſt all the Earls and Barons of *England*, under their Seals, at the Parliament held at *Lincoln*, in the Year 1300. being the 27th of this King's Reign; wherein they not only aſſert the King's Right, as Supreme Lord of *Scotland*, but ſo far inſiſt upon it, as boldly to declare, *That if He ſhould go about to part with it, they would by no means permit Him ſo to do*; as you will read in the enſuing Hiſtory.

But the *Scottiſh* Nobility and Gentry were not leſs reſolute to maintain the juſt Right of their Kings, and Liberties of their Country, as appears by that remarkable Letter which was ſent to the Pope, about Twenty Years after this, from *England*, under the Seals of all the Earls and chief Barons of *Scotland*, where having now obtain'd great Advantages over the *Engliſh* in the following King's Reign, the Pope wrote to them to forbear thoſe Hoſtilities: In Anſwer to which, they do in this Letter ſet forth the Antiquity and Independency of their Kings, and the unjuſt Pretences of any ſuch Superiority by thoſe of *England*; farther declaring, *That as they would ſtand by their King* (Robert) *to maintain their Liberties to the utmoſt of their Power, ſo if he ſhould go about to ſubject their Country to the* Engliſh, *they would lay him aſide, and chuſe another King, who would better defend his Country; and therefore deſire his Holineſs's Mediation with the King of* England, *That he would deſiſt from his unjuſt Demands.* This Letter bears Date at *Aberbroth, Anno Dom.* 1320. being the Fourteenth Year of the Reign of *Robert Bruce*. You may find it Printed in the *Appendix* to the Reverend Dr. *Burnet*, now Lord Biſhop of *Salisbury*, his Second Volume of his Hiſtory of the Reformation, *N.* 10.

This Claim of Homage was vigorouſly maintained all the Reign of *Edward* the *Firſt*; but when towards the end of it *Robert Bruce* abovementioned, had made himſelf King of *Scotland*, not long after the Death of that Victorious Prince, by reaſon of the mean Spirit and ill Conduct of his Son *Edward* the *Second*, the *Engliſh* were not only quite beaten out of *Scotland*, but the *Scottiſh* King had reduced three of the Northern Countries to his Obedience; and our *Edward* having much ado to defend the reſt, it was no wonder if the further inſiſting upon this *Superiority* was then laid aſide: But in the begining of the Reign of *Edward* the *Third*, after his firſt unſucceſsful Expedition againſt the *Scots*, there was a Peace ſuddenly Clapped up between the two Kingdoms, when, in conſideration of a Marriage to be Solemnized between *David* the Young King of *Scots*, and *Joan* King *Edward*'s Siſter, He renounced for Himſelf and his Succeſſors all Right of Homage from, and Superiority over that Kingdom, and then deliver'd up the Original Charter of the Homage of *John Baliol* late King of *Scots*, beſides divers others Charters and Inſtruments relating to that Affair.

However this being done during the King's Minority, and whilſt he was under the Power of the Queen his Mother, and her Favorite *Roger Mortimer*, it was quickly after revoked; for no ſooner did this Young Prince gain Power and Experience upon their being removed from the Government, but he took another Courſe; for when *Edward Baliol*, Son of *John* abovemention'd, by the means of a few *Engliſh* Volunteers who were rais'd by the Lord *Beaumont* and other Noblemen that had loſt great Eſtates in *Scotland*, had invaded that Kingdom, and contrary to expectation put to flight two ſeveral Armies, raiſed by the then Governor of *Scotland* on the behalf of King *David*, at that time a Minor, and that *Baliol* had thereupon caus'd himſelf to be crown'd King of that Kingdom, then our *Edward*, renouncing his former League and Agreement with his Brother-in-Law, as being done whileſt he was under Age, (as is ſaid before) immediately join'd his Forces with thoſe of King *Baliol*, and having received his Homage for the Crown of *Scotland*, beſides a Grant of *Edenburgh* and the Countries adjacent, he not only ſubdued the greater part of *Scotland*, but alſo forced King *David*, with his Queen, to paſs over into *France*, where they continued for near the ſpace of Ten Years enſuing.

But our King *Edward* being not long after engaged in a long and expenſive War with *France*, the *Scots* laid hold of this Opportunity, not only to expel *Baliol* and his Party out of *Scotland*, but alſo to recover the greateſt Part of the Kingdom for their natural Prince, whom they at laſt ſent for over to receive the Government into his own hands. Not long after this he invaded *England*, but his Army being totally Defeated, and great Part of it deſerting Him at the Battel of *Nevil's Croſs*, He was there taken Priſoner, and ſo kept in ſeveral Places in *England* for divers Years; till at laſt, upon the Declining of King *Edward's* Succeſs in *France*, he was perſwaded to admit the *Scottiſh* King to be ranſom'd for the Sum of Threeſcore thouſand Marks, and to be releaſed without doing any *Homage*, though King *Edward* at firſt mightily inſiſted that he ſhould; but the *Scottiſh* Nobility would by no means allow of it, and ſaid they would never receive him if he did it; therefore upon his Payment of part of the Money a *Truce* was made with that King and Nation for *Twenty* Years enſuing; but for all that it was frequently broken, ſometimes on the *Scottiſh*, and ſometimes on the *Engliſh* ſide, and as often pieced up again in the Reign of *Richard* the *Second*, till towards the latter end of it, when the *Scots* were included in that long *Truce* of *Thirty* Years, made between that King and *Charles* the *Sixth* his Father in Law: And after this time I do not find any *Homage* ever demanded by the Kings of *England* from thoſe of *Scotland*; though I grant that there are among the Archives in the Chapter-houſe at *Weſtminſter*, in ſeveral Boxes in the Great Cheſt, Entituled *Scotia*, ſtill preſerved, divers Charters under Seal, that ſeem to acknowlede the *Superiority* of the Kings of *England* over *Scotland*, and the *Homage* due from them on that Account; and that theſe Inſtruments written in Latine have ſpecious Titles.

The firſt of them is a pretended Grant (or Confirmation) from *David* II. King of *Scots* to the Lords and Noblemen of *Scotland*, of ſeveral Rights and Privileges, with a Clauſe of *ſaving the Right of the* Superiority *of the King of* England *over that Kingdom.* This bears date in the Firſt Year of this *David's* Reign, at a time when there was open War between *England* and *Scotland*, and when that King utterly diſclaim'd any ſuch *Superiority*; ſo that there needs no other proof to Demonſtrate the Forgery of this Charter.

The Second Inſtrument is of another like Ratification from King *Robert* I. to the ſame Noblemen, and of the like Privileges too; in which is alſo recited at length a pretended Charter of *Homage*, ſuppoſed to be made by *Alexander* King of *Scots* to *Henry* the *Third* of *England*: This bears date in the firſt Year of King *Robert*, at a time when the two Kingdoms were in perfect Peace; and is certainly a Forgery.

The Third is a Charter of King *Robert* the *Second* (as is ſuppoſed) to the Great Chamberlain of *Scotland*, reciting, That whereas He had lately received the *Homages* of the Earls and Barons of his Kingdom, *yet it was to be with a* Salvo *of the* Fealty *and* Homage, *which they owed the King of* England *as Superior Lord of* Scotland: But ſince neither this King, nor his Predeceſſors of the Family of the *Bruces*, ever acknowledged any ſuch *Superiority*, or did any ſuch *Homage*, there needs no further confutation of this Inſtrument any more then of the reſt. And whereas Dr. *Brady* hath in his Hiſtory tranſcribed a Charter of *Homage*, pretended to be made by King *David* II. to our *Edward* the *Third*, in the Ninth Year of his Reign; ſince I have in the enſuing Volume ſufficiently confuted and expoſed the ſpuriouſneſs of that Inſtrument, I ſhall ſay no more of it in this Place.

But perhaps it may be here enquired, Who it was that was ſo bold as to forge theſe Charters? As for that laſt mention'd, I cannot juſtly ſay, only that it was made after that King's time, and perhaps by the ſame Perſon who forged all the reſt, * for by an Antient Book in the keeping of the King's *Remembrancer* of the *Exchequer*, there is entred a *Memorandum*, That all the three Charters before mention'd were deliver'd into the *Exchequer* by Indenture between *John* Earl of *Shrewsbury*, then Lord Treaſurer of *England*, and *John Harding* Gentleman, in the 36th Year of the Reign of King *Henry* the *Sixth*. This *Harding* was a Poet and an Hiſtorian, and had been ſent, not many Years before, by that King into *Scotland*, and had King *Roberts* Letters of ſafe Conduct for that purpoſe; and * *Pitzeus* tells us it was in this Journey, that he pretended to have made himſelf Maſter of thoſe rare Charters by finding means to ſteal them away from the Place wherein they were kept: This will alſo ſerve to confute that falſe Relation in * *Hall*'s Chronicle, concerning the Homage done by King *James* the *Firſt* to our *Henry* the *Sixth*, in the Second Year of his Reign, which that Author has ſet down at large; for thô this Homage is alſo recited in the * Declaration of War by King *Henry* the *Eighth* againſt his Nephew *James* the *Sixth* of *Scotland*, Printed in the ſame Chronicle, yet it is certainly a forged Piece; becauſe had any ſuch Homage been made, there would ſurely have been ſome *Inſtrument* or *Memorandum* of it left upon Record, concerning ſo Remarkable an Action; whereas there is no ſuch thing to be met with, or if there had, it muſt ſtill have been a Forgery, becauſe this King always refus'd to do any Homage to King *Henry* the *Fifth*, and it is not likely He would do that to his Son, then an Infant, which He had refus'd to the Father, who was one of the greateſt and moſt Warlike Princes of his time; nor would the *Scots* have eaſily received this King to Reign over them, had He done ſo mean a thing in their Opinion, as to Subject the Crown of *Scotland* to that of *England* by this ſuppoſed Homage.

And it further appears, That neither King *Edward* the *Fourth*, nor *Richard* the *Third*, nor *Henry* the *Seventh*, upon the ſeveral Truces and final Peace made with that Kingdom, did ever demand or inſiſt upon any ſuch Homage: For when King *Henry* concluded a Match between his Eldeſt Daughter *Margaret* and *James* the *Fourth*; and alſo that *Henry* the *Eighth* made a Defenſive War by his Lieutenant the Earl of *Surrey* againſt that Prince, who was Slain at *Flodden Feild*; I do not find any Homage ever to have been demanded by Him, before this Declaration of War abovementioned againſt King *James* the *Fifth*; which was in the latter end of *Henry*'s Reign.

Thus I have given you a brief Account of this great and troubleſome Affair, concerning the Claim of Homage of our Kings upon them of *Scotland*, which began in the time of *Edward* the *Firſt*, and was often inſiſted on till towards the end of his Great Grandſon *Richard* the *Second*'s Reign: And whilſt this Claim continued, it was one great Cauſe of thoſe bloody Wars and long Enmities between the two Nations, for near Two hundred Years, and which indeed could never be quite extinguiſhed

or

* *For this Note, as alſo the Sight of the ſaid* Charters, *I have been beholden to the Learned and Ingenious Mr.* Rymer, *Hiſtoriographer to Her Majeſty.*

* *De Scriptoribus Anglicis ad An.* 1461.

* *P*. 86. *b*.

Ib. p. 152.

or taken away, until the Succeſſion of King *James* the *Sixth* of *Scotland* to the *Engliſh* Throne. But I hope now to ſee that good Correſpondence preſerved by a firmer and ſtricter Union between the two Kingdoms; ſo that we may never have any freſh Occaſions of Sheathing our Swords in each others Bowels. I likewiſe hope the Reader will pardon me, if I have dwelt a little longer on this Subject, than I at firſt intended; ſince it gives light into divers Pieces of Hiſtory, which though uſeful, yet are not commonly known.

I ſhall conclude this Introduction with an Account of ſome remarkable Alterations in Eccleſiaſtical Matters, that happened within this Period. The Firſt is that of Summoning the Deans, Archdeacons and Proctors of the Inferiour Clergy, to Parliament; together with the Biſhops, Abbots and Priors, who held by Barony, and made a part of it before: The firſt Inſtance of this kind is upon Record in the Cloſe Rolls of the 23d of *Edward* the *Firſt*, *Anno Dom.* 1295. where is inſerted that memorable Clauſe of *Præmunirentes*, into the Writs of Summons to the Biſhops; M. 3. whereby they are requir'd *To* præmoniſh *the Deans, Priors, Archdeacons and Chapters of their reſpective Cathedral Churches; the Archdeacons in their proper Perſons, the Chapters by One, and the Clergy of every Dioceſe by Two Proctors ſufficiently impower'd, to be preſent at the Parliament, together with the King, to treat of and conſent to ſuch things as ſhould be ordain'd by the Common Council of the Kingdom.* This is the Effect of that remarkable Clauſe that ſtill remains in the Writs of Summons to the Biſhops, though none but they come now to Parliament by Vertue of that Writ, as I ſhall farther ſhew hereafter.

I cannot deny, That the Deans and Archdeacons, with the Proctors for the Chapters of Cathedrals (as appears by our antient Hiſtorians and Records) were ſometimes ſummoned to Great Councils or Parliaments long before this; and that the Proctors of the Inferiour Clergy abovementioned, were by the Mandate of the Archbiſhop likewiſe ſummoned to meer Eccleſiaſtical Synods and Convocations, ſome Years before the 23d of *Edward* the *Firſt*, ever ſince the Year 1282. or thereabouts; yet thus much is certain, That the Proctors of the Inferiour Clergy never were Summon'd to Parliament till this Year; when the King being deſirous to have a great Tax from them, to carry on his Wars againſt *France* and *Scotland*, with both which he was then engaged, reſolved to order the Biſhops to Summon them to this Parliament, together with themſelves; not for any Spiritual or Eccleſiaſtical Buſineſs, but purely to grant the King ſuch an Aid as his preſent Neceſſities did then require.

But the Clergy finding this was not intended by the King, as any Favour or Privilege to them, but purely to get Money from them, it is no wonder that they did what they could to excuſe themſelves from coming to Parliament at all; which yet they could not altogether avoid complying with, during this King's Reign, nor that of his Son *Edward* the *Second*, and Grandſon *Edward* the *Third*. And thus the Inferiour Clergy continued (though not conſtantly) to appear in Parliament, by Vertue of that Clauſe of *Præmunientes*, until about the middle of the Reign of *Henry* the *Sixth*, when their Appearance in Parliament came to be wholly diſpenſed with: And oftentimes before, ſo long as the King found He could do the ſame thing, that is, get Money from them, whenever He wanted it, in thoſe Provincial Convocations, which were ſummoned by the Two Archbiſhops at his Command; He did not ſtand much upon it, which way they appeared: Yet which way ſoever they were aſſembled, they always gave their own Taxes by themſelves, as a diſtinct Eſtate from the Lay Commons; though we cannot find that they had a Negative Vote in other Matters, or that their Proteſtations againſt the paſſing of any Law, to be enacted by the King and the other *Eſtates*, were thought ſufficient to put a ſtop thereunto; as in the Caſes of *Mortmain*, *Proviſions*, *Eccleſiaſtical Courts and Cauſes*, &c. might eaſily be made appear, were it the Deſign of this Introduction to write a particular Hiſtory on this Subject.

Therefore to conclude, I ſhall farther obſerve, That though whilſt the Clergy continued to act in this Capacity, they made one of the Eſtates in Parliament, yet it was only for the Purpoſe abovemention'd, or elſe for preſenting their Petitions to have ſuch Grievances redreſſed, as they then conceived they lay under; upon the granting of which, they ſtill gave the King Money: However afterwards we often find them, though by the means of the Biſhops, preferring ſeveral Bills in Parliament againſt the *Lollards* or Hereticks of thoſe times, in the Name of all the Clergy of *England*. The Reader is likewiſe here to take notice, That theſe *Parliamentary Conventions* of the Clergy differed very much from thoſe *Provincial Convocations* abovementioned; which at firſt were ſeldom Summoned about the ſame time with the Parliament, by the Two Archbiſhops, at the King's Command, in order to get that Money from the Clergy; for theſe two Aſſemblies ought to be carefully diſtinguiſhed, though they have been jumbled together, and made to be but one and the ſame, by ſome late Writers upon this Subject, who yet confeſs at the ſame time, they were Summoned by two different Writs, directed to the Archbiſhops; That for the *Convocation* being to entreat and command them to cauſe the Biſhops of their reſpective Provinces to appear therein, and alſo to require them to Summon the Abbots, exempt or not exempt, with the Priors, Deans and Archdeacons, and the Proctors of the Inferiour Clergy, to do the like. Nor did theſe Aſſemblies differ only in the manner of their being Summon'd, but alſo in divers other very material Circumſtances, both in reſpect of the Time and Place of their Meeting: For the Parliamentary Convention, being a part of the Parliament, was Summoned to meet at the ſame Time, and at the ſame Place, with it, and was conſequently Diſſolved whenever the Parliament was; whereas by the Writs to the Two Archbiſhops for calling a *Convocation*, the Time and Place of their Meeting was antiently left to their Diſcretions, provided it was done as ſoon as they well could: Nor were they obliged to meet at the ſame time with the Parliament, but either before or after it, as the Archbiſhops thought fit, and as the King's Occaſions for Money requir'd; but as for the *Convocation* for the Province of *Canterbury*, this was by that Archbiſhop moſt commonly cited to meet at St. *Paul's* Church, as that of *York* was at St. *Peter's* in that City: So likewiſe as to the Perſons who compos'd theſe two Councils, they differ'd very much; for to *Parliamentary Conventions* only ſuch *Abbots* and *Priors* were Summoned, as were wont to come to Parliament by reaſon of their Tenures; whereas to *Provincial Convocations*, all *Abbots* and *Priors* whatſoever, as well exempt as not exempt, were Summon'd to appear by the Archbiſhop's Mandate; all which plainly ſhews, they were a quite different Council from the *Parliamentary Convention* of the Clergy.

However, if we conſider the Nature of theſe *Provincial Convocations* Summon'd by the Archbiſhop, we ſhall find, That though they conſiſted of Spiritual Men, yet they were not properly Eccleſiaſtical, but Civil Aſſemblies: For when they met by Vertue of the King's Writ, it was not upon any Eccleſiaſtical Buſineſs, but purely to ſupply the King's Occaſions, not only when there was a Parliament Summon'd, but alſo at other Times, as the learned Dr. *Wake*, in his abovemention'd Book, has proved (in my opinion) beyond all Exception, againſt his ingenious Antagoniſt Dr. *A's Rights and Powers of an Engliſh Convocation.* But it muſt be granted, That thô in divers following Reigns, the Two Archbiſhops did oftentimes propoſe to their Suffragan Biſhops and Clergy in Convocation, the Reformation of ſeveral Abuſes and Corruptions in the Church, to ſave themſelves and the Clergy the double Charge and Trouble of appearing in both theſe Aſſemblies; yet this did not at all abridge the Power of the Two Archbiſhops to call ſuch Eccleſiaſtical Synods or Councils whenever they pleas'd, by their ſole Authority, until the 24th of *Henry* the *Eighth*; when the Biſhops and Clergy being aſſembled in Convocation upon the King's Summons, to avoid the *Premunire* that then hung over their Heads, tied themſelves up by a ſolemn Promiſe, *ſub verbo Sacerdotis, That they would not, for the future, put in ure, promulge and execute any new* Canons, &c. *without the King's Licence*; which Promiſe and Submiſſion were alſo confirm'd and enacted by a *Statute made the Year following for that Purpoſe, in which the Words, *attempt, alledge and claim*, are alſo added, *&c.* ſo that ever ſince, the Clergy have been bound, not only from meeting in Convocations without the King's Writ, but alſo *from making or attempting to make or promulge or execute any new Canons, without his Licence for the ſame:* From which time it muſt be acknowledged, That both the Provincial Convocations have been for the moſt part Summoned by Vertue of the King's Writ, and have Met, Sate and been Diſſolved, upon or very near the ſame Time with the Parliament, as it continues to this day.

Cap. 6. 7. 4.

Vid. Dr Burnet's Hiſtory of the Reformation, Vol. 1. p.

**25. Hen. 8. cap. 19.*

I ſhall, in the next place, treat of ſome Reformations that have been endeavour'd to be made in the Church during this Period; and in particular, that remarkable one, concerning the abating the Pope's exorbitant Power in the Matter of thoſe *Proviſions* he then uſually exerciſed, by filling up Biſhopricks, and other Eccleſiaſtical Benefices in *England*, of any Value, whenever they became vacant, and oftentimes before. For under this Pretence he took upon him to confer the beſt Spiritual Preferments on his own Creatures, who being for the moſt part either *Frenchmen* or *Italians*, it proved ſo great a Grievance and Burthen to the *Engliſh* Church and Nation, that when the Court of *Rome* refuſed to Reform it, upon divers earneſt Requeſts and Addreſſes from King *Edward* the *Firſt*, the Nobility and Commons of *England* being no longer able to bear with ſo great an Abuſe, they reſolved to Reform it themſelves, by a Law made for that Purpoſe, *viz.* that famous Statute of *Carliſle*, enacted in the 35th Year of that King; who dying not long after, before it could be put in execution, and being ſucceeded by his Son *Edward* the *Second*, a weak Prince, who had conſtant Wars with the *Scots* or Civil Diſſentions at home; and this Abuſe being alſo connived at by the Biſhops, who were afraid of diſpleaſing the Pope; it is no wonder if this excellent Law took little or no Effect, but lay as it were dormant all the Reign of that King, and good part of that of *Edward* the *Third*, till

Vid. Stat. 35 Ed. 1. recited in the Stat. of 27 Ed. 3. cap.

till the 25th and 27th Years of his Reign; by which time the Pope had ſo encreaſed his former Oppreſſions, in conferring the beſt Biſhopricks in *England* upon Strangers, under the Pretence of theſe his *Proviſions*, that the whole Kingdom was again under a great Diſcontent at that Oppreſſion: Whereupon the Lords and Commons in Parliament humbly Petitioned the King, That they might be no longer continued, but that He would revive and confirm the Statute of *Carliſle*, made by King *Edward* his Grandfather; which was done accordingly.

Rot. Parl. 27 *Ed.* 3.

But this Act ſome Years after being found inſufficient, (notwithſtanding ſeveral other Statutes to enforce it) was revived by more ſevere *Statutes in the Thirty eighth Year of the ſame King, not only againſt theſe *Proviſions*, but alſo all unneceſſary Appeals to *Rome*, which put a ſtop to this Miſchief for ſome time: But the Pope taking freſh Courage, through the Negligence and Cowardice of the Biſhops, who durſt not openly oppoſe him, (and whom he often bribed and took off, by conferring on them better Biſhopricks) began again in the next Reign to renew his former Oppreſſions. This cauſed ſome other Statutes to be made, in the Second and Third Years of *Richard* the *Second*, to confirm and enforce thoſe of his Grandfather, againſt the Taking or Receiving any Benefice from any Perſon, but only from the King or his Subjects; and particularly forbidding all Aliens from taking or accepting any ſuch Eccleſiaſtical Benefices or Dignities, without the King's Licence: And theſe Statutes were afterwards enforced by another of the Thirteenth of this King, for the free Election of Archbiſhops and Biſhops, &c. as alſo by another of the Sixteenth, againſt all Tranſlations, Proceſſes and Sentences of Excommunication, purchaſed from the Court of *Rome*, concerning Things which touch the King, his Crown, Regality and Realm, in all the Matters aforeſaid. I have but barely mentioned theſe Statutes in this place, becauſe the Reader will find, at the end of thoſe Reigns abovementioned, an exact Hiſtory of thoſe Papal *Proviſions*, and of the Laws made againſt them, and the great Conteſt there was in that Age between our Kings and ſeveral Popes about it, who did not look upon themſelves as tied up by any Laws of this Kingdom, from exerciſing that unjuſt and uſurped Power which they claim'd of diſpoſing of all Biſhopricks and Benefices in *England*, according to their abſolute Will and Pleaſure: And indeed this Evil could never be totally eradicated, until King *Henry* the *Eighth*, by an Act of Parliament made for that purpoſe, abſolutely aboliſhed and took away the *Papal* Power in *England*; when almoſt all the Biſhops (though outwardly in the Communion of the Church of *Rome*) concurred with the King, Lords and Commons, in the paſſing of that Statute.

Stat. Book, cap. 1, 2.

I ſhall conclude this *Introduction*, with a ſhort Account of that famous Tribute or Penſion of One thouſand Marks *per Annum*, which was granted by King *John* to the Pope, upon his Legate *Pandolf*'s reſtoring to Him his Crown. This was paid (though with ſome Interruption, and running ſeveral times in Arrear) until the Sixth Year of *Edward* the *Third*; when I find an Original Breve in the *Cottonian* Library, of Pope *John* 22. to the ſaid King, *ſub Annulo Piſcatoris*, (*i. e.* his Seal in Lead, called *Bulla*, from whence thoſe Inſtruments are ſtiled) dated in the Sixth Year of his Reign, containing an Acquittance or Diſcharge of all Arrears due on Account of the ſaid Penſion, in Conſideration of Fifteen hundred Marks then actually paid: But whether it was ever paid any more, or not, I cannot ſay;

Cleopat. E. 3. p. 14, 15.

ſay; though it ſeems moſt probable that it was not, becauſe not long after, upon that King's claiming the Crown of *France*, and the Pope ſhewing Himſelf averſe to his Title, and very partial to the *French* King's Intereſt, it is very likely that our *Edward*, to be even with Him, ſtopped the Payment of it for divers Years; until at laſt Pope *Urban* V. highly reſenting this Contempt, ſent over his Legates on purpoſe to demand the Payment of it, with the Arrears then due. Whereupon King *Edward* calling a Parliament in the Forty ſecond Year of his Reign, the Eſtates of the Kingdom wrote the Pope that remarkable Letter, which you may find in the enſuing Hiſtory of that King's Reign; in which they declar'd, *That King* John *could not charge his Kingdom with the Payment of any ſuch Tribute, without Conſent of all the Eſtates aſſembled in Parliament.* After which time I do not find it was any more demanded; nor did the Pope think it his Intereſt ſo to do, ſince there being for near ~~Seventy~~ fifty Years together Two Popes at once, the former of them, reſiding at *Rome*, was acknowledged by our Kings, whilſt the other, who had his Seat at *Avignon*, was chiefly own'd and defended by the King of *France:* So that during this *Schiſme* the Pope at *Rome* durſt not inſiſt upon the former Demands of this Penſion, nor yet compel the King to pay it, leſt He ſhould abſolutely caſt off his Obedience to him, and join with the Antipope of *Avignon*. And after this *Schiſme* was ended, upon the Election of Pope *Martin* V. and the Depoſition or Reſignation of his Competitors, the Demand of this Penſion became ſtale and obſolete; and the Crown of *England* being now become powerful under that Victorious Prince *Henry* V. I do not find any other Popes, after him laſt mentioned, renewed their Claim to it.

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THE General Hiſtory OF ENGLAND, BOTH Eccleſiaſtical and Civil.

VOL. III. BOOK IX.

King EDWARD *the Firſt.*

SO ſoon as the Obſequies of the late King *Henry* were perform'd, on the 20th Day of *November*, in the Abby Church of *Weſtminſter*, [1] *John* Earl of *Warren* and *Surrey*, and *Gilbert* Earl of *Gloceſter*, with all the Clergy and Laity there preſent, went to the High Altar, and ſwore Fealty to his Eldeſt Son *Edward*, ſuppoſed at that time to be in the *Holy Land*, [2] though they were uncertain whether He was alive or no. But yet this was not thought ſufficient: Wherefore the Day after, *Robert Kilwardy*, Archbiſhop Elect of *Canterbury*, and the Earl of *Gloceſter*, with other Prelates and Noblemen of the Kingdom, met at the *New-Temple*, and there **Recognized* the ſame Prince for their Liege Lord, and *declar'd him Succeſſor of his Father's †Dignity; and then, with the Aſſent of the Queen Mother, (having made a new Great Seal) they appointed Select Miniſters and Guardians to keep the King's Treaſure, and the Kingdom, till his Return.

Anno Dom. MCCLXXII.

[1] *M. W.* King *Henry* being interred, all the Clergy and Nobility take an Oath of Fealty to King *Edward*.

[2] *T. Wi.* * He is again recognized at the *New Temple*, and a new Great Seal appointed, with Guardians of the Kingdom.

* *Ordinaverunt.*

† *Honori.*

Theſe [3] Guardians were *Walter Giffard*, Archbiſhop of *York*; *Edmund Plantagenet*, Son to the late deceaſed *Richard* Earl of *Cornwall*, Brother to King *Henry* the *Third*; and *Gilbert de Clare*, Earl of *Gloceſter*; who took upon them the Exerciſe of the Government, by the ſole Advice and Appointment of the Nobility: However all Writs, Proclamations and Publick Inſtruments were iſſued forth in the King's Name, as appears by a *Writ on the Rolls of the *Tower*, directed to all the Sheriffs in *England*, to proclaim the King's Peace to be kept throughout their whole Counties, in all Cities, Burghs, Fairs, Markets and other Places. It begins thus: Edward *by the Grace of God King of* England, *Lord of* Ireland, *and Duke*

[3] *M. W.* The Names of the Guardians and what they did.

* *Clauſ.* 1 *Ed.* 1. *M.* 11. *de Pace Reg. Edwardi proclamanda.*

Anno Dom. MCCLXXII.

Vid. Dr. Brady's App. ad Vol. 2. n. 1.

Duke of Aquitain, *&c. Whereas by the late Deceaſe of Our Father King* Henry *of Famous Memory, the Government of the Kingdom is come to Us by* Hereditary Succeſſion, *&c. We command,* &c. *Witneſs* W. *Archbiſhop of* York, Edmund *Earl of* Cornwall, *and* G. *Earl of* Gloceſter, *at* Weſtminſter, *the* 23*d of* November, *in the Firſt Year of Our Reign.* This was within three Days after the Interment of his Father. [4] He was proclaimed firſt in *London*, and then in all the other Cities of *England*. Immediately after this, the ſaid Guardians iſſued forth another * Writ in the King's Name, dated the 29th of the ſame Month at the *New-Temple, London*, by the Hands of *Walter de Merton*, then Chancellor, directed to the Abbots of *Dore* and *Hagenham*, appointing them to receive the Oath of Fidelity from *Llewellyn*, Son of *Griffyn* Prince of *Wales*: But it is evident, by the Return of this Writ (which is annexed to it) from thoſe Abbots, as alſo from the Conſtable of *Montgomery* Caſtle, That the ſaid Prince neither appeared at the Time and Place appointed, nor ſent them any Meſſage by way of Excuſe for his Abſence; ſo much did he then ſtand upon his Terms. But he was ſufficiently humbled for this, as well as for his other Rebellious Actions not long after the King's Return into *England*: But from theſe Records it appears, That King *Edward* was the Firſt, who, wholly claiming by Hereditary Succeſſion and the Will and Appointment of the Great Men of the Kingdom, was ſtiled King of *England* in any Publick Inſtruments, before his Coronation.

[4] *Annal. de Lon*

* *Bundela Brevium hujus Regis in turre. Vid. Ibid. N. 2.*

Another Writ to receive the Oath of Fealty from the Pr. of *Wales*.

* And on ye same Day ye Arch Bishop of York with the Bishops of Winchester Rochester, Worcester &c. ~~with~~ ye other Prelates & Barons, [illegible] there mentioned, sent a letter to King Edward giving him notice of ye Death of the King his Father on the Feast of St. Edward the Confessor, & of his Burial in Westminster Abbey on ye Feast of St. Edward the Martyr, as also of the Oathes of Fealty they had taking to King Edward as their Liege Lord. ~~this~~ this bears Date at ye new Temple 23. Nov: & is preserved in ye Exchequer vid: R.s Coll p. 888-889-

Anno Dom. MCCLXXIII.

Not [5] long after *Chriſtmas* the ſaid Guardians Summoned all the Eſtates of the Kingdom to meet in a Parliament, (as they call it) at *Weſtminſter*, upon the Feaſt of St. *Hilary*; which are thus recited and diſtinguiſhed by our * Authors, *viz.* The Archbiſhops, Biſhops, Earls, Barons, Abbots and Priors, as alſo Four Knights for each County, and Four Citizens for each City; who being there aſſembled, did all, in the preſence of the Lords *William* Archbiſhop of *York*, *Robert de Mortimer* and *R. Burnel*, Clerks, take an Oath to the Lord *Edward*, as * King of this *Land*, as alſo firmly and truly to keep the Peace of the Kingdom; and there *Walter de Merton* was again appointed, or rather confirmed Chancellor, and was ordered to reſide at *Weſtminſter* till the King's Return: It was there likewiſe farther provided, That till that time there ſhould be no other * Juſtices, but only ſuch as ſate on either Bench. Not long after, *viz.* on the 10th of *December*, Earl *Edmund*, the King's Brother, returned from his Voyage to the *Holy Land*.

[5]

* *Annal. de Waverly. Annal Wigorn. Ang. Sacra,* Vol. 3.

An Aſſembly of Eſtates ſummoned to meet at *Weſtminſter*; and of whom it conſiſted.

The Oath of Allegiance taken again to him by all the Members of it.

* *Terræ Principi.*

* *I. e.* There ſhould be no Juſtices Itinerant.

But we muſt now look back, and ſee what is become of our Prince *Edward* ſince his Departure from *Paleſtine* the laſt *Autumn*; [1] who being ſafely arrived in *Sicily*, was joyfully received by *Charles* King of that Iſland: And there Prince *Edward* firſt heard the News, both of the Death of his Eldeſt Son *John*, and of the King his Father; the latter of whom He much more lamented than the former; inſomuch that when King *Charles* began to comfort Him for that Loſs, He made this pious Return, *That He had much greater Reaſon to be grieved for the One than the Other, ſince He could have more Sons, but not another Father.* [2] Then the King of *Sicily* having taken his Leave of his Royal Gueſt, ordered his Son *Charles* to wait upon him to the utmoſt Limits of his Kingdom; and the King coming into Pope *Gregory*'s Territories, was by him moſt kindly received at *Viterbo*, having been his old Acquaintance, as well as fellow Pilgrim in the *Holy Land*. Here the King complained to the Pope, of the late Murther of his Couſin *Henry*, Son to *Richard* late King of the *Romans*, which was committed

[1] *T. W.*

[2] *Id. Ib. M. W.*

He leaves *Sicily*, and is kindly received by the Pope.

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committed in the Church of *Viterbo*, by *Guido de Montfort*, (as hath been already related) with the Aſſiſtance of Count *Aldebrandino*, Sirnamed the *Red*, his Father-in-Law: Whereupon the Pope having declared the ſaid *Guido* guilty of Murther, ſolemnly *excommunicated* him and all his Abettors, until ſuch time as they ſubmitted themſelves, and made Satisfaction to the Church.

Who Excommunicates the Murtherers of *Henry*, Son to the King of the *Romans*.

This Affair being diſpatched, the King paſſed through *Italy* over the *Alpes* in his way to *France*; and [3] being arrived on the Borders of that Kingdom, the Count *de Chalons* in *Burgundy* envying his Glory ſent him an Invitation, or rather a Challenge to come to the City of *Chalons*, and there to Tourney with him and his Knights, whom he ſhould bring thither: Hereupon the King, though he might very well have refuſed the offer, becauſe he was upon his Journey homeward, yet did not think it for his Honour to deny this Invitation, and therefore cauſed it to be every where Proclaimed, That he, with the Strangers that waited on him, would maintain a Tourneament againſt all Comers; upon which a great many both Horſe and Foot flocked thither in joint Confederacy, to ſpoil the *Engliſh* of their Horſes and Arms: King *Edward* alſo ſent into *England* for ſome of his Noblemen to come over to his Aſſiſtance, and there went to him divers Earls and Barons; ſo that at the time prefixed for this Combat, the King carried thither with him about a thouſand Knights or Horſemen beſides Foot; but thoſe of the contrary Party had as many more, where inſtead of a *Tourneament* it became a ſort of a *Petty War*; for both Parties meeting without the City of *Chalons*, the Count's Gentlemen firſt began the Combat, and were as valiantly reſiſted by the *Engliſh*, inſomuch that many of the former were killed, and the reſt driven back to the Gates of the City, or elſe into the adjoining River, where they were drowned.

[3] *T. Wi. Chron. Wal. Hemingford L.* 3. *Cap.* 36.

Prince *Edward* is challenged by the Count of *Chalons* to a *Tourneament*.

[4] In the mean time the Count *de Chalons* in Perſon, with Fifty ſelect Knights, engaged with the King and thoſe of his Party, and fought Him a long time hand to hand; but finding he could do no good with his Sword he cloſed in with him, and throwing his Arm about his Neck, thought to have pulled Him from off his Horſe, but the King clapping Spurs to his ſides, and he thereupon ſpringing forward, pulled the Count (ſtill hanging about his Neck) from his Saddle, and not being able to hold out long in that poſture, he fell to the Ground with ſuch a force, that his Breath was almoſt beat out of his Body. Then King *Edward* alighting, ran to pull off his Helmet to give him Air; which when He had done, and ſtill perceiving the great Malice of the Count's Party, who inſtead of a Tourneament now made War in earneſt, He preſently ordered his Men not to ſpare any of them, but to pay them in their own coin; ſo the Foot being now returned from the Chace had time to fall upon the Enemies Horſe, which not being drawn up in any cloſe Order, they either ran them into the Bellies, or cut their Girts, ſo that their Riders were thrown to the Ground: Notwithſtanding this, the Count being again mounted by his Men would not give over, but fell upon King *Edward* afreſh, and continued the Diſpute with him, till at laſt, after he and his Party were well beaten, he was forced to ſurrender himſelf a Priſoner, at the King's Command, to an ordinary Knight; and though many of them ran away, yet more than thoſe fell dead upon the Spot.

[4] *Id. ib.*

The Count *de Chalons* encounters King *Edward* in Perſon.

And is taken Priſoner and his Party routed.

Anno Dom. MCCLXXIII

[5] C. *H. ib.* And what enſued thereupon.

The *Engliſh* having thus obtained the Victory, returned with Triumph into the City; and thinking they might there quietly take up their Quarters, they were killed by the Citizens as they paſſed along the Streets: But ſo ſoon as the King heard of it, He ſent preſently for the Magiſtrates, commanding them to puniſh and reſtrain the Townſmen, or elſe He would ſet Fire to their City, and burn it down to the Ground; whereupon they immediately placed Guards in moſt of the Avenues, and ſo the King and his Men remained quiet and ſafe; but in this diſpute there was ſo much Blood ſhed, that inſtead of the Tourneament it was ever after called the little Battel of *Chalons*.

[1] *M W. T. W.* King *Edward* is kindly received at *Paris*, and does Homage to King *Philip* for his Territories in *France*.

What farther happened between this ſtout Earl and the King, we do not find; [1] only that the latter leaving that City went forward to *Paris*, and was there about the middle of *July* kindly received by King *Philip* his Coſin German; (for their Mothers were Siſters) and after the Prince had for ſome time been nobly entertained there, He demanded of that King thoſe Territories which belonged to Him by *Hereditary Right*; to which the King of *France* replied, That He was ready to ſatisfie Him according to Reaſon; whereupon our *Edward* did King *Philip* Homage in this form of Words, *My Lord the King, I do You Homage for all the Lands I ought to hold of You*; by which Words ſome underſtood as if He had thereby meant *Normandy*, and thoſe other Countries formerly ſubject to the King of *England*, which the *French* King ſtill retain'd.

The King by his Writ Orders all *Flemmings* in *England* to depart.
[2] *An. de Lond.*

The King having been highly provoked at the Hoſtilities committed by the *Flemmings* on the Merchants of *England*, about the begining of *September*, gave Orders for iſſuing out a Writ or Letter directed to the Mayor, Sheriffs and Commonalty of *London*, which was read in their *Guild-Hall* not long after, wherein, reciting the many Injuries done by the Counteſs of *Flanders* to his Subjects in thoſe Parts, Commands them to make Proclamation, That no *Flemming* ſhould enter or ſtay in *London* on pain of Forfeiture of his Goods, notwithſtanding any Grant made by the King his Father, or any of his Predeceſſors to the contrary; yet gives ſuch *Flemmings* licenſe to receive their Merchandize and other Effects already due from *Chriſtmas* laſt paſt, and then to depart the Realm, and not to Return on pain of Forfeiture as aforeſaid. * From whence you may obſerve the King's Clemency to theſe *Flemmings*, That notwithſtanding the late Hoſtilities committed by them, yet He gave them leave to remove all their Effects before their Departure. But this Quarrel did not continue long as you will find under the next Year.

* *Dat per Walt. de Merton Can. Lond. 8 die Sept. A. R. Primo.*

[4] *Id. ib.* *Robert Kilwarby* made Archbiſhop of *Canterbury*.

[3] As for Eccleſiaſtical Affairs; about the ſame time Frier *Robert Kilwarby* having been made Arch-Biſhop of *Canterbury* by the Pope (as was mention'd in the end of the laſt King's Reign) now returned into *England*, and was conſecrated in his own Cathedral ſomewhat before our *Lady-day*, many of the Biſhops of his own Province being preſent.

[5] *id. ib. Communitatis* The King's Letters to the City of *London* read publickly; with an Account of His Injunctions to them.

[4] And about our *Lady-day*, the King's Letters to the Mayor, Sheriffs and *Commonalty* of *London*, were read in *Guid-hall*, being to this Effect; they firſt give the City an Account of the King, ‘That He ‘was at the time of the Writing thoſe Letters at *Caples*, or *Capua*, in *Terra* ‘*de Lavoro*, with his Kinſman the King of *Sicily*, and was as well as He ‘could be, conſidering his Sorrow for the Loſs of the King his Father; and ‘that ſince He deſired all Men ſhould enjoy Peace and Tranquility during ‘his Abſence, He therefore Commands them by their Love and Fidelity

'to Himſelf. That they ſhould take care to preſerve the Peace till his Return, which (he ſays) He will haſten with all the ſpeed He can, and 'hopes that He may have Reaſon to thank them; then concludes, That 'ſince He had no Seal of the Kingdom with Him, therefore He had incloſed theſe preſents with the Seal of the King of *Sicily*. *Teſte me ipſo apud 'Caples* 19 *die Jan. A. R. primo.* And it further appears that he having then been invited by the Pope's Bull to be present at this Council, to consult about sending some further Relief to the Holy Land, he thereupon deferr'd his Return home & went thither to consult with the Pope about that affair: Vid. the two Bulls published in R— Coll. Vol. II. p. 10. 20.

Anno Dom. MCCLXXIII.

Anno. Dom MCCLXXIV.

King *Edward* having thus ſettled his Affairs at *Paris*, [5] took his Leave of King *Philip*, and went into his own Territories in *Gaſcoigné*, where He received the Services and Homage of all his Subjects, reducing thoſe to his Obedience that ſtood out; the Chief of whom (as the [1] *French* as well as our own Hiſtorians inform us) was *Gaſton de Moncade*, Lord of *Bearn*, who refuſing to do his Homage to King *Edward*, He beſieged him in his Caſtle, and ſeized upon his Perſon, and kept him in Priſon for ſome time, till at laſt making his Eſcape he complained of this ſevere Uſage to King *Philip* of *France*, as Sovereign Lord both of *Edward* and himſelf: Whereupon *Philip* ſummoning an Aſſembly of his Eſtates, upon a full and ſolemn Hearing of the Cauſe before them, they at laſt pronounced Sentence on the behalf of King *Edward*; and *Gaſton de Bearn* was adjudged to hold that Country of Him, and to do Him Homage for it. And we farther find in our [2] Hiſtorians, That the Year following he came into *England* by the King of *France*'s Order, and preſented himſelf before King *Edward*, being then at *Oxford*, with a Rope about his Neck, and was kept for ſome time a Priſoner here; but being at laſt pardoned, and having made his Peace with the King, he remained ever after faithful to Him.

[5] *M. W.*

The K. leaves *Paris*, and goes into his own Dominions, and there beſieges the Lord of *Bearn*, and puts him in Priſon for his Diſobedience.

[1] *Vid. Mezeray Fr. Hiſt.* under this year.

Having eſcaped, he flies to the K. of *Fr.* to make his Complaint, where he receives no Redreſs.

[2] *M. W. T. W.*

To intermix ſomewhat of Eccleſiaſtical Affairs: [3] The General Council of *Lions* being now aſſembled, King *Edward* went thither, to make a Viſit to the Pope and Cardinals, where the Ambaſſadors from *England* met Him, and deſired Him to return home, to reform his deſolate Kingdom.

[3] *Chron de Lanc. ſt. in Bib. Cot.*

But during this Prince's preparing for his Journey, it is fit we return into *England*, and ſee what hath happened there all this while, as well in Civil as Eccleſiaſtical Affairs; which I have put here together, though ſomewhat out of their due place, becauſe I would not interrupt the Relation of this King's great Actions before his Return into *England*; where little happened conſiderable: Only we find by the *Tower Records*, a * Writ to have iſſued forth in the King's Name, directed to *Richard de Clifford*, his Eſcheator on this ſide *Trent*, to aſſeſs a Talliage upon the City of *Briſtol*, either ſeparately or by Poll, or elſe in Common, according as it had been uſually practiſed in other Talliages. This Writ bears date the 27th of *January*, by the hands of *Walter de Merton*, then Chancellor; But though the Record mentions only *Briſtol* to have been thus Talliated, yet it is highly probable, That the ſame Tax was raiſed in like manner upon all Cities and Trading Towns throughout *England*: Yet that this Talliage was not impoſed upon them by reaſon of any *Tenure in Capite*, but only becauſe of the King's granting them the Privilege of a Free Trade, I have ſufficiently proved in my *Introduction*.

* *Rot. Par.* 1. E. 1. M. 18. *de Tallagio concedend. Vid. Dr.* B's *App. n.* 3.

A Writ from the K. to aſſeſs a Talliage on the Cities and Towns that held of him.

In Summer following we find another * Writ to have been directed to the Sheriff of *Surrey* and *Suſſex*, commanding him, upon a Complaint of divers Robberies and other Miſchiefs committed in that County, to uſe greater Diligence in keeping the Peace, and to do his utmoſt Endeavour to apprehend thoſe Malefactors, and to cauſe all Bayliffs to do the like.

* *Rot. Pat.* 1. E. 1. M. 16. *de Conſ. Pac Ang.*

Another Writ to the Sheriffs commanding them to keep the Peace.

This

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This Writ likewiſe bears Date at *Weſtminſter* the Sixth of *June*, in the Firſt Year of this King's Reign.

* *Bundela Brevium in Turre n* 11

The King's Letter of Thanks to the Chancellor.

And I ſuppoſe it was for the Chancellor's diligence in repreſſing theſe Enormities, as well as other matters, that we find upon Record a *Letter of thanks to him from the King, wherein He farther requires him to proceed as he had begun, and to do Juſtice without any Reſpect of Perſons and to puniſh with Rigor thoſe whom Gentleneſs could not reſtrain from doing Injuries. This bears date at *Milan* upon the River *Seine*, on the Ninth of *Auguſt*.

* N. 3, 4, 5.

But though we are beholding to Dr. *Brady*, for Printing theſe three laſt Records in his **Appendix*, yet I muſt here obſerve, he hath not thought fit to take any notice of them in the body of his Hiſtory, ſo that they are of no uſe to Common *Engliſh* Readers; and therefore I have thought fit to inſert the ſubſtance of them in their proper Places.

[4] *M. W.* The Pope ſent a Legate into *England*, ordering the Clergy to pay their Tenths to the King.

As for Eccleſiaſtical Affairs, nothing happened conſiderable, only [4] that the Pope ſent the laſt year a certain *Gaſcogne* Clerk, called *Reymond*, into *England*, with Power to compell all Spiritual Perſons to pay the Tenths of their Eſtates, as well Eccleſiaſtical, as Temporal to the King and his Brother Earl *Edmund* for their late Expences in the Holy Land; which though it was to have been rais'd in two years time, was now paid all in this, to the great Burthen of the Inferior Clergy; yet of this Money the Legate retain'd a great part for the Pope's uſe.

[5] *Annal. de London.* The King makes an Agreement with the Counteſs of *Flanders*.

The King Lands in *England*, and is joyfully received.

[1] *M. W.* He is Crown'd at *Weſtminſter*.

[2] *Id. T. W.*

[5] King *Edward* being now arrived at *Boloigne*, in order to his Return into *England*, treated and made a final Agreement with the Counteſs of *Flanders*, concerning all Injuries and Hoſtilities done by her Subjects to thoſe of *England*, as alſo for the Money which the Queen his Mother had borrowed of her. ⁊ Then the King having ſettled his Affairs beyond Sea, took Shipping at *Boloigne*, [1] and Landed in *England* on the Five and twentieth of *July*: At his Landing *Gilbert* Earl of *Gloceſter*, and *John* Earl of *Warren*, received Him more magnificently then any other Noblemen; for the former Conducted him to his Caſtle of *Tonebridge* in *Kent*, and the latter to that of *Riegate* in *Surry*; at both which Places they treated Him for ſome days with great Satisfaction; but being arrived at *London*, [2] He was on the Nineteenth of *Auguſt*, together with his Queen *Eleanor*, Crowned at *Weſtminſter* by *Robert Kilwarby*, Archbiſhop of *Canterbury*; *Alexander* King of *Scots*, and *John* Duke of *Bretagne* his Brother in Law, being preſent, together with a great many of the Prelates, Earls, Barons, and other Noblemen. I need ſay no more of this Coronation, all things being then perform'd according to the uſual Forms. ✓

× And we find ye Articles of this Peace inserted in R—'s Coll: Vol. II. p. 32 - the Chief of which is, yt there shall be a mutual Restitution of all Goods taken away from the merchants of both nations, and a free commerce between them for the future: this Instrument Dated at Monstreile the Saturday after the Feast of St. Mary Magdalen A.D. 1274. Vide R—'s Coll: p. 32.

[3] *Id. ib.* The King of *Scots* does his Homage to the King.

Nothing elſe happened worth noting, but that the day after the Coronation [3] the King of *Scots* did his Homage to King *Edward*, but whether for *Scotland*, or elſe for the Earldom of *Huntington*, and other Lands held of the Crown, our Authors do not mention. When the Solemnity was over, the King paſſed the reſt of this Summer in Settling his Affairs, and reforming ſuch Abuſes as had crept in during his Father's remiſs and unequal Government: And that He might have a better Inſight into the Rights and Revenues of the Crown, and concerning the Incrochments, that had been made upon them, it appears upon *Record, that toward the middle of *October*, He iſſued out Writs of

* *Rot. Par.* 2. *Ed* I. *M.* 6.

of Enquiry, by the Oaths of Twelve Legal Men, directed to two Commiſſioners in every County, ‘to enquire what were the Royalties, Liberties and Prerogatives of his Crown; as alſo who were his Tenants *in Capite* or by Military Service; and how many, and what Fees they held of Him; alſo concerning his Tenants in Antient *Demeſne*, how they had behaved themſelves, and in what Condition their Farms were; and farther to enquire concerning Sheriffs, Coroners, Eſcheators, Bayliffs and their Clerks, whether they had extorted Money by reaſon of their Office, had wronged any Man, or received Bribes, or had been Remiſs in their Places, *&c.* The whole Enquiry containing Four and thirty Articles, being now Obſolete, need not be further mention'd.

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He iſſued out Writs of Enquiry into Royalties and Liberties of the Crown.

As for Eccleſiaſtical Affairs: (4) This Year was held the General Council of *Lyons*, under Pope *Gregory* the *Tenth*, to which *Palæologus* the Greek Emperor, and the Patriarchs of *Jeruſalem* and *Conſtantinople*, came in Perſon; and there was then a Temporary Reconciliation patched up between the *Roman* and *Greek* Churches, but it did not continue long.

[4] *Ciacon. de vitis Pontif. p.* 740.

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[5] The King having this Year kept his *Chriſtmas* at *Woodſtock*, not long after Prorogu'd the Parliament (which He at firſt intended to have held Fifteen days after *Candlemas*) till the morrow after the cloſe of *Eaſter* next enſuing, as appears by a * Writ, the Copy of which is extant in the † Regiſter of the Biſhop of *Worceſter*. When this Parliament was aſſembled at *Weſtminſter* according to the Prorogation, the King there made divers excellent Laws, both for the Eaſe and Benefit of Church and State; the Title or Preface to which being very Remarkable, I ſhall here ſet down at large from the * *French* Original: *Theſe are the Acts, or Eſtabliſhments of King* Edward, *Son to King* Henry, *made at* Weſtminſter *at his firſt General Parliament after his Coronation, on the* Monday *after* Eaſter, *in the* † *Third Year of his Reign, by his Council, and by the Aſſent of the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons and all the Commonaltie of the Realm thither Summoned; becauſe our Sovereign Lord the King had great Zeal and Deſire to Redreſs the State of the Realm, in ſuch things as required Amendment, for the Common Profit of Holy Church and the Realm, and becauſe the State of the Realm and Holy Church had been evilly kept, and the Prelates and* * Religious *of the Land grieved many ways, and the People otherwiſe intreated than they ought to be, the Peace leſs kept, and the Laws leſs obſerved, and Offenders leſs puniſhed then they ought to be, by reaſon whereof the People of the Land leſs feared to offend; the King hath ordained and Eſtabliſhed theſe Acts underwritten, which He judges to be neceſſary and profitable for the whole Realm.*

[5] *Annal. de Waverly ad hunc An. Annal. Wig ad eundem.*

† *Regiſtr. Giffard, f.* 48.

A Parliament meets at *Weſtminſter.*

* *Vid. Totel's* Collection of old Statutes, the Titles to the Laws there made.

† Note Dr. *Brady*, in the laſt Volume of his Hiſtory, places this Parliament under *A.D.* 1376. being therein miſled by *Mat. Weſtminſter* and *Thom Walſingham.*

* *I. e.* the *Monaſticks.*

As for this Body of Laws, which are commonly called the Statutes of *Weſtminſter* the *Firſt*, and contain in the whole Fifty one Chapters, I ſhall ſay no more of them here, becauſe I ſhall give the Reader an Abſtract of thoſe and all other Statutes of this King at the end of his Reign. I find no more concerning this Parliament, [1] but that divers of the King's Tenants being troubled by Writs of *Quo Warranto*, now ſurrendred their Fees to the King, who compounded with ſome of them, and gave them leave to hold their Eſtates for Term of Life.

The Statute of *Weſtminſter* the firſt enacted, with other things then done.

[1] *An. Wav. ib.*

Nothing happened remarkable this Summer, nor the Summer following, only that in the begining of *September* there happened ſo great an Earthquake at and about the Cities of *London, Canterbury, Worceſter* and

all

[2] *Chron. Thom Wikes & M. W. ad hunc An.*

A great Earthquake in *England.*

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all the Weſtern Sea Coaſts, that divers Houſes and Churches were overthrown by it; which being very rare in *England*, I thought fit to take notice of.

[3] *Id. ib. Annal. Wigor.* Another Parl. held at the ſame place. *Annal. Wigorn.*

[3] Fifteen days after *Michaelmas* the King held another Parliament at *Weſtminſter*; wherein He required a *Fifteenth*, both of the Clergy and Laity, towards the Charges He had been at in his Wars in the *Holy Land*: This was granted by the latter; but the former, lying already under a great Burthen of a *Tenth*, impoſed upon them by the Pope for Six Years for the like purpoſe, excuſed themſelves; yet the Biſhops promiſed, That they would do their Endeavour that the Clergy of their reſpective Dioceſes ſhould grant ſomewhat more, by way of Benevolence, at their next Meeting, ſome time after *Eaſter*.

[4] *An. Wav. ib.* The *Jews* prohibited from putting out their Money to Uſury.

In [4] this Parliament alſo the *Jews* were prohibited, by a Statute not now extant, from putting out their Money to Uſury, and that they ſhould live by their Labour and Merchandize; and were alſo enjoyned to wear certain Badges on their upper Garments, of a Span long, whereby they might be known. Theſe Statutes, though mention'd by our Hiſtorians, are not extant upon the Rolls; and had they been duly obſerved, would have made the *Jews* quit the Kingdom, without any Law to be made on purpoſe for it.

[5] *M. W. T. W. Ad An.* 1375. *Llewellyn* Pr. of *Wales* ſummon'd to the Coronation, and to Parl. but refus'd to appear, and on what Pretence

y see the writ of Summons it selfe: Pat. 33. Edw: 1. m: 10. Dat. ~~at~~ Chester. 20. Sept:

We ſhall now ſay ſomewhat of the Affairs *Welſh* [5] *Llewellyn* then Prince thereof, having been invited to the King's Coronation to do his Homage, and alſo Summon'd to his Firſt Parliament at *Weſtminſter*, refuſed to appear; becauſe (as he pretended) ſome of the Great Men laid wait for his Life: And being again called upon by the King to do his Homage, he ſtill made the ſame Excuſe, and demanded no leſs than the King's Son, with *Robert* Earl of *Gloceſter* and *Robert Burnell* (then Chancellor) as Pledges for his ſafe Coming and Return. Which Affront the King ſilently paſſed by, till the firſt Parliament at *Weſtminſter* was over; not long after which, [1] He went on Progreſs as far as *Cheſter*, and from thence ſent again to the *Welſh* Prince, to ſummon him to appear at the next Parliament that ſhould be held at *London* preſently after *Michaelmas*; but he refuſed to come thither, ſaying, *He too well remembred the Fate of* Llewellyn *his Father, who endeavouring to eſcape out of the* Tower, *fell down from thence, and broke his Neck* (as has been already related.) Upon which Anſwer the King finding there was no hopes of prevailing with him by fair means, reſolved to raiſe an Army to force him to comply with what was looked upon as his Duty to perform. But I do not find He proceeded any farther againſt him this Year; which ſo encouraged the *Welſh* Prince, That he took Arms, and ſeized upon and demoliſhed *Rothland*, and ſeveral other ſtrong Caſtles in the Borders of his Country. *

[1] *M. W. ib.* The K. goes to *Cheſter*, and there again ſummons Pr. *Llewellyn*, with his Anſwer. * See the laſt Vol. *p.*

* But Prince Lewellyn fearing the Pope's Excommunication would be issued out against him sent y^e Pope a long Letter wherein he vindicates himselfe for making war with the King of England; reciting the last Peace made between King Henry & himselfe, which had been confirmed by y^e oaths of y^e s^d King & y^e Lord Edward his son & Successor, & being reduced into Writing had been seald by both their Seals, in which it was agreed amongst oth^r things, y^t he should hold his Principality of Wales by Homage from him and his Successors. Yet so, y^t all y^e Barons of Wales should hold their Lands immediately of him y^e Prince & his successors; for which he was to do Homage to y^e King of England & also y^t it was therein contained, y^t should not receive any Rebells or Fugitives which should rebell ag^st him y^e said Prince: but notwithstanding all this, Edward y^e now detained certain Lands, w^ch had belong'd to y^e s^d Prince's Dominions, & had also seized & detained one of y^e Baronies, w^ch by y^e s^d Peace to his Territories; & had also received and maintained some of his Barons, who had conspired his Death & plundered his Lands, & com murthers, & do not cease so to do. & y^t all this was done notwithstanding y^e said King had received his Holiness's Letters, y^t he should observe yet that he had shown no Reverence to them; but had summoned him to come & do him Homage in an unsafe Place amongst his & Fugitives, & to w^ch he could not come without Danger of his Person: — And y^t altho he had thrice sent his excuse to y^e King concerning he had refused to accept it, or to appoint any safe Place where he might do his Homage, which he was ready to perform, always would also observe all the Articles contained in y^e said Treaty of Peace, & would correct what had been acted ag^st it; & altho it had not y^e fair offer yet that he (the Prince) had further besought him to send some of his Subjects to take his Fealty on his Behalf, until som be agreed on where he might come & do his Homage to him in Person, which y^e King had positively deny'd: And therefore he (the Prin y^e King might further do, & seek an occasion of wholly departing from y^e Treaty of Peace; to prevent this, he casts himself at his Ho beseeching him to find out such a Remedy as he thought most expedient to compell King Edward to observe y^e said Form of very unwilling to break, since his Holiness cannot but be sensible how great Dangers hung over the English & Welsh Nation Differences should again arise, which God avert. — He then concludes y^t since he is seated in Parts so remote from his that there is no access to it by Land, but through the Dominions of his Capital Enemies, who also guard the Sea

* *Rot. Parl.* 3. *Ed.* 1. *M.* 2. *vid. Dr.* B's App. *n.* 6. The King is ſummon'd to the Parl. of *France*, but not being able to go thither, makes his Excuſe.

King *Edward* being now returned to *London*, it appears by a *Record in the *Tower*, That about the end of *October* the King of *France* ſent to him to come over to his Parliament that was to be held at *Paris* on the morrow of the Quindene of the Feaſt of St. *Martin*, (being the 26th of *November*) then to appear with the reſt of the Peers of *France*, who were to be Judges in a great Cauſe depending between *Robert* Duke of *Burgundy* on the one Part, and *Robert* Earl of *Nevers* and *Jobende* his Wife on the other, concerning the Dutchy of *Burgundy*. But the King being taken up with the weighty Affairs of his own Kingdom, ſent *Maurice de Credome*, *Otto de Grandiſon*, and *Roger de Clifford*, his Envoys, to make his Excuſe. Their Commiſſion bears Date at *Weſtminſter* the Second of *November*.

ould be given for his sending to that Court, he therefore beseeches his Holyness not to give Ear to any, who should y thing to his Disadvantage, or yt he should have acted contrary to ye said Treaty of Peace, until such Time as his Holyness truely inform'd concerning ye said Affair by some faithful & discreet Person to be sent for that Purpose: This Letter bears Tresselin on the 20th of Sept: this year, & is publish'd in R—'s Coll: Vol: II. p. 57. 58.

given you ye substance of this Prince's Defence to the Pope, I shall now give you King Edward's own Account concerning & original of this Quarrel, since it is omitted by all the Historians of that Time & is only to be found upon the Rolls of this being a Declaration of this King's to satisfy his Subjects of the Justice of his Cause & the Resolution of his great Council therein this Effect, yt ye King had held a great Council of the Bishops, Abbots, Earls & Barons of England on ye Morrow after ye Feast of St. Martin or 12th of Novb to whom he had communicated all ye Process yt had passe between him and Llewellyn

November this Year, and deſerves our Notice, ſince it ſhews us, That the King of *England* then thought it no Leſſening of His Royal Dignity, to be ſummoned as Duke of *Aquitain* to appear at a Parliament in *France*. X

[1] This Year the King kept his *Chriſtmas* at the Caſtle of *Wincheſter*, and after the Holidays held a Parliament there for divers Weeks, thô what was done in it does not now appear, more than what is mentioned by this Author, That about *Candlemas*, whilſt it ſtill continued ſitting, *Gaſton* Lord of *Berne* came over into *England*, and preſented himſelf to the King's Mercy for his late Rebellion, according to the Order of the King of *France*: This Nobleman being courteouſly received, was kept in free Cuſtody in the ſaid Caſtle for ſome days, and then ſet free in full Parliament, on Condition, That he ſhould attend the * *Court* of the King of *France*, there to receive what He ſhould ordain concerning him. But *Walſingham* relates, That King *Edward* now pardoned him, and being received into his Favour, he continued faithful to his Intereſt as long as he lived.

In [2] this Parliament likewiſe at *Wincheſter*, the King confirmed the Charters of Liberties and Foreſts, and ordered it ſhould be proclaimed all over *England*, That they ſhould be ſtrictly obſerved.

About this time there happen'd an Accident, that for the preſent took off all hopes of any Accommodation between the King and the Prince of *Wales*: For the latter, to ſtrengthen his Intereſt againſt King *Edward*, [3] had entred into a private League with the King of *France*, and as an Earneſt of it, deſired that *Eleanor*, Daughter to *Simon Montfort*, late Earl of *Leiceſter*, a young Lady of great Beauty, might be ſent over to him into *Wales*, to be married. [4] King *Philip* complying with his Requeſt, did, by the Conſent of her Mother, then a Nun at *Montargis*, ſend her accordingly, accompanied by her Brother *Amey* a Clergy Man: But the Ship in which they were, being ſet upon by Four *Briſtol* Veſſels, was eaſily taken near the Iſles of *Scilly*, and the young Lady, with her Brother and all the reſt of their Company, were carried away Priſoners to King *Edward*, who not thinking it convenient that the *Welſh* Prince, being now entred into a State of War againſt him, ſhould match into the Family of his greateſt Enemy, though he received the Lady (as being his near Relation) with all Kindneſs and Civility, and committed her to the Care of his Queen; yet as for her Brother, the King ordered him to be kept for a long time Priſoner, firſt in *Corfe*, and then in *Sherborn* Caſtle.

[5] Then preſently after *Eaſter*, the King held another Parliament at *Weſtminſter*, where He pardoned ſeveral who had been diſinherited for their Rebellion with *Montfort*: And He had now granted Him a Fifteenth from the Laity; but ſince I do not find how much was given by the Clergy, I ſhall only tell you what is upon * Record concerning it. Firſt, there is the King's Letter or Declaration, which is to this effect; *The King to all Perſons ſends greeting: Whereas the Earls, Barons, with other great Men, and the* Communalty *of Our Kingdom, have granted Us a* Fifteenth *of all their Goods; and the Venerable Father the Archbiſhop of* Canterbury *and his Suffragan Biſhops, for Our urgent Occaſions, have alſo granted Us an Aid of their Goods: We by theſe Letters do declare and proteſt, That this Gift proceeded purely from free* Goodwill, *and not in the Name of a* Fifteenth; *and that it ſhall not be urged as an Example, or as a Due be drawn into a Cuſtom by Us or Our*

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[1] *Annal. Wigorn. ad hunc An.*

A Parliament at *Wincheſter*.

Gaſton de Berne comes over, and ſubmits himſelf to K. *Edward*.

* *Curia*; the Parliament of *Paris*, as I ſuppoſe.

[2] *Id. ib.*

[3] *Pol. Vergil, Lib.* 17.

Pr. *Llewelyn* deſires to marry the Daughter of *Simon de Montfort*, who is ſent over to him out of *France*, and taken at Sea.

[4] *T. W. ad An.* 1277.

She is preſented to the K. and kindly uſed, but her Brother kept Priſoner.

[5] *An. Wav. M. W.*

Another Parl. where the K. receives a Fifteenth from the Laity, and a voluntary Gift from the Biſhops.

* *Rot. Pat.* 4 *Ed.* 1. *M* 6.

The King's Declaration concerning it.

X As for Ecclesiastical Affairs, I find nothing worth mentioning, but that Walter de Merton Chancellor to the late King Henry was this year elected Bp. of Rochester, ~~al~~ but he had already founded Merton Colledg in Oxon. Chron: de Tinmuthe ad hunc ann.

Ap: Griffyn Prince of Wales & how often he had been summon'd since ye King's Coronation to appear & do his Homage; as first at Chester, then at Winchester, & lastly at Westminster; at all which summons he had fail'd to come, but only had by his Envoys put off his appearing by frivolous Excuses, & yt upon his failing to appear three weeks after Easter as was last appointed him, ye ArchBishop of Canterbury & some other Bishops, Earls & Barons had earnestly desired ye King yt they might send Messengers to ye Prince to persuade him to come & do his Homage, & yt he would supersede the further Proceeding in this affair until another Time; to wch Entreaties, sent to ye Prince by the Arch Deacon of Canterbury, he would give no satisfactory Answer tho' ye sd Arch Deacon had labour'd much in it. And further that after 15 Days after Michaelmas last past, ye said Llewellyn had signify'd to him by his Letter, yt he would come to Montgomery to ye white monastery, & there do his Homage, yet on this condition yt ye King should give him a safe Conduct, viz: by the Arch Bishop of Canterbury, the Bishop of Winchester, the Earls of Cornwall, Norfolk Lincoln, & others therein mention'd, for his coming, staying and returning without any Challenge or Demand to be made ag. him by any Persons. And further that ye King should confirm by Letters ye Terms of Peace formerly made between King Henry his Father & himself, & yt he would cause to be supply'd & made good whatsoever had been wanting in the said Peace, Lastly yt he w. restore him his wife with all her Attendants &c.

Upon his performance of what ye K. requir'd

ll which Letters & Promises, together with the whole Process above mention'd, having been on the Morrow after ye Feast of artin read and lay'd open before the Arch Bishop of Canterbury, ye Bishops of London & Rochester & other Prelates there tion'd, as also before the Lord William de Valence, the Earls of Cornwall, Glocester, & Hereford, with other Earls, ns & great men, Justices & others of the Council of their Lord the King, they came to this Resolution, that whereas ye Llewellyn had been oftentimes summon'd to come, & do his Homage on ye certain Days & places assign'd him, as ght to have done, being thereunto requir'd; but had contemn'd the King's Summons in all the Premisses, unless ye would straiten & confine himself to those things, which he is no ways oblig'd to observe.

yt ye said Llewellyn had not observ'd those Articles, which are contain'd in ye Treaty of Peace made between ye late King Henry self, but had presum'd to break them contrary to his own oath & Promise, & yt he had also lately in hostile Manner himself & his Followers spoil'd the King's Subjects in the Marches of Wales, killing many of them, & executing Burnings & plundering of Houses & had receiv'd the said Murtherers & Robbers into his Protection against Kingdom;

It was therefore agreed by the Common Advice of all the said Prelates, Earls, & Barons & other great Men, yt ye K
give Ear to the said Prince's Petition, nor admit his Excuses, but shd proceed against him as his Rebell & Perturbator of his Pe
Then follows an Order, yt all yt owe ye King their military Services shall be at Worcester by ye Feast of St. John Bapti
Horses & Arms &c. which since you will find more at large in the Writ for that Purpose I barely mention; and that
while the Marches shall be fortified with sufficient Garrisons: then it concludes with a strict Prohibition of all the Ki
in England, Ireland & Gascoigne not to hold any Correspondence with Lewellyn, or his Confederates, or to supply
any victuals, Horses or Arms, or other things necessary for their use, & yt whoever shall presume to act against the said Inhibitions shall incur ye Punishment of publick Enemies to the King & Kingdom. this bears Date at Westminster the Day of Nov: this year & is published in R–'s Coll: p. 68. 69.

And besides this ye King then ordered ye Bishops to proceed agst said Prince by Spiritual Censures of Excommunication, whereupon the Arch Bishop of Canterbury & his Suffragans wrote to him to admonish him to desist from disturbing ye Peace of the King & Kingdom by making war upon them; & yt if he did not immediately do so, they threatened to put ye Sentence of Excommunication against him, which had been agreed on in the Council of Oxford, in ye Time of Stephen late Arch Bishop, & had likewise been denounced by ye late Arch Bishop Boniface & other Bishops in Westminster Hall by order of ye late King, the Earl of Cornwall & other great Men, & which had been also confirmed by the Authority of the Pope against all those, who should presume to disturb the Peace of the King & Kingdom, or deprive him of any of his just Rights: this Letter bears Date at Westminster on Friday after the Feast of St. Martin & is published in R–'s Coll: p. 71. from an old Book in the Exchequer in the Custody of the Chamberlain.

All that I can find further to have been order'd in Relation to this intended War against this Welsh Prince is, that about this Time the King by a Writ or Declaration, directed to the Earls, Barons Knights and others his faithful Subjects of the Counties of Shropshire & Herefordshire, with the Parts adjacent, thereby appointed Roger Lord Mortimer Captain or Commander in Chief of the Militia in those Counties against Lewellyn, commanding them to obey the said Roger as his Lieutenant, & to assist him with Horses and Arms according to their Power, as oft as they should be by him required on the Kings Behalf, until he should give further Orders. This bears Date at Westminster the 15th of Nov: (whilst the great Council was still sitting) and is entered on the Rolls of this Year vid: R–'s Coll: p. 71.

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Nothing now given by the infer. Clergy.

Heirs. Witneſs the King at Weſtminſter, *the Firſt of* November. But thô the Biſhops now gave the King this voluntary Aid, yet I do not find that the Inferior Clergy granted Him any thing, for that it is mention'd in this Declaration to be only the Act of the Biſhops.

[1] *M. W. ib.*

Pr. *Llewellyn* is again ſummon'd, but refuſes to come, and again invades the *Eng.* Territories.

[2] *Pol. Vergil, ib.*

[3] *T. W. ib.*

[4] *M. W. ib.*

The King marches to the Borders of *Wales*, and takes *Rothland* Caſtle.

All that I can find done farther during this Parliament, was, [1] that Prince *Llewellyn* was again ſummoned to it, but refuſed to appear; only ſent to the King, offering him a great Sum of Money for rhe Ranſom of his Miſtris, then under His Cuſtody: But this the King denied him, unleſs he would firſt build and reſtore the Caſtles he had taken; which ſo incenſed him, [2] that in the Spring he again invaded the *Engliſh* Territories, and took ſome other ſtrong Places. Upon which the King was ſo enraged, that He [3] marched immediately with ſome Forces to the Borders near *Cheſter*, and beſieged and retook the Caſtle of *Rothland*; and at the ſame time ſent *Payne de Cadurſis*, a Commander of Note, into *Weſt-Wales*, where with Fire and Sword he laid waſt all that Country, [4] The King alſo, much about the ſame time, ſent Three hundred Men at Arms into the *South-Marches*, next to *Briſtol* and *Montgomery*, to reſtrain the Incurſions of the *Welſh* Men. But not having an Army ſtrong enough to make an entire Conqueſt of that Country, He did nothing more this Year againſt them; being taken up otherwiſe, in making great Preparations of Men and Money to carry on the War the Year following.

A Parliament held, in which the Statute *de Bigamis* was paſſed.

Vide Stat. de Bigamis, 4 of *Edw.* I. in the Printed Statute Books.

But to leave Military, and return to Civil Affairs: I find nothing of particular Moment to have been tranſacted till ſome time after *Michaelmas*, when the King held another Parliament at *Weſtminſter*, in which the Statute *de Bigamis* was made, having been firſt drawn up in Chapters, and recited in the Preſence of certain of the Biſhops, Juſtices, and others of the King's Council, who did all agree, That they ſhould be publiſhed for perpetual Memory; and they were then confirmed and paſſed into an Act by the King and his Parliament, as appears by the Concluſion of this Statute; which I here take notice of, that the Reader may obſerve the Form of drawing up and paſſing Acts of Parliament in this Age.

Why it is ſo called, and the effect of that Decree.

But to come to the Statute it ſelf; it derives its Title from the Fifth Chapter or Conſtitution of it, being an Interpretation of the Sixteenrh Canon of the Second Council of *Lyons*; wherein, among other things, Pope *Gregory* X. determined that long diſputed Queſtion concerning Perſons twice married, whom He thereby declares utterly deprived and uncapable of all Clerical Privileges, and left them to the Secular Juriſdiction; and farther forbad them, under a Curſe, either to be ſhaven, or wear a Clergyman's Habit.

All Perſons that had been twice married are excluded from all Clerical Privilege by this Stat.

Upon this Decree ſome Biſhops or *Ordinaries* in *England* did take this Canon to extend only to thoſe that were twice married after the making of this Canon; but as to ſuch as were in that State before that time, theſe being arraigned for ſtealing, the Biſhops required to be delivered up to them, that they might have the Benefit of their Clergy: For the ſettling of which dubious Point, this Statute was made, wherein it is declared, That the aforeſaid Conſtitution or Decree ſhould be ſo underſtood for the future, that thoſe who were *Bigamiſts*, as well before as after the making of it, ſhould for the time coming not be delivered to the Prelates, but have Juſtice paſs upon them as meer Laymen. This Statute,

[Pol.

tute, though now obſolete, yet ſince it ſhews the Judgment of the Parliament of that Age, concerning this Point, deſerves our Notice.

Anno Dom. MCCLXXVI.

And now to intermix ſomewhat of military Matters for the Diverſion of the Reader; I ſhall here take Notice, [2] that about *Michaelmas* before, the King to enure his Nobility to Feats of Arms, held a great Tourneament at *Jouſtings* (as they were then call'd) in *Cheapſide*, ſuch a one as the like had not been ſeen before, conſiſting of the moſt Active and Courageous Young Noblemen and Knights of the whole Kingdom, this is the firſt time I can find theſe martial Exerciſes to have been performed at this Place, though in the Reign of King *Edward* the *Third*, his Grandſon, they were frequently held there.

[2] *H ſt. MS. Rob. Aveſbury, Cap.* 6.

A great Tourneament held in *Cheapſide*.

King *Edward* being now reſolved to make a vigorous War to reduce the Prince of *Wales*, at the latter end of this Year iſſued out his * Writs of Summons, bearing date the Twelfth day of *December*, directed to all Lords, whether Spiritual or Temporal, and to all others that held of him by Knights Service; which Writs being very remarkable, I ſhall here inſert a Copy of them. *Whereas* Llewellyn *the Son of* Griffin *Prince of* Wales *and his accomplices Our Rebels, have invaded the Lands of Our Subjects in the Marches, and do daily invade them, and commit Murthers and other Wickedneſſes, and the ſame* Llewellyn *refuſes to obey Us, as he ought, to the great Prejudice and Contempt of Us, and to the manifeſt Diſinheritance and great Damage of* you (the Perſon to whom the Writ was directed) *and other of Our Subjects, We have therefore now cauſed Our Army to be Summoned at* Worceſter, *eight days after the Feaſt of St.* John *the Baptiſt, to repreſs the Rebellion of the ſaid* Llewellyn *and his Aſſiſtants; wherefore We command you to be ready with your Horſes and Arms, and with your Service due to Us, to march with Us from thence againſt the aforeſaid* Llewellyn, &c. So this Winter and part of the Summer following was ſpent in making great Preparations for the War againſt *Wales*; the King in the mean while acting only defenſively. x

The King reſolves to proſecute the War againſt *Wales*.

* *Rot. Scutag.* 5 *Ed.* 1. *M.* 8.

The Form of the Kings Summons to his Military Tenants.

x ~~This year a considerable accession was added to King Edwards territories in France; for the Queen Dowager of Castile Mother to Eleanor the Kings consort, was deceasing the Earldom or County of Ponthieu (a). 1279 [illegible] to that of Bologne descended to the Queen of England as Heir to her Mother. Chron. de [illegible]~~

I ſhall conclude this Year with ſome Eccleſiaſtical Affairs worth our remarking, though they fell out in *Italy*; when [3] Pope *Gregory* X. deceaſing the latter end of the laſt Year, was in the beginning of this Succeeded by *Innocent* V. who ſate but five Months and two days, and then dying He was ſucceeded by Cardinal *Ottobon* (who had been Legate in *England*) and now took the name of *Adrian* V. but he governed only two Months more, and upon his deceaſe *Peter* a *Spaniard* was choſen Pope, and was ſtyled *John* the XXI. He was accounted a great Scholar, yet lived to forget all his Learning, having ſcarce common Senſe for ſome time before he died, which was the Year following; And that which was moſt obſervable, is, That there were no leſs then four Popes in the ſpace of little more then one Year. But to return to the Affairs of *England*:

[3] M.W. T.W.

The Death of Pope *Gregory*, and two others Popes within one Year.

Anno. Dom. MCCLXXVII.

This Year begins with the War againſt *Wales*; when not long after *Chriſtmas* the King, till He could raiſe his Army, ſent down Forces towards the Borders of that Country, to defend them and hinder the Incurſions of the *Welſhmen*, which was very well perform'd; [4] then Fifteen days after *Eaſter* King *Edward*, leaving *London*, began his Journey towards *Wales*, the whole Militia of *England* being to meet Him at *Worceſter*, according to his Summons: But perceiving his Stay in thoſe Parts was like to be of ſome Continuance, He removed his Courts of Juſtice to *Shrewsbury*; and arriving at *Worceſter* before the time appoin-

3 *Chron. T. Wikes ad Annum.* 1276

The King ſends down ſome Forces to defend the Borders of *Wales*

[4] *M. W.*

And then Marches with his whole Army for that Country, and removes his Courts to *Shrewsbury*.

Anno Dom. MCCLXXVII.

[5] *T.Wikes ad An.* 1277.

The King rebuilds the Caſtles of *Rothland* and *Flynt*.

The *Welſh* flee to the Mountain of *Snowdun*.

The K. Conquers the Iſle of *Angleſey*.

Dr. *Powel's Chron. ad hunc Ann.*

Southwales ſubmits to K. *Edward*'s General.

ted, He marched towards *Midſummer* into [5] *Wales*, beyond *Cheſter*; and coming to a thick Wood, which he found unpaſſable for his Army, He cauſed a large Way to be cut through it, by which He got into *Lluellyn*'s Territories, and then making ſome Stay near the River *Dee*, He order'd the Caſtle of *Rothland*, which had been demoliſhed by the *Welſh* Prince, to be repaired; and alſo new built the Caſtle of *Flynt*, for the better Security of thoſe Marches. Upon the King's Approach the *Welſh*, terrified by ſo great a Force, fled for Refuge to their old Retreat the Mountain of *Snowdun*; where the King being at preſent not able eaſily to aſſault them by Land, made War upon them by Sea; and with the Aſſiſtance of a numerous Fleet, ſet out and mann'd by thoſe of the *Cinque-Ports*, He landed great part of his Army in the Iſle of *Angleſey*, and made an entire Conqueſt of it, though He afterwards reſtored it to *Lluellyn* upon the Peace. But in the mean while the King's Forces, under the Command of *Payne de Caturſis* in *South-wales*, found much better Succeſs; for the People of that Country fearing the Power of King *Edward*'s Army, preſently ſubmitted themſelves, and delivered up the ſtrong Caſtle of *Yſtratwy* to his General abovementioned.

[2] *Ib. M. W.*

A Peace between the K. and the Pr. of *Wales*, with the Conditions.

But the War was carried on in *North-wales* with great Vigour, all this Summer, till the *Autumn* following, when upon this unexpected Succeſs, Prince *Llewellyn* ſeeing his Country almoſt loſt, and *South-wales* already ſubdued, and that his Subjects had many of them forſaken him; being unable any longer to reſiſt the King's Forces, [2] he at laſt ſued to Him for Peace, which was there treated, and ſoon agreed on, by Commiſſioners appointed on both ſides, upon the following Articles:

I. That all *Engliſh* Priſoners ſhould be releaſed freely, without claiming any thing from them.

II That for this Peace, and the King's Goodwill, he ſhould pay, at the King's Pleaſure, Fifty thouſand Pounds Sterling.

III. That Four Cantreds, and all the Lands conquered by the *Engliſh*, (except *Angleſey*) ſhould be and remain to the King and his Heirs for ever: And for *Angleſey*, the Prince was to enjoy it, paying the King One thouſand Marks every Year, the firſt Payment to begin at *Michaelmas* then at hand; and as a Fine for his Ingreſs or Entry upon it, Five thouſand Marks: And if the Prince died without Heirs, the King to have the Poſſeſſion of it.

IV. That he ſhould come into *England* to the King at *Chriſtmas*, to do his Homage.

V. That all the Homages in *Wales* ſhould be to the King, except thoſe of Five Barons that lived in the Confines of *Snowdun*; becauſe he could not be called Prince, unleſs he had ſome Barons under him; yet this only for his Life; but after his Death the Homages of thoſe Five Barons ſhould remain to the King and his Heirs for ever.

VI. Item, for the Performance of theſe Articles, he delivered to the King Ten Hoſtages, of the beſt Perſons in *Wales*, but without being reſtrain'd or diſinherited; and the beſt Men of every Cantred, and of *Snowdun*, by Conſent of the Prince, were to ſwear upon the *Holy Relicks*, That whenſoever the Prince broke any of theſe Articles, unleſs upon Admonition he preſently amended, they were to leave him, and become his Enemies.

The Prince was alſo bound to make Satisfaction to his Brothers for the Injuries he had done them; and they were Three, *Owen* and *Roderick*,

rick, whom he had put in Priſon, and *David* whom he had forced to fly into *England*; where having long ſerved the King, He Knighted him, and gave him the Daughter of the Earl of *Derby* in Marriage, as alſo *Denbigh*-Caſtle, and a thouſand Pounds *per Annum* beſides; in conſideration of which, he was to permit the Prince his Brother to enjoy that part of the Eſtate in *Wales* that came to him from his Father. I have no more to add concerning this Peace, but that the King Authorized *Robert Tiptoſt*, *Anthony Beke*, and *William de Southampton*, Provincial of the Friars-Preachers, as his Commiſſioners to receive Prince *Llewellyn*'s Oath to obſerve it; and the Prince appointed on his part *Theodor* ap *Ednyuet*, and *Grono* ap *Heilyn* to receive the like Oath from the Lord *Robert Tiptoſt* on the behalf of the King, who thought it beneath Him to Swear in Perſon; but ſince by this Agreement there was little more left to poor *Llewellyn*, than the meer Title of a Prince, it is no wonder, that being a Man of a haughty Spirit, and receiving further provocations from the *Engliſh*, if in ſome years after, he began another War, which ended in the ruin of himſelf and Family.

Anno Dom. MCCLXXVII.

Upon this Succeſs, the King (having built the Caſtle of *Lampader-Vaur* for the Security of the Marches,) returned into *England* with Honour, and at his Return the Laity granted him a Thirtieth part of their moveable Goods for the Charges of his *Welſh* Expedition, which was done in Parliament, though our Author does not expreſly mention it, which ſhews us that there were many more Parliaments, than we can now find upon Record.

[3] *T. W.*

The Laity grant the King a Thirtieth Part of their moveable Goods.

All I can find as to forreign affairs is, that this year the King directed a Letter to Robert de Ufford his Justiciary in Ireland, reciting, that whereas the Community of that Kingdom had offered him 8000 marks on condition, that he would grant, that the Laws of England should be observed in that Country; the King therefore lets him understand, that since the Laws and Customs which are used in Ireland are detestable to God, & disagreeable to right Reason, he therefore having taken diligent advice and Deliberation with his Councel, thought it expedient to grant his said Subjects the Laws of England, provided that the common consent of the People, or at least of the Prelates & great men who were best affected to him shall agree to receive them. Therefore the King commands him, yt having first had a Treaty with them, & diligently examin'd their Inclinations, he should agree with them for the greatest Sum of Money he could obtain from them, or ye better, or major Part of them, as he shall find it most expedient for his Service to agree with them concerning the Premisses, & besides yt they should take care to provide, & get ready 100 able footmen to be transported, when he should think fit to send for them. This writ is to be found in a loose Bundle of Letters in the Tower vid: R—'s Coll: p. 78. From which it appears yt notwithstanding a great Part of Ireland had been for near 100 years under ye Dominion of ye Kings of England, & ye Kings writ or ye Orders yt had been sent over for yt Purpose, yet ye Power of ye great Lords & Proprietors had been so great in those Parts, that they would never admit the English Laws to be observed there till about this Time, when some of ye Prelates & noblemen, being weary of their Tyranny, & Oppression, were desirous to enjoy the like Laws & Priviledges with those of England, especialy those granted by Magna Charta, & other wholesome Statutes.

As to Church Matters in *England*, [4] *Walter de Merton* Biſhop of *Rocheſter*, and late Lord Chancellor, in a Journey as he paſſed over a dangerous Ford, had the miſhap to fall from his Horſe into the Water, and being with ſome difficulty pulled out, he thereby got cold, and died not long after; who deſerves our remembrance, as having, *Anno Domini* 1267, founded *Merton* College in *Oxford*, which hath produced many Prelates and other Perſons famous for their Learning and Worth.

[4] *Id.*

If we look into *Italy*, [5] Pope *John* XXI, being extreamly bruiſed by the fall of ſome new Lodgings, which He had built at his Palace at *Viterbo*, died of it in a few days; to whom ſucceeded *John*, Cardinal and Biſhop of *Cajeta* of the noble Family of the *Urſini*, who was called Pope *Nicholas* the Third: He was alſo learned, and wrote ſeveral Treatiſes.

[5] *C. N. Trivet.*

Pope *John* XXI dies of a Bruiſe, and is ſucceeded by *Nicholas* III.

And one of ye first things the new Pope did after his Promotion was, to send a Letter to King Edward to give him Notice of it, & to exhort him to continue in the ways of virtue, & ye good Government of his Subjects. It is dated at the Palace of St Peter in the Lateran 16th Cal: of Feb: & is published in R—'s Coll: p. 88. 89.

It is likewiſe very remarkable, that in leſs then two Years there were five Popes who ſucceded each other.

Anno Dom. MCCLXXVIII

An Waver.

The firſt Action I can find to have been perform'd by the King this Year, is the Progreſs which He and his Queen made at *Eaſter* to *Glaſtenbury-Abbey*, where He cauſed the Bones of King *Arthur* to be taken out of their Tomb, or Coffin, and having ſurveyed them with Admiration, order'd them to be laid up in their Treaſury, that all Men might ſee them; then the King and Queen having made rich Offerings or Preſents to that Monaſtery, return'd to *London*.

The King and Queen go to *Glaſtenbury* and there view King *Arthurs* Bones.

But the Antient * Leiger Book that once belonged to the Abbey of *Glaſtenbury* (called *Secretum Abbatis*) relates this Story ſomewhat otherwiſe, and though it agrees with the former concerning the King and Queen's then viewing King *Arthur*'s Bones, yet it alſo mentions thoſe of Queen *Guenevere* his Wife, both which the King ordered to be again put into their ſeveral Coffins, only that of King *Arthur's*

* *In Bib. Bodleian. pergulâ novâ.*

Another Relation of this Matter from the old Leiger Book.

Anno Dom. MCCLXXVIII

thur's were ordered to be laid by the High-Altar with an *Inſcription*, ſetting forth at large whoſe Bones they were, and that they had been viewed by King *Edward* and his Queen this very Year, in the Preſence of the Biſhop Elect of *Norwich*, and other Clergymen and Noblemen of *England*, as alſo of the Earl of *Savoy*, who was then here. This ſhews us the truth of what was related in the firſt Volume of this Hiſtory, concerning King *Arthur*'s Bones being diſcovered in the Reign of *Henry* II. But to come to Matters of greater moment:

1 Vol. Book 3. p. 137.

A Parliament at *Glocester*, and the Laws there made.

* *Vid. Keebles Stat. ad hunc Annum.*

About Fifteen days after *Midſummer* the King ſummoned a Parliament at *Glocester*, in which were made that Body of Laws called the Statutes of *Glocester*, containing fourteen Chapters, of which you will ſee the Titles or Heads at the end of this Reign: But I muſt Advertiſe the Reader that the date of the Year, in the Preface to theſe Statutes in the * Printed Copy is miſtaken, being *Anno Domini* 1277. whereas it ſhould have been 1278. and ſo is likewiſe the Publication of them, which is there ſaid to be given at *Glocester* the Fourth of *October*, whereas the Explanations of theſe Statutes, which immediately follow them, bear date likewiſe at *Glocester*, the Sunday after the Feaſt of St. *Peter* ad *Vincula* (which is the Sixteenth of *Auguſt*) ſo that this Parliament ſate about Five Weeks, which was a very long Seſſion in thoſe Times.

[2[*Ch. Abing. C. W. H.*

The King Iſſues out his Writs of *Quo Warranto*. The Earl of *Surrey* being Summoned, gives ſo ſtout an Anſwer, as ſtopt thoſe Proceedings.

Not long after this Parliament, (2) the King iſſued out certain Writs of Enquiry called of *Quo Warranto* (*i. e.* by what Warrant or Authority Men held their Eſtates) and if they could not ſhew a good Title, they were to be ſeized into the King's Hands; whereupon *John* Earl of *Warren* and *Surrey* being cited amongſt others to ſhew the Title of his Eſtate before the King's Juſtices, and asked by what Warrant he held them, ſaid thus, *My Anceſtors coming in with* William *the* Baſtard, *won theſe Lands by the Sword, and by the Sword I will defend them againſt any that will take them away; for that King did not Conquer for Himſelf alone, neither did my Anceſtors aſſiſt Him for that end*: Which being heard by the reſt of the great Men there preſent, they were much incenſed; and when the King perceived it, He was affraid, and deſiſted from his Enterpriſe of looking further into Men's Titles.

I am ſenſible that this Story may be urged by ſome as an Inſtance, That it was an Opinion then generally received, that King *William* the *Firſt* had a Right by Conqueſt to all the Lands of *England*: Perhaps the Nobility of the *Norman* Race might then believe ſo; but this doth neither prove the matter of Right, nor yet that of Fact, that ever King *William* claimed *England* by Conqueſt; But however this Inſtance plainly ſhews, that thoſe Noblemen never believed that King *William* thereby acquired an abſolute Power over them and their Eſtates.

[3] *T. Wi. M. W.*

The King goes again into *Wales*, to obſerve the Motions of the *Welſh* Prince.

[3] Prince *Llewellyn* having fail'd to appear at ſeveral Parliaments to which he had been Summoned, it made the King Jealous, that this Prince intended to break the Peace; and therefore He reſolved to go down in Perſon into the Marches of *Wales*, attended but with a ſmall Guard, about the middle of *Auguſt*, to obſerve his Motions: But ſo ſoon as the Prince heard of the King's Arrival, being afraid of his Indignation, he preſently attended Him, and making plauſable Excuſes for his not appearing, ſo far regain'd the King's Favour, as to obtain his Conſent to Marry the Lady *Eleanor* abovemention'd, and to whom he was already Contracted.

There-

Anno Dom.
MCCLXXVIII.

Therefore it is very likely, that the King continued in theſe Parts till after *Michaelmas*, and it is probable that then He being reconciled to the *Welſh* Prince, [4] he accompanied Him to *Worceſter* * where on the Third of *October*, he was ſolemnly Married to that Lady, whom he had ſo long Courted, the Queen and moſt of the Nobility of *England* being preſent at the Solemnity, and the Expences of the Wedding were wholly defray'd by the King: And this Prince waited on Him to *Weſtminſter* with his new Bride, where they kept their *Chriſtmas* with great Jollity. But this Lady dying the Year following, and thereby the main Bond of this Peace failing, it is no wonder if it did not laſt long, as you will find hereafter.

Who is now Married to *Simon Montfort's* Daughter.

[4]
* *T. Wi.*

About the middle of *October* the King held another Parliament at *Weſtminſter*, though what was done there we do not find; only that *Alexander* King of *Scots* appeared at it, either to do his Homage (as the Annals of *Worceſter* ſuppoſe) for *Tivedale* and *Weſtmorland*, or elſe (as *Walſingham* relates) only to conſult with the King concerning ſome weighty Affairs relating to his own Kingdom; which is the more likely of the two, ſince he had already perform'd his Homage at the King's Coronation: But at this Parliament, he [1] alſo obtain'd the Royal Letters, teſtifying, That the late Aſſiſtance which he had given the King in the War againſt *Wales*, was not done by reaſon of any Service due to the Crown of *England*.

[5]
Id. ib.
The King holds another Parliament at *Weſtminſter*, at which the King of *Scots* appears.
Angl. Sacra Vol. I.

[1]
F. Wal.

There happened little elſe conſiderable, but that the King finding His Money to be very much clipped, and the *Jews* being accuſed as the Authors of it, about the middle of *November* * He cauſed all of them in *England* to be ſeized and put in Priſon in one day, a great many of whom being found Guilty of that Crime before certain Juſtices, whom the King had appointed for that Purpoſe, no leſs than Two hundred and fourſcore *Jews* of both Sexes were executed at *London* for this Offence, beſides a Great number of them who ſuffered in other Cities in *England*.^

[2]
Id. ib.
Many *Jews* ſeized and Executed for clipping the Money.
* *M. W. T. W.*

× And to say something further as to forreign Affairs: in ye Month of March, the begining of this Year ye King married his third Daughter Margaret, to John son to the Duke of Lorrain and Brabant, as appears by that Duke's Articles of Agreement with King Edward before the Marriage, concerning the Portion & Dowry of ye young Princess, the Copies of which are still preserved with the Chamberlain of the Exchequer, & are published in R—'s Coll: p. 100. to, 105.

Alſo this Year the Queen of *Caſtile*, Mother to Queen *Eleanor* deceaſed, by whoſe Death the Earldom of *Ponthieu* in *Picardy*, fell to Queen *Eleanor* Her Daughter, as right Heir thereof.^ (2)

[3]
M. W.
The Queen of *Caſtile* deceaſes.

(2) ^ which proved a considerable accession to the Kings territories in France.

As for Church Affairs, this Year Pope [4] *Nicholas* created *Robert Kilwarby*, Archbiſhop of *Canterbury*, a Cardinal; and commanding his Attendance in *Italy*, made him Biſhop of *Porto*, which Honour the Archbiſhop accepted, though much to his Loſs: So reſigning his Archbiſhoprick, he went into *Italy*, and there deceaſed not long after. But it may very well be queſtion'd, whether the Pope advanced this Archbiſhop, ſo much out of Reſpect to him, as to get him from ſo conſiderable a Poſt, and to put one of his own Favourites in his place: For when *Robert Burnel*, Biſhop of *Bath* and *Wells*, the King's Chancellor, had been Canonically Elected Archbiſhop, the Pope vacated the Election, and by his ſole Authority conferr'd that Dignity upon *John Pecham* a Friar Minor, then his Reader or Lecturer in Divinity; who coming over into *England*, was Conſecrated the Year following, and proved a notable Stickler for the Papal Power.

[4]
Id. ib.
Robert Kilwarby Archbiſhop of *Canterbury*, being made a Cardinal, leaves the Kingdom, and goes to *Rome*.

He is ſucceded by *John Pecham* a Friar Minor.

Anno. Dom.
MCCLXXIX.

I find little worth noting to have happened this Year, until the beginning of this Summer, * when the King, together with the Queen, paſſed the Seas into *France* about the Feaſt of *Aſcenſion*, and were honourably entertain'd by King *Philip* and the Great Men of his Kingdom at *Amiens*;

* *Id.*
The King goes into *France* and renews His Homage to that King.

Anno Dom. MCCLXXIX.

Vid. Mezer Hiſt. de France. ad hunc An.

Amiens; and there he received the Homages of the King and Queen of *England*, of the former for the Countries of *Agenois*, *Limoſin*, *Perigord*, *Xantoigne* in *Aquitain*; and of them both for the Earldom of *Ponthieu* in *Picardy*, lately fallen to the Queen: And then that King confirmed the Poſſeſſion of thoſe Territories to them and their Heirs; and for this Grant King *Edward* reſign'd all his Right in the Dutchy of *Normandy*, only reſerving Thirty Livres of *Paris* Money to be paid Annually out of the King's Exchequer; though I do not find that this ſmall Tribute or Acknowledgment was ever paid. When the King had diſpatch'd his Affairs in *France*, He and his Queen returned into *England* a little before *Midſummer*. *

* I must here further observe That during the Kings absence in France, the Bishops of Worcester & Hereford, with Edmund Earl of Cornwall, & Henry Earl of Lincoln were appointed Lords Justices, or Lieutenants during his absence; and it is also very observable yt ye King then ratifyed the former Peace & agreement made between the late King Henry and Lewis King of France containing all the Particulars above mention'd as appears by a Copy of the Charter it self, under the Great Seal of King Philip of France, bearing Date at Amiens A.D. 1279. & is recorded in a Book in the Exchequer, vid: R–s Coll: p. 134 to 137.

[5] *Chron. Abing. MS.* *M. W.*

All the Money of the Kingdom is new coin'd.

The First thing He did after his Return, was, [5] the new coining all the Money of the Kingdom, which had been ſpoiled by the clipping of the *Jews*; and whereas the Penny before this King's time was ſtamped with a deep Croſs quite through the midſt of it, ſo that it might be divided according to Peoples occaſions into Half-pence and Farthings, the King now ordered a new Penny to be coin'd, which was called the *Penny-Round*, theſe were of the ſame Value with the former, *viz.* Fourpence Sterling, and a Pound of Silver being then worth Three Pounds, weighed alſo a Pound weight: But you are alſo to obſerve that this new Coin was called the *Round-Penny*, not as if the Old Peices had not been alſo coin'd of the ſame Figure, but becauſe being now ſtamped without any ſuch deep Creviſe through the middle, they could not be any more divided as they were before; and at this time there was no more then one ſort of Silver coin'd in *England* (*viz.* Pence.) Nothing elſe happened remarkable, only the [1] Lord *Roger de Mortimer* this Year held a Great Tourneament at *Warwick* of a hundred Knights, who were called Knights of the *Round Table*, in memory of the old Romantick Round Table of King *Arthur*. To this Solemnity, vaſt numbers both of Foreign and *Engliſh* Noblemen reſorting, a great deal of Money was there idlely expended.

[1] *M. W.*

A great Tourneament held at *Warwick*.

A Provincial Synod at *Reading*.

[2] *Chron. de Abing. MS. in Bib. Pub. Cantab.* *Regiſt. Peckham* MS. Printed in *Spelman's* Council, 2d Vol. *ad hunc An.*

* *Ad finem p.* 25.

* *Vid.* Dr. Wakes State of the Church, p. 220.

As for Eccleſiaſtical Affairs, the moſt remarkable is, That this new Archbiſhop of *Canterbury*, about St. *James-tide*, [2] held a Provincial Council or Synod at *Reading*, in which divers Antient Decrees of General Councils were revived, and ſeveral new Canons made, and among theſe, this Conſiderable one, that all Rectors or Parſons of Churches ſhould for the future enjoy but one ſingle Benefice with cure of Souls: And whereas another Canon of this Council is ſet down in * *Lynwoods* Provincial Conſtitutions, as if it had been then ordain'd, that the Inferior Clergy of every Dioceſs ſhould be repreſented, *and appear in each future Synod or Council by two Proctors at leaſt, choſen by the ſaid Clergy*, this is added to * *Lynwood*, and is not found in the antient Manuſcript Copies of this Council: However, many Years before this, the Inferior Dignified Clergy, ſuch as Deans and Priors, with the Proctors for the Chapters of Cathedral Churches, often appeared in thoſe Aſſemblies, and were thereunto impower'd by Inſtruments, or Letters of Proxy from the ſaid Bodies for that purpoſe, as were likewiſe the Arch Deacons, by a like Inſtrument, to repreſent and act for the Inferior or Parochial Clergy of each Dioceſe, who in thoſe days, when Synods were frequent, were willing to be excuſed the Expence and Trouble of Attendance: And this method was often practiſed during the long Reign of *Henry* the Third, as appears from the Authorities of *Matt. Paris*, cited in

Vid. p. 329, 389, 446.

in the Margin; but from about the Tenth of *Edward* the *Firſt*, the Proctors of the Inferior Clergy, have been moſt commonly admitted into our Provincial Councils.

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Yet that theſe Synods were not uſually Summoned at the ſame time with the Parliament, appears by what the Learned Dr. *Wake* (already cited) has proved at large. However Proctors of the Inferior Clergy were not called to Parliament 'till the Twenty third Year of this King's Reign, when He Summoned all the Biſhops, Abbots, and Inferior Clergy to His Parliament at *London*, and made them appear there as a Third Eſtate; of which you will find more hereafter.

The State of the Church and Clergy, lately Printed, Cap. VI, VII.

Alſo this Year deceaſed *Walter Giffard*, Archbiſhop of *York*, a jolly hoſpitable Prelate, who was ſucceeded by *William Wickwaine*, of a quite contrary Temper, being lean, ſevere, and covetous; but otherwiſe of a ſtrict and unblamable Converſation.

Chron. de Lanercoſt, MS. in Bib. Cott.
Walter Arch Biſhop of *York* dies.

But the chief thing worth our notice this Year, is, That the King having Summoned a Council at *Weſtminſter* in the beginning of *November*, that famous *Statute of *Mortmain* was enacted; whereby all Perſons as well Religious as Others, were ſtrictly forbid to ſell, give, or Leaſe out any Lands or Tenements, whereby ſuch Lands, &c. might any ways come into *Mortmain* (*i. e.* into the hands of Eccleſiaſtical or Religious Perſons, who were looked upon as dead hands, becauſe they did not give the Kingdom any Military Defence or Aſſiſtance) under pain of forfeiture thereof; and in ſuch caſe the next Lords of the Fee ſhould have Power to enter upon the ſame. The reaſon of which Statute is beſt underſtood by the Preamble to it, which I ſhall here ſet down.

* *Vid.* the Stat. at large, *ad hunc An.*
The Statute of *Mortmain* enacted, with the effect thereof.

'Whereas of *late it was provided, That Religious Men ſhould not 'enter into the Fees of any, without Licence and Will of the Chief 'Lords, of whom ſuch Fees be holden immediately; yet notwithſtanding ſuch Religious Men have entred as well into their own Fees, as 'into the Fees of other Men, appropiating and buying them, and ſome 'time receiving them of the Gift of others, whereby the Services, that 'are due of ſuch Fees, and which at the beginning were provided for 'Defence of the Realm, are wrongfully withdrawn, and the Chief 'Lords do Leeſe their Eſcheats of the ſame: We therefore, &c. Then follows the enacting Part, which is repeated more at large among the Laws at the end of this Reign; therefore I ſhall ſay no more of it here, but that Monkery did thereby receive ſo great a Blow, that it is no wonder our Monkiſh Authors thereupon complain, *that the Eſtates of the Kingdom wanted Faith to believe that the Army of the* Amalakites *was more ſubdued by the hand of* Moſes, *then the Fighting of the Children of* Iſrael; as if the Prayers of the Monks, and thoſe of *Moſes*, had the like efficacy. But enough of theſe Fopperies.

* *Vid. Stat.* 9. *H.* 3. *C.* 36.
For the reaſon of this Statute, ſee *Notit. Monaſtica. pref. p.* 58.

This Year proving Barren of Civil Matters of any great moment, I ſhall give you all I can find to have been performed in it, which is, [4] That King *Edward* now cauſed a Noble Toomb to be made for the King His Father, in the Abbey Church of *Weſtminſter*, and adorned it with thoſe *Jaſper* Stones He had brought with Him out of *France* for that end: It is that very Tomb, which is to be ſeen at this day, with King *Henry*'s Effigies upon it in Braſs, near that of *Edward* the Confeſſor, and is, I ſuppoſe, the moſt antient of that kind in *England*; that

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[4] *T. W. Ypod. Neuſt.*
King *Edward* makes a Monument for His Father.

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that of King *John* at *Worceſter*, with His Image upon it, being erected after the end of His Son's Reign.

[5] *Id. Hiſtor. Angl. Concil.* Spelman, 2 Vol. A Synod at *Lambeth*, and what was there decreed.

[1] *C. T. Wikes.*

[2] *Ch. Abing.*

As for Eccleſiaſtical Affairs, [5] the Archbiſhop of *Canterbury*, in the beginning of the Month of *October*, held a General Synod of the Biſhops and Clergy of his Province at *Lambeth*; where ſeveral new Canons were decreed, and thoſe of *Otto* and *Ottobon* Legates in the time of King *Henry* the *Third* were again renewed and confirmed. The Archbiſhop then made alſo divers other Conſtitutions in that Synod, as [1] that all Rectors of Churches having care of Souls, ſhould be made Prieſts within a Year enſuing, or elſe be deprived of their Benefices; which ſhews the corruption of the Church at that Time, when meer Deacons, if they had *curam Animarum*, might put in Curates to officiate for them. [2] The Archbiſhop did at the ſame time propoſe to annull ſeveral Prerogatives belonging to the King, and relating to Eccleſiaſtical Benefices, and Perſons, as his Cognizance of *de Jure Patronatus*, or of the Right of *Patronage* or *Preſentation*, and Pleas concerning the Chattles of Clergymen; but when the King found what they were doing, He ſent thither certain Commiſſioners, who openly declared againſt their Proceedings, and threatned all ſuch as ſhould preſume to intrench upon the Royal Prerogative; and ſo put an End to thoſe Debates. There were then alſo made divers other Conſtitutions Eccleſiaſtical, for which I refer the Reader to Sir *H. Spelman*'s 2d Volume of the *Brittiſh* Councils.

* *M. W. ad An* 1281. Abbots and Priors exempt refuſing to appear at this Synod are excommunicated by the Archbiſhop.

[3] *Id. ib.* *Americ de Montfort* is ſet at Liberty.

T. Wi.

I ſhall here further obſerve, * That the Archbiſhop having ſummoned to this Synod all Abbots, and Priors, as well *Exempt* as not *Exempt* from Epiſcopal Juriſdiction, the latter refuſing to appear, the Archbiſhop thereupon iſſued out a Severe Sentence againſt them, by which he *ſuſpended* all ſuch *Exempt* Abbots and Priors from ſo much as entring into their Churches; from which Sentence the Abbots of *Weſtminſter*, St. *Edmundsbury*, and *Waltham*, together with the whole *Ciſtertian* Order, did ſtrait appeal to the Pope; but I do not find that any thing farther came of it. Nothing elſe happen'd remarkable in Church Matters, [3] but that *Americ de Montfort* the King's Couſin, who had been Four Years a Priſoner, was now by the Interceſſion of the Archbiſhop of *Canterbury* diſcharged of his Impriſonment, as being a Clergyman in Holy orders, upon which he immediately went to his Relations in *Italy*; where in the mean while, Pope *Nicholas* III. dying ſuddenly, *Simon* of *Towrs*, Cardinal of St. *Sabin*'s, was choſen in his ſtead, who took the Name of *Martin* IV.*

* Who immediately after his Promotion gave King Edward an account of it by a Letter for that Purpose, in which are also inserted divers honest and whole-some Exhortations to a good & just Government, as appears by ye original which is still pre-served & is published in R—'s Coll: p. 166. 167. And to add something of lesser moment, King Edward this year sent Bailiffe & other officers, that they should aid & assist Peter Corbet toward the taking and destroying all Wolves in ye Forrests & Parks in the Counties of Glocester, Worcester Hereford, Shropshire & Staffordshire by Dogs and Engines as he should think fit during the Kings Pleasure as appears by his Letters Patents [Pat. 9 Ed: I. M. 20.] published in R—'s Coll: p. 168 169. from whence it appears that notwithstanding ye Authority of some of our modern Historians, wolves were not destroyed in ~~England~~ the mountainous parts of the western and north western Counties of England till towards the end at least of this Kings reign if not later.

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[4] Dr. *Ps. Chron.* Prince *Llewellyn* afreſh exaſperated againſt the King, and upon what Occaſion.

Prince *Llewellyn*, having for about Four Years laſt paſt, pretty well obſerved the late Treaty of Peace; and his Wife the King's Couſin dying about this time, he now grew more and more exaſperated againſt the King and *Engliſh* Nation, daily complaining of great Grievances and Oppreſſions impoſed upon him by the Wardens of the Marches, and the Chief Juſtice of *Cheſter*; who only minding their own profit, oppreſſed the Inhabitants with new Exactions, contrary to the Laws and Cuſtoms of the Country; as alſo that they ſhewed themſelves partial to the *Engliſh* in any Suit or difference at Law that came before them; which exactions and partiality did ſo alienate the Hearts of the *Welſhmen* from the King of *England*, that they reſolved to endure any thing rather then theſe Oppreſſions: Wherefore the Noblemen and People Aſſembling together, prevailed upon *David* Lord of *Denbigh* to be reconciled to Prince *Llewllyn* his Brother; and taking pitty upon the miſerable Condition of the Country, to become their Captain and General, as being more experienced in Matters of War than the Prince himſelf.

Prince *Llewelyn* is reconciled to his Brother, on condition he would quit the *Engliſh* Intereſt.

But one of the Chief Conditions of *David*'s Reconciliation to the Prince his Brother was, That he promiſed, he would never after ſerve the King of *England* as he had done before, but become his utter Enemy: Which being done, [5] *David* preſently began the War, and beſieged and took the Caſtle of *Harwarden*, and therein Sir *Roger Clifford*, Juſtice of the Marches, who was grievouſly wounded; ſlaying all that reſiſted, and ſpoiling all the Country. This done, he with his Brother the Prince laid Siege to the Caſtle of *Rothland*.

Id. Ib.

[5] *T. Wa. Ypod. Newſt.*

Prince *Llewellyn* revolts, takes the King's Juſtice Priſoner, and ſpoils the *Engliſh* Borders.

When the King (who was then keeping his *Eaſter* at the *Deviſes*) heard this, He preſently ſummoned a Council of his Nobility to meet him on *Midſummer-day* at *Worceſter*, and to be all ready to attend Him with their Horſes and Arms at the Feaſt of *St. Peter*, or the Nine and twentieth of *Auguſt*. The King then perceiving this War was like to continue long, [2] He, to be nearer his Civil as well as Military Affairs, removed his Courts of Juſtice from *Weſtminſter* to *Shrewsbury*, and raiſing a Great Army out of all the Counties of *England*, marched towards *Wales* to raiſe the Seige; but upon his Approach, the Prince with his Army retired into the mountainous Parts of the Country: But ſome time before this, *Rees* the Son of *Maelgon*, and *Griffyth ap Owen*, with other Noblemen of *South-Wales* took the ſtrong Caſtle of *Aberyſtwyth* (otherwiſe called *Lampader Vawr*) and divers other Caſtles in that Country, ſpoiling all the *Engliſh* that inhabited thereabouts.

[1] *Chron. T. Wikes Annal. Wigorn.*

The King Summons a great Council at *Worceſter*.

[2] *Matt. Weſt.*

And removes his Courts from *Weſtminſter* to *Shrewsbury*, and raiſing a great Army Marches into *Wales*.

To put an amicable end to this War, [3] the King (being now at *Rothland* Caſtle) ſent the Archbiſhop of *Canterbury* to treat with the *Welſh* Prince and his Brothers; or as the Archbiſhop in his Propoſals to the Prince ſets forth, he went of his own accord (without the King's Order) to Mediate a Peace between the King and him.

[3] *Id. Ib.*

The King ſent the Arch-Biſhop of *Canterbury* to Treat with the *Welſh* Prince about a Peace.

* Dr. *Powell* in his Chronicle hath given us all the Proceedings of this Treaty with the *Welſh* Prince, from the Manuſcript Regiſter of *John Pecham*, Archbiſhop of *Canterbury*; having firſt ſet down the Requeſts and Complaints of the ſaid Archbiſhop to the Prince of *Wales* and his People, concerning their late Breach of the Peace, and their ſudden making War upon the *Engliſh*. And in return to theſe Articles, there follows the Prince's Anſwer or Apology for his late Actions, wherein he ſets forth the great Oppreſſions and Injuries offer'd by the King and his Officers to himſelf and Subjects, contrary to the Articles of Peace lately made; which Grievances being redreſſed, he declares himſelf ready to make Amends for all Treſpaſſes and Wrongs done by him, to the utmoſt of his Power; and if the like may be perform'd on the King's part, he would then conclude and eſtabliſh a laſting and a Firm Peace, and that without raiſing any Army, or moving the Prelates of the Church to *Excommunicate* them; ſo concludes with deſiring the Archbiſhop not to give credit to the falſe Suggeſtions of his Enemies. Dated at *Garth-Celyn*, at the Feaſt of *St. Martin* (*i. e.* the Eleventh of *November*,) 1381.

* *P* 338 to 371.

Vid. Arch-Biſhop *Pechams Reg.* p. 344 345.

The Arch-Biſhop's Complaints againſt the Prince.

This Defence is written in Latine, and is very well and cloſeſly pen'd according to the mode of Writing at that time. Then follwos

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The Heads of the Prince's Articles of the Grievances & Oppreſſions committed by the K. and his Officers.

a large Liſt of the particular Grievances and Oppreſſions, ſent with the ſaid Appology from Prince *Llewellyn* to the Archbiſhop; which are tranſlated Word for Word out of the ſaid Records, containing Eleven Heads or Articles.

The *Firſt* of which, is, the King's detaining divers Lands in *Aruſtly*, betwixt the Rivers of *Dyui* and *Dulas*; which though the King had granted ſhould be examined according to the Laws and Cuſtoms of *Wales*, yet notwithſtanding, the Day of appearing before the King was not only put off, but he the Prince was cited to other Places, where he ought not to have been ſummoned: Neither could he obtain any Juſtice or Judgment, unleſs it were according to the Laws of *England*, contrary to the Articles of the Peace. Nay at the laſt the King Himſelf at *London* denied him Juſtice, unleſs he would be judged according to the *Engliſh* Laws in the ſaid Matter.

The *Second* ſets forth, That when the Lord *Reginald Gray* was made Juſtice, he began divers Accuſations againſt the Men of *Tegengl* and *Ros*, for Treſpaſſes done in the time of the late King *Henry*, contrary to an Article of Peace, whereby all Injuries on both ſides were to be remitted.

The *Third* ſets forth the Injury done to *Rees ap Malgon*, in being ſpoiled of his Lands of *Geneurglyn*, which he then held, together with the Tenants and Cattel upon the Premiſſes.

The *Fourth* contains another Complaint againſt the Lord *Reginald Gray*, for introducing many new Cuſtoms into the Four *Cantreds*, which the King holds in his hands, contrary to his own Grant and Agreement.

The *Fifth* Grievance, is, the King's ſending Juſtices into *Angleſey*, who preſume there to judge the Men and Subjects of the Prince, ſetting Fines upon them, contrary to the Laws of *Wales*; ſeeing neither this nor any thing like it was ever heard of in times paſt, impriſoning ſome, and outlawing others; whereas the Prince is always ready to do Juſtice to all Men that complain againſt any of his Subjects: And indeed all Controverſies between the Prince and any other within his own Territories, are to be decided according to the Laws of *Wales*, and by no other whatſoever.

The *Sixth* is of no great Moment; therefore I omit it.

The *Seventh* complains of the Exaction of the Duty called *Aurum Reginæ*, which the Prince was forced to advance to the Queen over and above the Money he paid to the King; and beſides which, he was alſo made to pay Two thouſand Marks to the Queen *Mother*.

The *Eighth* ſets forth, That when the Prince laſt waited on the King at *Worceſter*, at his own Marriage, the King, on the ſame day, and juſt before it was ſolemnized, forced him to Seal and Deliver a Writing, containing (among other things) That he would never harbour nor maintain any Man againſt the King's Will; by which Means it might come to paſs, that the beſt of the Prince's Men might be taken from him whenever the King pleaſed.

In the *Ninth* he complains of the Juſtice of *Cheſter*, for levying a Diſtreſs upon his Goods in lieu of a certain Shipwreck which he had ſeized during the late War; notwithſtanding that all ſuch Treſpaſſes on either ſide were releaſed.

The *Tenth* being only concerning the taking away certain Goods belonging to the Prince's Subjects, and killing ſome of them by the *Engliſh*, I barely mention, as being of no great Moment.

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The *Eleventh* ſets forth, Whereas it is contain'd in the Peace, That all things committed in the Marches ſhould be redreſſed in the Marches; yet the King's Officers would not there hear the Prince's Men, but put them in the Caſtle of *Lhanpadarn*, which is againſt the Peace aforeſaid, and by which Articles, and divers others, the King ſtandeth ſworn to the Prince and to his People; and although both He and they have often requeſted that the ſaid Articles ſhould be obſerved, yet that they were never kept, but the King's Juſtices do daily heap more Injuries and Oppreſſions upon the People of thoſe Parts; ſo that he (the Prince) cannot be blamed, if he did aſſent to thoſe who began this laſt War, ſeeing the Oath which the Lord *Robert Tiptoft* had taken for the King, was in no point obſerved; and chiefly ſeeing the Prince was forewarn'd, That he ſhould be taken ſo ſoon as the King came to *Ruthlan*, as he had been indeed if the King had come thither after *Chriſtmas*, as He deſign'd.

Then follow the [3] Grievances done by the King and his Officers to the Lord *David ap Griffyth*, Brother to the Prince; which do not ſeem ſufficient to require the making of a War for them, they being only about the King's uſurping upon him certain Towns, which he claim'd as belonging to thoſe *Cantreds* the King had beſtowed upon him: As alſo for his being made to anſwer, at the Suit of one *William Venables*, at the Court of *Cheſter*, for certain Villages of *Hope* and *Eſton* in *Wales*, which he held of the King, and for which he ought to anſwer no Man, but according to the Laws of *Wales*.

The reſt of the Articles, containing certain Complaints againſt the *Juſtice* of *Cheſter*, for cutting down and carrying away his Woods, where he the ſaid *Juſtice* had no Juriſdiction; or elſe as being falſly accuſed for receiving certain Thieves or Outlaws, I barely mention.

The laſt Article ſets forth, That whereas it is provided by the ſaid Peace, that all *Welſhmen* in their Cauſes ſhould be judged after the Laws of *Wales*, this was in no Point obſerved with the ſaid *David* and his People: For which Grievances, thô He had often demanded Amends from the ſaid *Juſtice*, either according to the Laws and Cuſtoms of *Wales*, or of ſpecial Favour, yet He could never obtain any Redreſs at his Hands.

The ſaid *David* further ſets forth, That He was warn'd at the King's Court, that He ſhould be taken and ſpoiled of his Caſtle of *Hope*, his Woods ſhould be cut down, and his Children taken for Pledges, as ſoon as *Reginald Gray* ſhould come from the Court. Wherefore ſeeing, notwithſtanding his faithful Serving of the King in his Wars, yet that He could obtain neither Juſtice, Amends nor Favour at his Hands, having ſuch great Wrongs offer'd unto Him, and fearing his own Life and his Children's, or elſe a perpetual Priſon, He was forced, as it were againſt his Will, to undertake this War,

Theſe Articles have very plauſible Appearances: But whether they could have been all made out, eſpecially the laſt, cannot be determined at this diſtance of time; eſpecially ſince we do not find what Anſwer was return'd to them by the Archbiſhop. But as for the ſeveral Articles of Grievances, then given in by the Men of *Roſs* and *Penlyn*, concerning ſeveral Murthers, Treſpaſſes and undue Exactions of Money upon the ſaid People; as alſo the many Injuries and Oppreſſions offer'd by the King and his Juſtices towards *Rees ap Vachan* of Stratwy, and ſeveral other *Welſh* Noblemen, concerning divers Uſurpations upon their Lands, Privileges and Franchiſes, and the Diſinheriting them of their

Eſtates,

[3] *Ib. p.* 350.

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Eſtates, contrary to the Laws and Cuſtoms of *Wales*, which they were by Vertue of the late Peace ſtill to enjoy; I only mention them, ſince they are very long: And therefore I refer the Reader to my Author Dr. *Powell*, for farther Satisfaction, if he deſire it.

The Reaſons that the *Welſh* had to begin the War.

I have only ſet down theſe Particulars, to let you ſee, That the *Welſh* had ſome (I will not ſay ſufficient) Reaſons to begin this War: For althô the Complaints of thoſe, who have taken Arms againſt their Superiors, are not to be altogether believed, yet is it not likely that a Prince and People, who had been ſo lately ſubdued, ſhould take up Arms againſt ſo powerful a Prince as the King of *England*, unleſs they had been highly provoked by the Wrongs and Oppreſſions of his Officers, and for which they could not obtain any ſufficient Redreſs or Satisfaction; and perhaps this politick Prince might order, or at leaſt permit many of theſe Oppreſſions on purpoſe, That the *Welſh* Prince and his Subjects being driven to take up Arms, He might thereby have ~~a juſt~~ Pretence wholly to ſubdue that Prince, and conquer his Country. But leaving theſe Conſiderations, as only probable, let us now return to the Hiſtory.

[4] *Id.* The Archbp. interceeds for the Pr. That the K. would admit of a Treaty with him, which is refuſed.

The [4] Archbiſhop having received theſe Articles, came to the King, and beſeeched Him to conſider theſe Wrongs, and to cauſe Amends to be made, or at leaſt excuſe the *Welſhmen*, as having ſo juſt Cauſe of Diſcontent. The King anſwered, That the *Welſhmen* were to be in part excuſed, and that He was ever ready to do Juſtice to all Men that complained. Whereupon the Archbiſhop again beſought the King, That the *Welſhmen* might have free and ſafe Acceſs to Him, to declare their Grievances, and to ſeek for Remedy. The King replied, they ſhould freely come and depart, if it ſhould appear that by Juſtice they deſerved to depart in Safety.

The Pr. Refuſes to ſubmit himſelf abſolutely to the King.

When the Archbiſhop had received this Anſwer, he return'd to the Prince of *Wales*, being then at *Snowdun*, that he might perſwade him and his Abettors to ſubmit themſelves, and thereby encline the King to admit them to a perſonal Treaty. When the Archbiſhop arrived, he had a long Conference with the Prince, where at laſt he gave him this final reſolute Anſwer; which, had it come from the Mouth of one ſtrong enough to make good what he ſaid, had been counted truly magnanimous and worthy a Prince: *That he was willing to ſubmit himſelf to the King, reſerving two things; the Firſt was the Conſcience or Senſe he ought to have for the Safety and well Government of his People; the Other was the Honour or* Decorum *belonging to his Dignity and Calling.* The Archbiſhop returning to the King with this Anſwer, his Reply was, *That He required, the Prince and his People ſhould abſolutely ſubmit themſelves to Him.* But the Archbiſhop knowing that the *Welſhmen* would never ſubmit themſelves upon thoſe Terms, he then requeſted the King, That He would permit him to confer with the Noblemen then at Court; and that He would follow their Advice in ſo weighty an Affair; which being agreed to by the King, the Archbiſhop and the Nobility having conſulted together, they at laſt agreed upon theſe following Articles, which the Archbiſhop ſent in his own Name to the Prince, by *John Wallenſis*, viz.

Articles agreed by the A. Bp and Nobility to be Propoſed to the Pr. in order to a Peace.

Firſt, That of the Four Cantreds, and the Lands by the King given to his Nobles, and the Iſle of *Angleſey*, He will have no Treaty about them.

Alſo, *Secondly*, as to the Tenants of theſe Four Cantreds, if they will ſubmit themſelves, He purpoſeth to do as becometh a King; and we verily believe, He will deal with them mercifully; and to that end we will endeavour, and truſt to obtain it.

Thirdly, as touching the Lord *Llewellyn*, we can have no other Anſwer, but that he ſhall ſubmit himſelf wholly to the King: And we certainly believe He will deal mercifully with him; and to that end we labour all we can, and verily have great Hopes to be heard by Him.

Theſe following Articles were to be propoſed to the Prince in Private.

[5] *Id.*

Firſt, That the Nobility of *England* have contrived this favourable Method of a Peace, that the Lord *Llewellyn* ſhould ſubmit himſelf to the King, and that he ſhould allow him an honourable maintenance of a Thouſand Pounds Sterling, with ſome County or Earldom in *England*, provided the ſaid Prince would put the King in quiet Poſſeſſion of *Snowdun*; and then the King will alſo honourably provide for the ſaid Prince's Daughter, according to her Quality and near Relation to Him.

Secondly, Alſo if it ſhall happen, That Prince *Llewellyn* * ſhould Marry another Wife, and have by her an Heir Male, they hope to intreat the King that ſuch Heir, and his Heirs, ſhall have the ſame Thouſand Pounds *per Annum*, and Country, ſettled upon him for ever.

* Note the Princeſs his Wife, the King's Coſin was lately Dead.

Laſtly, as to the People Subject to the ſaid *Llewellyn*, the King will provide for them, as becometh their Eſtates and Condition: And to that the King is well inclin'd.

Theſe Articles are to be propoſed to David, *Brother to* Llewellyn, *in Private.*

The Articles propoſed to Prince Da

Firſt, That if, for the Honour of God, he will go to the *Holy Land*, he ſhall be ſet out and maintained by the King, according to his Quality, provided he do not return, unleſs he be recalled by the King: Then follows divers Motives, why *David* and the *Welſhmen* ſhould now ſubmit, ſince a much greater Peril now hangs over them, than when he (the Archbiſhop) was with them; and though theſe Conditions may ſeem grievous, yet it is a great deal worſe to be ſubdued by Arms, whereby they and their Families may be extirpated, ſince their Danger encreaſes every day more and more; and that it is a miſerable thing to be always in War, in anguiſh of Mind and danger of Body, to live in Rancor and Malice, and to die in deadly Sin.

Laſtly, The Archbiſhop declares, That unleſs they do agree to Peace, he muſt iſſue out the Sentence of *Excommunication* againſt them; whereas if they will agree, they ſhall find Grace and Mercy. Then concludes with

Pray ſend us your Anſwer in Writing.

When Prince *Llewellyn* had received theſe Propoſals, he returned his Anſwer in Writing, together with the following Letter in Latin, which was thus directed;

To the moſt Reverend Father in Chriſt, *the Lord* John, *by God's Grace Archbiſhop of* Canterbury, *and Primate of all* England, *his obedient Son* Llewellyn, *Prince of* Wales *and Lord of* Snowdun, *ſendeth Greeting.*

'Moſt heartily with all Reverence and Honour, we are content and 'ready, Holy Father, as you have councelled us, to ſubmit our 'ſelves unto the King's Grace, provided it be in that Form, that ſhall

'be

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be ſafe and honourable for us: But becauſe that Form of Submiſſion, contained in the Articles which were ſent us, is neither ſafe nor honourable; and, as we and our Council do ſuppoſe, tends rather to the Deſtruction of us and our People, than any Security or fair Dealing; we may in no wiſe yield our Aſſent unto it: And if we ſhould ſo do, our Nobles and People would not agree to the ſame, knowing the Miſchief and Inconveniency that is like to enſue thereof. Nevertheleſs, we beſeech your Holy Fatherhood, That for the perfecting of an honourable and firm Peace, (for which you have taken ſo great pains, and do ſtill circumſpectly provide) you would conſider the following Articles, which we now ſend unto you in Writing; ſince it is more Honourable for the King, and more agreeable to Reaſon, that we ſhould hold our Lands in the Country where we dwell, than that we ſhould be diſinherited, and our Lands given to Strangers. Dated at *Garth-Celyn*.

The Anſwers of the *Welſh* Noblemen to theſe Articles on their Prince's behalf.

After this follow, the Anſwers of the *Welſh* Noblemen on the behalf of their Prince.

The ſubſtance of which is, That though the King will not allow to have any Treaty concerning the Four *Cantreds*, which He had given his Nobles, nor about the Iſle of *Angleſey*, being already Conquer'd; yet the Prince's Council will not agree to a Peace, unleſs a Treaty may be had about them, ſince they had belonged to the Princes of *Wales*, from the time of *Camber* the Son of *Brutus*, and had been alſo confirm'd to the Prince, by *Ottobon* the Pope's Legate, with the conſent of this King and his Father.

Secondly, all the Tenants of theſe Cantreds do affirm, That they dare not ſubmit themſelves to the King's Pleaſure.

Firſt, Becauſe He hath obſerved no Grant, Covenant or Oath, which He hath ever made to the Prince and his People.

Secondly, The King's Men do cruelly Tyranize over the Church and Church-men.

Thirdly, That they (the *Welſh-men*) are not bound to any ſuch Matter, ſeeing they are the Prince's Tenants, who are ready to do the accuſtomed Service, and to obey the King, with and by the ſaid Service.

Fourthly, As to what is required, That the Prince ſhould ſimply ſubmit himſelf to the King's Will, it is anſwered, That ſince none of us ſingle dare come to the King, for the Cauſes aforeſaid; we being all together will not ſuffer our Prince to come to Him in that manner.

Fifthly, Alſo ſuppoſing the Great Men of *England* would procure a Proviſion of a Thouſand Pounds a Year for the Prince in *England*; it may be anſwered, That ſuch Proviſion is not to be accepted, for that it is promoted by thoſe, who go about to diſinherit the Prince to have his Lands in *Wales*.

Sixthly, The Prince ought not to reſign his Inheritance in *Wales*, which he and his Predeceſſors have enjoyed ſince the time of *Brutus*, and take Lands in *England*, where he underſtandeth neither their Language, Manners, Laws nor Cuſtoms; ſo that he may be ſoon enſnared by the *Engliſh*, his old inveterate Enemies, and thereby may loſe the Lands in *England*: For ſeeing the King goeth about to deprive him of his antient Inheritance, it is not likely He would ſuffer him long to poſſeſs any Lands in *England*, where he claimeth no ſuch Right, *&c.*

Seventhly,

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Seventhly, As to the King's Demand of the Delivery of *Snowdun*, it may be anſwered, that ſeeing that Place is one of the Chief Appurtenances of the Principality of *Wales*, which the Prince and his Predeceſſors have held ever ſince the time of *Brute* (as is before ſaid) his Council will not ſuffer him to renounce that Place, and to take another leſs due unto him.

Laſtly, the People of *Snowdun* ſay, 'That although the Prince would give the King poſſeſſion of it, yet they would never do Homage to Strangers, of whoſe Tongue, Manners and Laws, they are utterly ignorant; for by that means they ſhould for ever be delivered up Captives, and as cruelly handled as the Four *Cantreds* have been by the King's Bayliffs and other Officers, as will appear by that Liſt of their Grievances, which had been already preſented to the Archbiſhop.

Id. p. 370.

The Anſwers of *David*, Brother to the Prince, were to this effect, which I ſhall abridge, as not now being very material. In the *Firſt* place he declares, 'That when he is diſpos'd to viſit the *Holy Land*, he 'will do it voluntarily for God's ſake, and not by Compulſion; for he 'knows that ſuch a forced Pilgrimage cannot be acceptable unto God: 'And then, *Secondly*, proceeds thus, That ſince neither the Prince, nor his 'People have undertaken this War for Gain, or to invade other Men's 'Properties, but purely for Defence of their own Lands, Laws, and 'Liberties, whilſt that the King and his People, out of Covetouſneſs to 'get our Lands, have made this War; therefore, ſeeing our Self-defence 'is juſt and lawful, we truſt that God will help us, and turn his Revenge 'upon the Deſtroyers of Churches, who have not only burnt them, but 'have alſo killed the Prieſts, and prophaned the Sacraments and all 'things Sacred, beſides the killing of the Weak and Impotent, and even 'Women with their Children ſucking at their Breaſts. And therefore '(ſays he) God forbid, that you, the Archbiſhop, ſhould fulminate your '*Excommunication* againſt any, but ſuch as have done theſe things; ſo 'that we who have ſuffer'd them ought rather to hope for ſome 'Remedy and Comfort at your hands. And though it be hard to live 'in War and Danger, yet it is much more ſevere and unjuſt, (eſpecially 'for *Chriſtians*) to be utterly deſtroyed and brought to nothing, ſince 'we only deſire to defend our Own, being by neceſſity driven thereunto, and by the greedy Ambition of our Enemies.

'And ſince your Grace, (*viz.* the Archbiſhop) hath told us, That 'you would fulminate your *Sentence* againſt all that for Hatred or Gain 'endeavour to hinder Peace; Now it evidently appears, *who they 'are that make War upon theſe motives; whereas on our ſide, the fear 'of Death and perpetual Impriſonment, together with the conſtant 'Breach of all Promiſes, Grants and Charters, and in ſhort a moſt 'Tyrannical Dominion, have and do compel *Us to make War: All 'which we ſolemnly declare before God and your Lordſhip, humbly imploring your Godly and Charitable Help, to remedy theſe Miſchiefs. And then concludes with their earneſt Prayers, That he (the Archbiſhop) would do his utmoſt endeavour to procure this great end.

* Meaning, I ſuppoſe, King *Edward* and the *Engliſh*.

* *i. e.* the *Welſh* Prince and his Subjects.

Thus far, out of the Records of the ſaid Archbiſhop, faithfully Tranſcribed by Dr. *Powel*, in whom the Reader may find theſe things ſet down at large, if he thinks it worth while to peruſe them: But I have thought fit to recite theſe, that I may not be thought partial

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to our own Nation; a Fault which, I confeſs, moſt of our *Engliſh* Hiſtorians are too apt to fall into. But to return to the matter in hand.

Id. p. 371. [1]

[2] *Ant. Brit. p.* 198.

When the Archbiſhop could by no means perſwade the Prince and his Accomplices to agree to the Terms of Peace abovemention'd, ſo ſoon as he came to *Oxford*, he, at the King's Requeſt, declared them all *Excommunicated* which the Prince and his Party, being hitherto puffed up with Succeſs, did not much regard. It ſeems that during this Treaty there was a Ceſſation of Arms; for we find nothing further done this Year, ſince the raiſing of the Siege of *Rothlan* Caſtle.

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[3] *Annal. Wig. in Ang. Sacra. Tom.* 1.

The King goes down to *Worceſter*, in order to renew the War, againſt *Wales*.

[4] *T. W.*

He comes to *Rothlan* Caſtle, and thence iſſues two extraordinary Writs.

Camp. Hiſt. 2d Vol. *p.* 7.

But in the beginning of the Year following, the King, finding all hopes of Accomodation grown deſperate, reſolved to proſecute the War with the utmoſt vigour; and to this end He came on *Chriſtmas-Eve* to the City of *Worceſter*, and there kept that Feſtival; but was in ſuch haſt, that, the day after, He went from thence to the Abbey of *Kemſey*, and perſued his Expedition with various Succeſs all the Summer following. For [4] my Author relates, That this Year the King loſt no leſs then Fourteen Enſigns, beſides the Lords *Audley* and *Roger Clifford* the younger, with ſeveral others of Note; ſo that He was fain to retire to the Caſtle of *Hope* for His own Security: And indeed He was ſo hard put to it by the *Welſh* Prince, that in *Autumn* following, being again return'd to the Caſtle of *Rothlan*, He from thence iſſued out Writs for holding two extraordinary great Councils; as alſo two Synods of the Clergy, both in the South and North of *England*, which was never known before, and ſuits not with our manner of holding Parliaments at this day. A Copy of which Writs I ſhall here give you at large, according to Dr. *Brady*'s Tranſlation of them.

Rot. Wal. 11. *Ed.* 1. *M.* 4. *Dorſ. N.* 1.

The King to the Sheriff of Norfolk *and* Suffolk, *greeting. Whereas* Llewellyn, *the Son of* Griffin, *and other* Welſhmen, *his Accomplices, our Enemies and Rebels, have ſo often in the times of Us and our Progenitors, diſturbed the Peace of* England, *and do ſtill continue in the ſame Courſe; and for that by the Advice of our Great Men, and the whole Community of the Land, We propound finally to repreſs their Rebellion and Inſtability, ſo as it ſhall not be in their Power to diſturb the Peace of the Nation when they pleaſe, although that it ſeems to be a very great Charge, and a moſt difficult undertaking: We therefore command, that you cauſe to come before Us on the Octaves of* St. Hillary (i. e. January *the 20th)* at Northampton, *or before our Commiſſioners, all thoſe of your Bayliwick that have 20 l. a Year, and upwards, who are able and fit to bear Arms, and who are not at preſent with Us in our Expedition againſt the* Welſh, *and Four Knights if each County, for the Community of the ſame Counties, having full Power from them; and alſo of every City, Burgh, and Mercate Town, two Men for the Commons of the ſame, to hear and do things which on our behalf we ſhall cauſe to be ſhewn unto them,* &c. *Witneſs the King at* Rothlan, the Four and twentieth day of * *November*, in the Eleventh Year of His Reign. The like Precept was ſent to the Sheriffs of all Counties in *England*, to cauſe to meet, *&c.* at *Northampton*, except to the Sheriffs of *Torkſhire*, *Cumberland*, *Weſtmorland*, *Northumberland* and *Lancaſhire*, who were by like Writs commanded to cauſe Orders of Men to meet at *Tork*.

The

* Note this was in *Novem.* 1282, and not in 1283, as Dr. *B.* p. 10. ſuppoſes it, for the 11th Year of this King is to be reckon'd from the 16th of *Novem.* 1272, from which to *Novem.* 1282. though there were but 10 Years Compleat, yet the King did from that day Commence the 11th Year of His Reign; though the Year of Our Lord was not then begun.

The like Precept was ſent to the Archbiſhop of *Canterbury*, to call all his Suffragans, Abbots, Priors, and other Governours of Religious Houſes, with the Procurators of Deans and Chapters of Collegiate Churches, to come before the King or His Commiſſioners, at the ſame time and Place, to hear and to do as before, and further to give their Counſel and Aſſiſtance happily to finiſh what he had begun to the Praiſe and Honour of God, and to the perpetual Peace and Tranquility of the whole Kingdom. This was Witneſſed as before.

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The like Precept is ſent to the Archbiſhop, for the Clergy to appear before the King's Commiſſioners.

The like * was alſo directed to the Archbiſhop of *York*, and to the Biſhops, Abbots, Priors, Deans, *&c.* and their Proctors, for the meeting of the Clergy of that Province at † *York*. It is evident from this Record, that theſe Aſſemblies were not Parliaments, but only ſeparate Colloquies or Treaties of the Clergy and Laity of both theſe Provinces, about giving further voluntary Aſſiſtance towards his War againſt *Wales*; but whether thoſe of the Laity then contributed any thing, I cannot find; tho' perhaps their Grants, being never Recorded, are loſt: But it is evident, that no Earls nor Barons were preſent at theſe Meetings, nor ever Received any Summons to be there; for moſt of them, as alſo the other *Tenants in Capite*, were ſtill attending upon the King in *Wales*, as the Writ ſeems to imply. I find nothing elſe done in Relation to the *Welſh* War, only that the King ſtill continued at *Rothlan* Caſtle, and other Places in *Wales* the remaining part of this Winter: But before theſe Councils or Synods could meet, the War was in a manner ended, though the King at firſt met with ill Succeſs; for [5] He having now rais'd a great Army, marched with it from *Rothlan* Caſtle towards the Iſle of *Angleſey*; in order to which, He built a large Bridge of Boats for the Tranſportation of His Army over the River *Conway*, and thereby poſſeſſed himſelf of that part of the Country toward the Sea-ſide, not being able to paſs further into the Mountainous parts of *Carnarvanſhire*, which (was then called *Snowdun*.) Whilſt the King remain'd ſtill at *Conway*, He thought it ſafeſt firſt to ſubdue the Iſle of *Angleſey*, to which end He ſent over by the Ships of the Cinque-Ports part of his Army by Sea, which, together with the Mariners Landing upon the Iſland, ſoon reduced it to his obedience, many of the Chiefeſt Men thereof Declaring for Him. [1] This being perfom'd, the next buſineſs was to tranſport this Army into the Continent, over the narroweſt part of the River *Menay*, oppoſite to *Bangor*, over which was then begun to be laid a Bridge of Boats or large Veſſels, ſo that ſome part of the Army would needs paſs over before it was quite finiſhed, to ſhew their valour againſt the *Welſhmen*, and to reap the Greater Honour, (being about 300 Men at Arms, under the Conduct of the Lord *William Latimer* and *Lucas de Thony*, Commander of the *Gaſcoigne* Forces) which the *Welſh* permitted them quietly to do. [2] But ſo ſoon as the Tide came in, and had flow'd up beyond that end of the Bridge which lay towards the Continent, ſo that they could not eaſily return, the *Welſh* taking hold of this Advantage, came running down from the Mountains with great Shouts and Clamours, and falling upon thoſe that were already paſt over, put them to flight; but they endeavouring to regain the Bridge, were either killed or drowned in the River; for the Water was ſo high, that they could not reach the Bridge; [3] only the Lord *William Latimer* eſcaped, whoſe Horſe being very ſtout, carried him through it

* *Rot. Wal. Mem. eadem.*

The like Writ ſent to the Archbiſhop of *York*.

†Note in both theſe Writs to the Archbiſhops, there was a Clauſe impowering them to Demand an Aid of the Clergy of their Reſpective Provinces.

[5] *M. W.* [illegible]*. Annal. Wigorn.*

The King raiſes an Army, and Marches with it towards the Iſle of *Angleſey*.

Id. T. W.

[1] *Chron. Abing. Annal. Wigorn. in Ang. Sacra.* 2d Vol.

[2] Dr. Ps. *Chron. ib.*

Near which He receives a a great Defeat and many Noblemen, and Perſons of Quality are ſlain or drowned.

[3] *Id. ib.*

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[4]
An. Wig. ib.

ſo [4] that there were ſlain and drowned at this time no leſs than 15 Knights and 32 Eſquires, and about 1000 Common Soldiers: The Chiefeſt among the Gentlemen were *Lucas de Thony* abovemention'd, and two Brothers of *Robert Burnel*, Biſhop of *Bath* and *Wells*, the then Chancellor. This Defeat happened on the Sixth day of *November*; upon which the *Engliſh* were ſo much diſhearten'd, that they neither finiſhed this Bridge, nor yet proceeded farther againſt the *Welſh* on that ſide, till after the Death of Prince *Llewellyn*.

[5]
Contin. of *Engliſh Hiſt.* p. 9.
That this Defeat did not happen at the River *Conway*, as divers Writers ſuppoſe.

I cannot but obſerve a miſtake that [5] Dr. *Brady* hath committed in the Account of this Action, being led into it by his Author *Mathew* of *Weſtminſter*; who indeed ſays, That the King having built a Bridge over the River *Conway*, &c. many Noble Perſons of the King's Army who went over it, paſſing out of *Angleſey* to view and obſerve the Country, were ſo affright'ned with the Multitude and Clamours of the *Welſh* coming upon them, that haſtening to return from whence they came, they were drowned in their Retreat: Which could not be at that Place; for had the Dr. but conſulted his Map of *Wales*, he would have found that the River *Conway* (on which the Town of *Aberconway* ſtands) and the River *Menay*, (which parts *Angleſey* from *Carnarvan*-ſhire) are two different Rivers, above 10 Miles aſunder; and therefore it was impoſſible for any body to paſs immediately from *Angleſey* by a Bridge laid over the River *Conway*; and the Annals of *Worceſter* call it expreſly the Bridge of *Angleſey*, where the *Engliſh* received this defeat; but indeed divers of our Monkiſh Writers of this War, being ignorant of the true Situation of the Country, relate theſe Actions ſo confuſedly, that it is neceſſary to conſult more than one of them to diſcover the Truth.

[1]
T. Wal.
The Earl of *Gloceſter*'s Succeſſes in *South-Wales*, as alſo thoſe of the *Welſh* Prince.

To return to the Hiſtory; [1] In the mean time the Earl of *Gloceſter* commanded another Army in *South-Wales*, where taking much Booty, he at laſt fought with the *Welſhmen* near *Lhandilo Vawr*, and gave them a Defeat: Yet on the King's ſide, Young *William* de *Valence*, His Couſin German, and five Knights more were ſlain. However, after the Earl's Departure, the Prince deſtroyed the Country of *Caerdigan*, and all the Lands of *Rees ap Meredyth*, who Served the King in theſe Wars.

Who is thereby encouraged to leave the Mountains, and march down with his Men into the Valleys.

[2]
Ant. Brit. p. 286.

[3]
M. W.
T. W.
Chron. Abing.

Theſe Succeſſes ſo far encouraged Prince *Llewellyn*, and the *Welſhmen* of his Party, and eſpecially the late Accident at the Bridge, that looking upon it as little leſs than a Miracle, they preſſed their Prince to act like a Man of Courage, [2] ſince it would not be long e're (according to *Merlin*'s Propheſy (which ſome *Welſh* Fortune-tellers applied to him) *That he ſhould wear the Crown of* BRUTE, That is, obtain the ſupreme Dominion over all *Britain*. Whereupon the Prince leaving his Brother *David* to defend the Mountains, deſcended with his Army into the Valleys, to confirm and ſecure the Inhabitants of thoſe Parts in their former Allegiance to him; but not daring to encounter the King's Forces in *North Wales*, he marched from *Snowdon* into the *Cantred* of *Buelt*, which lay in *Radnor*-ſhire, hoping there to make War againſt the King by Diverſion in his own Territories: And when he had paſſed the River *Wye*, his Men chanced to meet with the Lord *Edmund Mortimer* and *John Gifford*, who marching that way with a great number of Soldiers, fell upon the Prince's Forces, and routed them, and preſently after ſlew the Prince himſelf, not knowing who he was: The manner of whoſe Death I ſhall give you more at large, from the Chronicle of *Alingdon*, and that of *Wales*, who relate it thus, *viz.* That the Prince having parted from his Army, went aſide into a certain Valley, attended but by one Eſquire, to diſcourſe with certain Lords of that Country, that had promiſed to meet him privately there, whilſt in the mean time his Forces, which he had left to ſecure the Bridge of *Orewyn*, were routed by the Lords Men abovementioned, though his Soldiers, who were ordered by him to keep that Paſs over *Wye*, called *Pont-Orewyn*, valiantly defended it againſt the *Engliſh*; yet when a certain *Welſhman* ſhewed them a Ford a little lower, over which a Party of them eaſily paſſing, fell upon the backs of the Prince's Men, that defended the Bridge, and beat them from it; then the *Engliſh* Forces being got over, one *Adam* (or as others call him *Stephen de Francton*) happened to meet the Prince by chance, as he endeavoured to return to his Forces, and not knowing who he was, perſued him, and run him through with his Spear. So ſoon as the Skirmiſh was over and the *Welſhmen* routed, *Francton* return'd to ſtrip the Body; but when he ſaw the Face, he knew it, and cutting off his Head, ſent it to the King, being then at the Abbey of *Conway*, who immediately ordered it to be convey'd to *London*. [4] Which News was ſo gratefull to the Citizens, that they met the Meſſenger who brought the Head, and conducted it into the City in Triumph, with the ſound of Trumpets and Horns, it being carried through *Cheapſide* upon a Launce, Crown'd with a Silver Chaplet or Circle, by which was fulfilled the Prediction of a *Welſh* Fortune teller, who foretold him that his Head ſhould ride down *Cheapſide* with a Silver Crown: And when the Citizens had ſatisfied their Eyes with this ſad Spectacle, the Head of this unfortunate Prince was ſet upon the Pillory in *Cheapſide* all that day, for all Perſons to behold it. [5] It was then ſet up on the Tower, firſt Crown'd with Ivy; which was done (I ſuppoſe) to rediculе the above-mention'd Propheſy, of this Prince's being to be Crown'd with the Crown of *Brutus*.

* Where he is ſurprized and kill'd by the Lord *Mortimer*'s Men, with the Manner of it.

[4] *Chron. Norwic. MS. in Bib. Cotton.* His Head carried to *London* in Triumph, and ſet upon the *Tower*. *Chron. Abing.*

[5] *M. W.*

Such was the Fate of this inconſtant Prince, who was ſlain near *Landweyr* in *Buelt* on the Eleventh of *December*, being the laſt of the *Britiſh* Blood that enjoyed the Principality of *Wales*, which for many Generations had continued in this Family, and was certainly one of the moſt Antient and Noble in *Europe*.

Before I conclude this Year, I cannot but take notice of that notable Revolution that happened in the Kingdoms of *Naples* and *Sicily*, about the latter end of which the [1] *French* were cruely Maſſacred, Men, Women and Children, all in one Evening, preſently after the Bells had rung to Veſpers, which was the Signal given for this bloody Execution. This was done by the Means and Contrivance of a *Sicilian* Gentleman, call'd *John de Prochita*, who came thither from *Conſtantinople* in the Habit of a Monk, to carry on the Intereſt of *Peter* King of *Arragon*, who laid Claim to that Crown in Right of his Wife; and who, [2] not long after the Blow given, arrived there with a Powerful Fleet, and driving out *Charles* of *Anjou*, then King thereof, made him retire into *France*; whereupon Pope *Martin* ſiding with the expell'd Prince, *Excommunicated Peter* and all his Adherents, and declared him deprived of the Kingdom of *Arragon*, which the Pope then conferr'd on *Charles* Son to the *French* King, though this Donation never took effect; but we may obſerve from this Tranſaction, that when once a conquering Nation,

[1] *Mezeray ad hunc Ann.* The Maſſacre of the *French* in *Sicily*, and the great Revolution that happen'd thereupon.

[2] *T. W.*

Nation, by its Inſolent Carriage and Oppreſſion, becomes generally odious to the People, they will run any hazard to caſt off ſuch a Yoke.✗ But to return to *England*;

✗ And I must also obſerve, concerning this Quarrel between these two Princes, that it ran so high that they challeng'd each other to fight, & to decide their differences by a Combat between themselves in Person, & a hundred Knights on each side, which was agreed to and appointed to be fought near Bourdeaux on the first of June next ensuing, before the King of England, who was to be Judge, who had the victory, as appears by an Instrument of both these Princes under their respective Seals, which is published in R's Coll p. 226 to 234. But this Challenge never took any Effect as well because King Edward was engag'd in other Affairs & so could not be present at it, as also that the Pope forbad him by his Bull to give any Licence to the said Kings to fight at that Place or to be a Judge or Spectator of it himself, under Pain of Excommunication, as you will find by a Copy of this Bull published in R's Coll. p. 242: 243.

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[3] *M. W.* After the Death of the Prince, the *Welſh* are wholly ſubdued.

King *Edward* continued ſtill in *Wales*, reducing the Country to His Obedience, which He was not long about; for [3] ſo ſoon as the Death of Prince *Llewellyn* came to be publickly known, the *Welſh* utterly diſpirited at the loſs, made no conſiderable Reſiſtance againſt the King's Forces in *Angleſey*; ſo that the *Engliſh* had now leaſure to finiſh their Bridge over the River *Menay*, and the King being come to His Army in *Angleſey*, eaſily paſſed over it into that Mountainous part of *North-Wales*, then called *Snowdun*; for Prince David not daring longer to defend it, quitted it and retired; and the Caſtle of that Name too was ſoon after Surrendred, with ſome other fortified Places in thoſe Parts.

[4] *Chron. Abing.*

Thus all *Wales* was ſubdued, [4] only the ſtrong Caſtle of *Bere* ſtill held out, which yet was not long after taken by the Earl of *Pembroke*; the Gariſon Surrendring to the King's Mercy for want of Proviſions, they were Pardoned their Lives.

[5] *H. K.* Prince *David* Flies, and is taken Priſoner.

As for *David*, who [5] after the Death of his Brother took upon him the Title of Prince of *Wales*, he endeavoured all he could to renew the War, and recover his loſt Principality; but it was to little purpoſe, for his Forces being ſoon put to flight, he was fain to conceal himſelf for a time, as well as he could; but at laſt being diſcovered by ſome of his own Countrymen, whom the King had employed as Spies, he was by them taken about the end of this Summer, and then brought to Him at *Rothlan* Caſtle; But He refuſed either to ſpeak with or ſee him, though the Prince earneſtly deſired it; the reaſon of which I ſuppoſe was, leſt He ſhould have, upon the Sight of him, been moved to pardon him, for his former Services. Thus was this unfortunate Prince preſently after ſent to *Cheſter*-Caſtle to be there kept until his Condemnation and Execution, which was at *Shrewsbury* in *October* following.

And is ſent to *Cheſter* Caſtle. *C. J. Everſden. MS.*

[1] *Id. ib. C. T. Wi.* The King Summons a great Council or Parliament to *Shrewsbury*, to conſider what was to be done with him.

For [1] the King would not put ſo great a Perſon to Death by the ordinary Forms of Juſtice; but about *Michaelmas* He cauſed to be ſummoned to that Town, all the *Great and Wiſe Men* of the Kingdom, as well of the Nobility, as of the Cities and Boroughs, to a Great or General *Parliament*, to conſult what was beſt to be done with Prince *David*; which paſſage in our Author, concerning the Summons of the *Commons*, as well as of the *Lords*, to this Parliament, is confirmed by the * Writs of Summons ſtill extant upon Record: The firſt of which is to the Lords, to meet the King at *Shrewsbury* on the morrow after *Michaelmas*-day: The Second Writ is directed to the Sheriffs of every County of *England*, 'To cauſe to be choſen two Knights *pro Communitate ejuſdem Commitatus* (*i. e.* for the Communalty of the ſame County;) as alſo a Third Writ directed to ſeveral Cities and Boroughs: The Names of many of them are entred upon the Roll, and though all are not there expreſſed, which then ſent Members to Parliament, yet there is a void ſpace left, for the entring of them, as appears by the Roll it ſelf, which I peruſed; ſo that it ſeems they were omitted only through the careleſsneſs of the Clerks. There is alſo a Fourth Writ which is directed to the Juſtices, and others of the King's Learned Council (as it is uſed at this day:) Each of theſe Writs have the ſame Preamble, and declare the ſame Cauſe for the Summoning of this Parliament,

* *Rot. Wallie* II *E.* 1. *M.* 2. *Dors.* ✗ both these Writs are printed at large in R's Coll: p. 247. to 249.

The Writs of Summons for that Purpoſe.

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liament. Then after a long Account of the late War with Prince *Llewellyn*, and his Death, and the taking of *David* his Brother Priſoner, with divers ſharp Invectives againſt his Treaſon and Ingratitude, the King ſummons them to the ſaid Place to give their Advice, what they ſhall think fit to be done with the ſaid Traitor.

I have been the more particular in the Account of theſe Writs, becauſe neither Mr. *Pryn* nor Dr. *Brady* (with all their Diligence) have taken any Notice of them; And in my Introduction have given the Reaſon, why the Dr. might not think fit to mention theſe Writs, nor yet what the very Authors he hath made uſe of relate concerning this Parliament at *Shrewsbury*; in which, as moſt of our Hiſtorians inform us, *David* being Judicially Condemned for Treaſon, by the King's Court *of Peers*, (in which He Himſelf preſided) *John de Vaus*, the Lord Chief Juſtice, pronounced the Sentence, which was, That he was Firſt to be drawn, then hanged, and his Bowels being burnt, his Body was to be divided into Four Quarters, and to be ſent to Four of the Chiefeſt Cities and Towns of *England*, viz. *Briſtol*, *Northampton*, *York* and *Wincheſter*; but his Head was afterwards ſent up to *London*, to accompany that of his Brother's on the *Tower*.

The Sentence of Condemnation againſt him.

Annal. de Burton in Bib. Ben.

This is the *Firſt* Example I can meet with of this manner of *Execution* done upon Traitors, which hath been ſince commonly continued, though indeed it was too ſevere upon a Man of Prince *David*'s Character; who, notwithſtanding all the the Ingratitude laid to his Charge by the Hiſtorians and Records of that time, muſt be confeſſed to have loſt his Life in a Cauſe, that cancels all other Obligations, the *Aſſiſting his Brother and Prince, and endeavouring (though in vain) to Aſſert the Laws and Liberties of his Country.*

What may be alledged in his Defence.

I ſhall therefore paſs no further Cenſure upon the Actions either of this *David* or his Brother *Llewellyn*, ſince we are not fit Judges of thoſe Matters at ſuch a diſtance of Time; only if we might judge, by the Succeſs, it was what God had ordained ſhould come to paſs, for the Peace and happineſs both of the *Engliſh* and *Britiſh* Nations, which thereby ceaſing to make almoſt continual War upon each other, and being United at laſt by this happy Conqueſt, came by degrees to enjoy the ſame Laws and Liberties with their Conquerors.

I find no more done this Year in *Wales*, [3] but that immediately after the taking of Prince *David* Priſoner, * *Rees ap Vaghan*, a Great Nobleman of *South-Wales*, with his Accomplices, yeilded themſelves Priſoners to the Earl of *Hereford*, who at the King's Command ſent him to the *Tower* of *London* to be impriſoned. Then having commanded the Laws of *England* to be obſerved in *Wales*, and having built two ſtrong Caſtles in thoſe Parts, the One at *Aber-Conway*, and the Other at *Caërnarvan*, the King paſſed through all *Wales*, and dividing much of the Conquer'd Lands among his Barons,* reduced it under the Subjection of the Crown of *England*.

[3] *T. Wal.*

* *Rees ap Vaghan*, with his Accomplices, Surrender themſelves Priſoners.

*(but reserving the Maritime Castles for ye Crown)

This Year * there was given the King in a Parliament (which I ſuppoſe was held at *Acton-Burnel* in *Shropſhire*, in the Month of *October*) in Aid of a *Thirteenth* part of all Moveable Goods by the Laity, and a *Twentieth* by the Clergy, to defray the Charges of the late War againſt the *Welſh*; and then was alſo enacted the Statute of *Acton-Burnel*, the Sum of which you may find at the end of this Reign.

* *Vid. Stat. of Acton-Burnel*, 11 *Ed.* I.

A Parliament at *Acton Burnel*, and what was there done.

As

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The Quarrel that had like to have been between the King and the Pope, concerning the *Tenths* collected for the *Holy Land*.

[4] *Ant. Brit.* *p.* 200.

As for Eccleſiaſtical Affairs, I cannot but here take notice, of one thing that had like to have created a Quarrel between the King and the Pope, had not the former complied with his Demands: You are therefore to obſerve, that there had been Six Years Tenths Collected from the Clergy, and laid up in ſeveral Monaſteries to carry on the War in the *Holy Land* according to a Canon of the late Council of *Lyons*, by vertue of which, [4] the laſt Year *Martin* the *Fourth*, being newly made Pope, demanded this Money of the King, intending to diſpoſe of it himſelf, and for that end ſent over two Preaching Fryers into *England*, for the exportation and return thereof, by his Agents and Foreig Merchants.

*Clauſ. 10 E. I. M. 5.

And the Proceedings in that Affair.

But I muſt farther inform you, That at the ſame time that theſe Fryers came to demand this Money, * they brought alſo Letters from the Pope to the King, exhorting Him to reſume the *Croſs*, and to aſſign the time of the General Paſſage of the *Chriſtians* of all Nations into the *Holy Land*; and earneſtly preſſed the King for an Anſwer; who only wrote back by them to this purpoſe, That his *Holineſs* ſhould receive an Anſwer by Meſſengers of His Own. This was dated at *Cheſter* the Tenth of *June*, when the King was in his March againſt the *Welſh*.

*Claus. 11 E. I. M. 7.

It alſo farther appears by a * Bull of the Popes, on the Rolls of this Year, That the King had actually ſent two Clergymen there named, as Envoys to his Holineſs; and by theſe He deſired that the *Tenths* lately Collected might be Aſſigned to his Brother Earl *Edmund*, who was ready to undertake the *Croſs*, for the Succour of the *Holy Land*, at the time of the General Paſſage thither.

[5] *Ibid.*

The Pope moves the King again to go to the *Holy Land*.

Inſtead of anſwering this reaſonable [5] Requeſt, the Pope by his Bull utterly refuſed to grant it, but giving the King and His Brothe many fine Words, moved them to go in their own Perſons (as he ſuppoſed) for the Glory of God and their own Honour. This Bull is date at *Orvieto*, in the Second Year of his Pontificate.

*Clauſ. 10 E. I. M. 4 *intus*.

The King by his Writ prohibits the Money Collected for theſe *Tenths*, to be carried beyond-Sea.

† Nº 8.

But the King had then too much Work upon His Hands at Home, and was ſufficiently tired with His former Expedition to the *Holy Land* to go thither any more; neither did He think it convenient to let ſ great a Sum of Money be carried out of the Nation in *Specie*, having alſ lately had an occaſion to borrow ſome of it towards His Wars in *Wales* Wherefore He preſently iſſued out his *Writs to His Brother *Edmund* Earl of *Cornwall*, commanding him to call before him the Merchants o *London*, and order them not to tranſport, nor permit to be tranſporte any of this Money ariſing from the ſaid *Tenths*; and that if the Ea found any Merchant ſo doing, he ſhould cauſe him to be Arreſted, to gether with the Money. This bears Date the Four and twentieth of *Ma* in the *Tenth* Year of the King's Reign, being the Year before; an Dr. *Brady* hath given us a Copy of it in his † *Appendix*, to whic I refer the Reader for further Satisfaction. The like Writs we ſent to the Mayor and Sheriffs, and to the Warden of th Cinque-Ports.

*Rot. Cl. 11 Ed. 1. M. 7. Dorſ. de Decima.

[1] * *Vid. Regiſt. Pecham. f.* 66.

The King alſo ſent his Commiſſioners to certain Monaſteries whe this Money was kept, to take an Account how much it was; bu ſome of the Priors refuſing the King's Officers Admittance for that purpoſ they were for this Contempt Cited by the Sheriffs to give an Accou thereof themſelves before the King: But it ſeems it did not reſt here for as it appears by the Relation in the [1] Pope's *Letter, or Bull, th the Archbiſhop of *Canterbury*, concerning the King's detaining theſe *Tenths*, He is alſo charged with breaking open the Locks and Seals of the Places where this Money was kept, and removing of it whither He pleaſed, '*To the Great Offence of God, and High Contempt of the Apoſtolick* '*See*; whereas he ought not to have done it without his *Holineſs*'s 'Leave, having ſent (as 'tis there ſaid) frivolous Letters in Excuſe: And 'in this Bull or Letter, he alſo Commands the Archbiſhop, by vertue 'of his Obedience, to go to the King, and Admoniſh Him on his Be'half, to reſtore the Money to the Places from whence it was taken, 'without any Defalcation, within the ſpace of a Month; and likewiſe 'he enjoyned the Archbiſhop to give him (the Pope) an Account what 'he did in this Affair, and what the King's Anſwer was. This Let'ter bears date at *Viterbo*, the Fifth of *July* this Year.

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And ſeizes the ſame to his own uſe; upon which the Pope wrote an angry Letter to the Archbiſhop.

[2] But from the Archbiſhop's Reply to this Letter, we may diſcover the farther Proceedings, as alſo the Concluſion of this troubleſome Affair: For in the firſt Place he ſets forth, That he had Warned the King not only to reſtore the Money of theſe *Tenths*, but alſo to forbear all ſuch Actions for the future, leſt He ſhould fall under his Holineſs's Correction; and then that He ſhould not trouble, nor proſecute thoſe that had the ſaid Money in their Cuſtody; and laſtly aſſures the Pope, That the King having patiently heard all theſe Admonitions, and deliberated with thoſe about Him, anſwered thus;

[2] *Id. ib.* The Archbiſhop's Anſwer to it.

[3] 'That as to the firſt Point in the Pope's Letter, there was no 'Neceſſity of his ſending any ſuch Letters, nor from the Archbiſhop to 'him in this Caſe, whenas Two Months ſince He had Commanded the 'ſaid Money to be reſtored.

[3] *Id. ib.*

'To the Second, That He never intended any unjuſt things againſt 'the Church.

'To the Third, He wondered why it ſhould be required of Him, 'not to moleſt the Guardians of this Money, ſince it was never his 'purpoſe to Diſturb any Innocent Perſon, that had been concern'd 'about it.

When the Archbiſhop ſent this Account of his Proceedings to the Pope, he alſo advertiſed him, That it was affirm'd by ſuch Teſtimony as ought to be believed, that the King had reſtored all the Money; but of that he could not write him the preciſe Truth, without firſt conſulting thoſe that knew the Weight, Number, and Value of it. This Anſwer of the Archbiſhop's is dated the Nine and twentieth of *November*, being not long after the King's Summons to the late Meeting at *Northampton*. Dr. *Brady* hath been ſomewhat more large in this Relation, which is to be found in the Records; but what is here, is ſufficient to ſhew us the ſervile Submiſſion our King's were forced to pay to the Pope or Biſhop of *Rome* in thoſe Times.

[4] As to Foreign Affairs; *Charles* late King of *Naples* and *Sicily*, formerly expell'd by the King of *Arragon*, having again return'd into that Kingdom with a powerful Army, had made himſelf Maſter of *Naples* and *Apulia*; whereupon the *Sicilians*, under the Conduct of *Peter* of *Arragon* their then King, came before that City with Twenty ſeven armed Galleys, againſt whom *Charles* Prince of *Achaia*, eldeſt Son to King *Charles*, ſail'd out with a great number of Galleys to Fight them, but with ill Succeſs; for his Veſſels being worſted, and the day loſt,

[4] *T. W.* *Charles* King of *Naples* recovers that Kingdom from King *Peter* of *Arragon*, who takes his Son Priſoner.

he was himſelf taken, and carried away Priſoner to *Meſſina*, from whence he was not long after removed into *Spain*.

Anno Dom. MCCLXXXIV

[5] King *Edward* goes into South *Wales* to ſettle that Country.

[1] *Id. Ib.* The Queen in the mean while is brought to Bed of a young Prince at *Caernarvan*.

[2] *Id.* A great Tourneament in *Wales*.

In the beginning of this Year, [5] the King leaving North-*Wales*, took a Progreſs into *Glamorganſhire*, to ſettle and view thoſe Parts; where being nobly received by the Earl of *Gloceſter*, then Lord of that Country, at his own Expence, He was from thence Conducted by him as far as *Briſtol*, where, and in *Wales*, He continued all the reſt of that Year: Beſides this, I find little elſe remarkable to have happened, only that the [1] Queen remaining ſtill at *Caernarvan*, and being great with Child, was there brought to Bed of a Young Prince upon St. *Mark*'s day, (or Six and Twentieth of *April*) who, from the Place of his Birth, is called by our Hiſtorians *Edward* of *Caernarvan*, and ſucceeded his Father. But the Joy at his Birth was juſtly allay'd by the Death of Prince *Alphonſus*, the King's Eldeſt Son, ſoon after, who being a Youth of great hopes, and of about twelve Years of Age, deceaſed at *Windſor* on the Nineteenth of *Auguſt* following. [2] Alſo in the begining of this Month, many Earls, Barons and Noblemen of *England*, as well as from Foreign Parts, held a great Tourneament (which they call'd of the Round Table) at *Newbin* near *Snowdun* in *Wales*, as a Triumph for the Conqueſt of that Country.

[3] *Mezeray ad hunc An.*

In Foreign Parts I find nothing worth noting, only [3] *Charles* late King of *Naples* and *Sicily* deceaſed in *Italy*, without ever recovering his loſt Dominions, of all which *Robert* Count of *Artois* was appointed Protector by the Pope, during the Captivity of *Charles* Sirnamed the *Lame*, Eldeſt Son to the Deceaſed, on whom that Right devolved upon his Death; yet he remain'd ſome Years after a Priſoner to the King of *Aragon*, till he was reſtored to his Liberty by the Mediation of King *Edward*, as you will find in due time.

Anno Dom. MCCLXXXV.

[4] T.W. A.W. The King kept his Criſtmas at *Briſtol* with great Solemnity.

We ſhall now return to *England*; where Peace being thus happily Eſtabliſhed by the Conqueſt of *Wales*, the King had little elſe to do than to enjoy the Benefit of it: Yet the better to ſettle his Affairs in thoſe Parts, [4] He kept his Chriſtmas at *Briſtol* with great Solemnity, no King before Him having done the like; here He alſo held a great Council with his Peers and Lords, which being ended, He returned in haſt to *London*, having been abſent from thence near three Years, and was there received with great Acclamations, thô He did not ſtay long there, being Summoned by the King of *France* to come over and ſerve him againſt the King of *Arragon* (with whom he was then in War) and that by vertue of his Tenure of the Dutchy of *Guienne*.

[5] *Id.* And being about to paſs over into *France*, his Journey is Stopt.

But though the King then intended to have gone over into *France* for that Purpoſe, [5] yet He went no farther than *Canterbury*; for there hearing of the Sickneſs of the Qneen his Mother, He returned and waited on her at *Ambresbury*, and ſent Meſſengers to the King of *France*, to excuſe his not coming over to him.

[1] *Fabian Chron, ad hunc An.* The King ſeizes the Liberties of the City.

About this time the [1] King being highly diſpleaſed with the City of *London*, did on the 25th of *January*, ſeize all her Liberties and Franchiſes into his own hands, and diſcharging *Gregory Brooksby*, the then Mayor, put in *Stephen Sands* as *Cuſtos* or Guardian of the City, who ſo continued till the *Monday* after Candlemas; and then Sir *John Breton* had the Charge of it delivered to him for the reſt of the Year. The Cauſe of his Diſpleaſure is not there ſet down; but my Author ſays, he found, in an old Book, That it was, becauſe the late

Mayor

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Mayor took Bribes from the Bakers to connive at their ſelling Bread Six or Seven Ounces too light in the Pound Loaf; which being only the Offence of one Man, ſeems too ſlight a Cauſe for ſo ſevere a Puniſhment on the whole Body; eſpecially if we conſider that the City Liberties ſtood thus ſeized, and that She had no Mayor for Twelve Years enſuing: But you are to take notice, that notwithſtanding this Seizure, yet the Politick Body or Corporation of the City was not diſſolved, as it was for certain pretended Miſdemeanors in the time of the late King *Charles* the Second; but they enjoyed all Privileges of holding Courts, &c. (the Choice of a Mayor only excepted) as they had done before the ſaid Seizure.

[2] *Id. Ib.* Merchant Strangers firſt permitted to hire Houſes in *London.*

Alſo about the ſame time, [2] we find Merchant Strangers were firſt permitted to rent Houſes, and to buy and ſell their own Commodities themſelves, without any Interruption from the Citizens; for before this, they hired Lodgings, and their Landlords were the Brokers who ſold all their Goods and Merchandize for them; though my Author obſerves, That this Liberty tended much to the Damage of the City and Kingdom, by reaſon of the Deceits theſe Foreigners uſed in putting off their bad Wares, as well as ſelling them by falſe Weights; for which, upon an Information brought againſt them by the City, their Weights were deſtroyed, and the Foreign Merchants were after a ſevere Impriſoment made to pay a thouſand Pound Fine to the King. This deſerves our Notice, becauſe it ſhews us the reſtrained manner of Commerce in thoſe days, when Strangers managed moſt of the Trade, and that the *Engliſh* Merchants brought few Foreign Commodities into this Nation.

[3] *T. W. Vid.* the Printed *Stat.* of *Weſtminſter* the Second. A Parliament at *Weſtminſter* with the Laws there made.

[3] Then preſently after *Eaſter* the King Summon'd a Parliament at *Weſtminſter*, where, for a further Supplement to the late Statutes of *Gloceſter*, and to remedy many Oppreſſions of the People through the Defect of good Laws, He there made thoſe memorable Laws called the Statutes of *Weſtminſter* the Second, containing Forty nine Chapters, which being very long the Reader may find the Chief Heads of them at the end of this King's Reign.

[4] *Id. Ib.* The Death of *William de Wickwaine* Archbiſhop of *York.* The Abbey Church at *Weſtminſter* finiſhed.

As for Eccleſiaſtical Affairs, *William de Wickwaine*, Arch-Biſhop of *York*, died this Year, and was ſucceeded by *John Romanus* (or the *Roman*) an *Italian* by Extraction, but born in *England*. Alſo the Abbey-Church of *Weſtminſter*, having been Sixty ſix Years in Building, was now Finiſhed.

[5] *Vid. Mezeray ad hunc An.*

The ill Succeſs and Death of King *Phillip* of *France.*

I ſhall conclude this Year with ſome Foreign Affairs. King *Philip* abovemention'd was now unhappily engaged in a War, in the Pope's Quarrel, againſt *Peter* King of *Arragon*; whom the former having Excommunicated, beſtowed his Kingdom upon *Charles*, Second Son to King *Philip*, who thereupon marched into *Arragon* in order to Conquer it, where at firſt he met with very good Succeſs, taking *Garonde* in *Catalonia* and ſeveral other Places; but when his Fleet was beaten by the *Spaniards*, and his Army being in a Barren Country, without any Proviſions brought them by Sea, was thereby reduced to great Neceſſity, the King ſeeing He could do nothing more there, fell Sick either of the Contagion of the Air, or elſe of Diſcontent, ſo that He was forced to be carried in a Litter to *Perpignan*, where his Diſtemper daily encreaſing, either from the ill news He heard of the loſs of all thoſe Places He had lately Conquer'd, or elſe from the violent Agitation of the Journey, it coſt Him his Life the ſixth day of *October*, being not then Five

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and Forty Years old. He was a valiant, pious and juſt Prince, but too eaſie to be impoſed upon by thoſe who had evil Deſigns upon Him, as may appear by this raſh unfortunate Expedition. His Son *Philip* Sirnamed the *Fair* ſucceeded him: And [1] Pope *Martin* IV deceaſing this Year, was ſucceeded by *Honorius* IV. who was ſo decrepit, that not being able to ſtand or Walk, he was fain to be carried in a Chair, and in that Poſture alſo Sung Maſs at his Inthronization. *

[1] *Chron.* Lanercoſt.

The Deceaſe of Pope *Martin* 4. who is ſucceeded by *Honorius* 4.

* Immediately after which he give King Edward notice of his Advancement by a Bull sent for that purpose, & by another dated in the Kal: May a few Days after the former; he exhorted the King again to undertake the Crusado, as he had promised to do within five years ensuing; but the Pope pressed him now to undertake it at or before Christmass. Vid: both these Bulls in R's Coll: p. 295 to 297. But altho in Consideration of this voyage the King had already receivd a Grant from the Pope of the Tenth of all Ecclesiastical Benefices of England, Scotland & Ireland, yet being hindred by more weighty affairs, he from Time to Time obtaind the Pope's Dispensation to delay it, till at last all thoughts of any such Undertaking was totaly laid aside; but as for the Bulls of Dispensation, they are published in R's Coll: p. 316 to 322.

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[2] *T.W. T.Wi.*

A great Council at *London*, to conſult about the Government of the Kingdom, during the King's abſence in *France*.

This Year, Fifteen Days after *Eaſter*, the King held a Colloquie or General Council of all the great Men of the Kingdom, both Eccleſiaſtical and Secular, at *London*, to conſult concerning the Government of the Kingdom in his Abſence, which He was now about to leave upon this occaſion: *Philip* the preſent King of *France*, not long after his Father's Deceaſe, had ſent his Ambaſſadors to King *Edward* to come over thither, and employ his Mediation for a Peace between Himſelf and the Kings of *Caſtile* and *Arragon*; wherefore ſo ſoon as this Treaty was ended, and the King had ordain'd his Brother Earl ~~*Edmund*~~ Guardian of the Realm in his Abſence, in Compliance to the *French* King's Deſires, He went over into *France*, being attended by divers Biſhops and Lords of Note, and was there honourably received by the King his Coſin and his Nobles at *Amiens*; and ſome time after He had done his Homage for his Dominions in *France*, He went with King *Philip* to a Great Parliament or Aſſembly of Eſtates, which he held at *Paris*, where King *Edward* laid claim to divers Lands unjuſtly detain'd from Him, and obtained Satisfaction concerning the ſame; though this Grant of the King of *France* and his Peers did not long continue in Force, as *Nicholas Trivet* and *Thomas Walſingham* both obſerve on this Tranſaction.

He goes over, and on what Occaſion.

The reſt of the King's Tranſactions in that Kingdom.

Yet the Annals of *Waverly* and *Matt. Weſtminſter* are more full in their Account of this Matter, and ſay, That the King being conducted to *St. Germaines* after He had ſtayed there ſome time, demanded all the Lands which his Grand-Father King *John* had loſt, and in conſideration thereof obtained ten thouſand Pounds Sterling of the King of *France*, to be Yearly pay'd ~~kept~~ at the Tower of *London*; together with ſome Arrears for *Normandy*, which was his Inheritance: But this, though related by our Hiſtorians, does not ſeem at all probable, ſince the King had already parted with all his Claim to *Normandy* to this King's Father and Grandfather.

[3] *Vid. Mezeray ſub hoc Anno.*

The *French* Hiſtorians differ from ours concerning them.

[3] But the *French* Hiſtorians give this quite another Face; for though they agree with the *Engliſh*, as to the Circumſtances of the King's going over, and his Reception in *France*, yet they differ about the Motives of his Voyage; for they report the pretended Cauſe of it was, to reconcile the Difference of the two Kings abovemention'd, but indeed and in truth it was to renew the former Treaties made with King *Philip's* Predeceſſors: And as to the other Buſineſs, the *French* Writers ſay quite contrary, *viz.* That when King *Edward* preſſed that He might have ſome further Conſideration for *Normandy*, and thoſe other Countries which both his Father and Himſelf had parted with, He could obtain nothing upon thoſe Points; wherefore taking his Leave of King *Philip*, he went to *Bourdeaux*, and there in a Solemn Manner He received the Ambaſſadors of the Kings of *Arragon*, *Caſtile* and *Sicily*, all Enemies to *France*, which gave no little Umbrage and Jealouſy to that King. We find no more at preſent King *Edward* did further in *France*, but that He ſtayed there the

The King goes to *Bourdeaux*, and there receives the Ambaſſadors from ſeveral Princes.

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three enſuing Years to ſettle his Affairs in *Gaſcoigne*, which had been in great Diſorder, by reaſon that ſome of the Citizens of *Bourdeaux* would have betrayed that City to the *French*; but the King upon his Arrival having cauſed the Chief of thoſe Conſpirators to be hanged, thereby Eſtabliſhed the Peace of the Province.

In the mean time all things continued quiet in *England*, where there happened little conſiderable, [4] only Queen *Eleanor* the King's Mother, having for ſome Years before reſided in the Nunnery of *Ambreſbury*, now took upon her the habit of a Nun; yet had a Diſpenſation from the Pope to keep her *Joynture*, which was very conſiderable; and I ſuppoſe it was granted upon this Conſideration, that the Queen might thereby have the more to beſtow upon that Nunnery and other Monaſteries, which were often the Executors of dying Princes in thoſe Times.

[4] *M. W.* Queen *Eleanor* the Kings Mother dies.

As to Foreign Affairs, [5] *Alexander* the Third King of *Scots* on the Nineteenth of *March*, as he was going home to his Queen in the Night, was thrown off from his Horſe and taken up Dead, when he had Reigned Thirty Seven Yeats; whoſe untimely End was very much lamented (being but forty five Years of Age) for his Excellent Endowments both of Body and Mind: And now the Royal Line being almoſt extinct, there was like to be a Great Diſpute between ſeveral Competitors for that Kingdom; for the late King had lived to bury all his Children, Prince *Alexander* his Eldeſt Son deceaſing about three Years before his Father in the 20th Year of his Age, and *Margaret* (the laſt of them) died not long after ſhe was Married to *Eric*, King of *Norway*, by whom ſhe had only one Daughter called likewiſe *Margaret*, then but a Child, who was commonly called the Maid of *Norway*, and upon her Grandfather's Death was own'd for lawful Heireſs of that Kingdom.

[5] *Hect. Boeth. Lib.* 13. *p.* 191. whoſe Account of the Time of this King's Death is truer than *Buchanan's*, who Places it in 1285.

The deceaſe of *Alexander* 3d King of *Scots*, leaving the Princeſs of *Norway* his Heir.

Immediately after King *Alexander's* deceaſe, the Eſtates of the Kindom aſſembled at *Scone* to treat (as [1] *Buchanan* relates) *about the creating a new King, and ſettling the Kingdom*; which indeed was no more, but the appointing a Husband for this young Princeſs, as you will find by and by.

[1] *Rer. Scot. L.* 8 *in Init.*

An Aſſembly of the Eſtates of *Scotland*, about chooſing a Husband for their Young Queen.

The firſt thing this *Convention* did, was to appoint Six Governors, Biſhops and Earls (whoſe names I need not recite) each of whom were to preſide over their particular Provinces of the Kingdom.

And before this *Convention* of the Eſtates broke up, King *Edward*, being ſenſible that this Young Queen would be a very convenient Match for the Prince his Son, was reſolved to lay hold on this Opportunity; and [2] therefore ſent certain Ambaſſadors into *Scotland* to demand the Lady in Marriage: Theſe being admitted into the Aſſembly of the Eſtates, made them an Eloquent Speech, ſetting forth the great Advantages that might accrew to both Kingdoms by this Intermarriage. The Propoſals being thus made, the Ambaſſadors found the Eſtates not averſe from this Alliance; for King *Edward* had not long ſince ſubdued *Wales*, and was looked upon as a Prince of Great Valour and Prudence: Beſides the Young Queen was his Siſter's Daughter, and there had been a very amicable Correſpondence, maintain'd between the Two Crowns for above Seventy Years; and of the Two laſt Kings *Alexanders*, the Father had Married the Siſter, and the Son the Daughter of King *Henry* the *Third*;

[2] *M. W.* The King propoſes a Match between her and the Prince his Son.

ſo

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ſo that there never had been ſo long a Peace between theſe Kingdoms, from the time of King *William* the *Firſt*.

Theſe were the Motives that highly promoted this Treaty; which yet advanced no farther than the bare Propoſal and Acceptance, till three Years after, when it was again renewed, as you will find in due time. *

* As for forreign Affairs I find nothing worth our Notice, only, that whilst King Edward continued at Paris he endeavour'd to mediate a Peace between the Kings of France and Arragon & in order to it being empower'd by both of them, he made a Truce between them & their Subjects to continue from the Feast of our Lady's Assumption until Michaelmas 1287. as appears by the King's Charter still extant. vid: R–s Coll: p. 330 to 332.

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[3] Dr. P^s Chron. *T. Wi.*

Rees ap Meredyth Rebels in *South-Wales*, and on what Occaſion.

The King being ſtill in *Gaſcoigne*, *England* does not afford us many conſiderable Actions in his Abſence; the only thing that happened worth noting was, [3] the dangerous Rebellion that *Rees ap Meredoc* (or *Meredyth*) the moſt potent Nobleman of the Blood Royal that remain'd in *South-Wales*, raiſed this Year in thoſe parts on this occaſion: He having ſerved the King in his late Wars againſt Prince *Llewellyn*, was Knighted by Him, and promiſed more Lands and Preferments; which not being made good, he was inwardly diſcontented, yet did not expreſs it till the Lord *Payne Tiptoft*, Warden of the King's Caſtles adjoining to *Rees's*-Country, and the Lord *Adam Plucknet*, the King's *Seneſchal*, or *Steward* in *Wales*, cited the ſaid *Rees* (as they did other Gentlemen of the Country) to appear at the King's Court, which he, alledging his Antient Privileges and Liberties, refuſed to do; whereupon a great Quarrel aroſe between him and the Lords abovementioned, ſo that there were Sundry Skirmiſhes betwixt them, and many Men ſlain on both ſides, to the great Diſturbance of thoſe Parts. The King hearing of theſe things, wrote to *Rees ap Meredyth*, requiring him to keep the Peace till his Return; upon the Receipt of which Letter, *Rees* promiſed to reform and amend what he had done amiſs; but it proceeded no further then Words; for not long after, he took the Caſtles of *Dyneover* and *Llanandovery*, and burnt ſeveral Towns: Whereupon the King ordered his Brother the Earl of *Cornwal*, whom He had left his Lieutenant during his Abſence, to go with an Army into *Wales* against theſe Rebellious Attempts. [2] The Earl in compliance to the King's Commands, marched into *Wales* in Perſon, and beſieged *Rees*'s Chief Caſtle called *Droſlan*, and made a *Myne* under it; but the *Myners* having put very weak Props to ſupport it, the Lord *Stafford* and the Lord *William Montchenſey*, with ſeveral other Knights and Eſquires, going into the Ditch to view the *Myne*, the Caſtle-Wall fell down upon them, and bruiſed them to Death.

The Earl of *Cornwal* Marches into *Wales* with an Army: but at firſt meets with ill Succeſs.

[2] As appears by ye King's Writs to the Barons & Tenants in Capite in the Kingdom which are entered on the Welsh Rolls [Rot: Wal: 15. Ed. 1 m. 10. d] & are published in R–s Coll. p. 343, 344.

[4] *Id. Ib.*

Rees makes ſeveral freſh Incurſions.

But though the Caſtle was after this quickly taken, yet this Succeſs ſignified little, becauſe *Rees* himſelf was not there; [4] who keeping in certain Woods encompaſſed with Bogs, from thence made Incurſions, and miſerably ſpoiled the adjacent Countries, ſo that the Earl of *Cornwal* not being ſo Effectually aſſiſted by the Earl of *Gloceſter* (the moſt powerful Nobleman of thoſe Parts) as he expected, having loſt a great many Men, and ſpent much Money in this Expedition, was fain to make a Truce with *Rees*, and then returned into *England* towards *Michaelmas*; after which about *Chriſtmas* following *Rees* again breaking the Truce, began to ſpoil the Neighbouring Country, whereupon the Lord *Robert Tiptoft* aſſaulted and took another Caſtle of his upon the River *Tewy*, with divers other Caſtles that *Rees* had gain'd before; but not being able to take the Traytor himſelf, he ſet a Price upon his Head; whereupon finding the Country no longer ſafe for him, he fled over into *Ireland*, and continued there privately by the Connivance of the Earl of *Gloceſter* in ſome of his Territories; and ſo this Rebellion ended for that

Yet is at laſt forced to fly into *Ireland*.

that time. [5] But about Four Years after this *Rees* returning again into *Wales*, in order to make ſome freſh Diſturbance, was taken as he lay concealed among the Mountains, and being thence ſent to the King, then at *Berwick*, (or as ſome others ſay at *York*) was condemned to be Drawn Hang'd and Quartered.

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[5] *Chron. R f.* But is ſome Years after taken and Executed.

But that we may alſo obſerve what was done this Year beyond Sea, I cannot here omit a great Deliverance, [1] which King *Edward* and his Queen had in *Gaſcoigne*; for while they ſat together diſcourſing in their Bed-Chamber, a Flaſh of Lightning ſtruck in at the Window, and paſſing between them, killed two of their Servants that were then waiting in the Room, yet without any prejudice to their Royal Perſons. After this, the King hearing of the Impriſonment of his Cozen *Charles* Prince of *Achaia*, Son to *Charles* late King of *Naples*, by *Alphonſo* King of *Arragon* his Competitor, took a Journey into that Kingdom, to procure the Delivery of his Kinſman.

[1] *M. W.* The great deliverance of the King and Queen from Thunder and Lightning. *Id. Ib.*

But this could not be agreed on till the beginning of the Year following, [2] by the Mediation of the King of *England*, upon theſe Conditions; That he ſhould in the *Firſt* Place be ſet Free, and Pay the King of *Arragon* a great Sum of Money for his Ranſom; *Secondly*, That he ſhould cauſe the Count of *Valois* to renounce his Pretentions to that Kingdom; *Thirdly*, That he ſhould Inveſt *James* King of *Arragon* with the Kingdom of *Sicily*; and *Laſtly*, That he ſhould make the King of *Arragon*'s Peace with the Pope: All which if he did not perform within the Space of three Years, he was then again to deliver himſelf a Priſoner, and in the mean time to give his Three Sons, with Forty Noblemen, as Hoſtages for the true Performance of it. In the mean while King *Edward*, to accompliſh the Delivery of his Kinſman, generouſly paid the Sum of Thirty thouſand Marks for his Ranſom, and till the ſaid Prince's Sons (who had been promiſed) could arrive, the King ſent ſeveral *Engliſh* as Hoſtages for a farther Security; among whom I find (from the * Rolls in the Tower) that Sir *John de Southwell* was one, who had been ſome Years before Seneſchal of *Gaſcoigne*, and for this Service was alſo † Rewarded with the Government of *Bourdeaux*-Caſtle: He is look'd upon as Anceſtor of the Antient Family of the *Southwells*, ſometime of *Norfolk* and *Suffolk*, but now of *Ireland*; whoſe lineal Deſcendents are Sir *Robert Southwell*, at this Time Secretary of State, and Sir *Thomas Southwell*, one of the Commiſſioners of the Revenue of that Kingdom. I hope the Reader will pardon this Digreſſion, which my Eſteem for theſe two worthy Gentlemen obliges me to make. But, to return to our Hiſtory.

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[2] *T Wal. Mezeray.* The King procures the deliverance of *Charles* Son to the King of *Naples*, and on what Conditions. Fourty Noble Men delivered as Hoſtages for the true performance of them.

* *Rot. Vaſc.* 13. *Ed.* 1. *M.* 4.

† *Eod. Rot.* 17. *Ed.* 1. *M.* 13.

After the King's Return out of *Arragon* into *Gaſcoigne*, [3] He there again undertook the *Cruſado* at the Town of *Blencford*, and then Baniſhed all the *Jews* out of his Territories in thoſe Parts.

[3] *T. W.* The King undertakes the *Cruſado*, and Baniſhes the *Jews* from his Territories in *France*.

Little happened this Year conſiderable in *England*, only a [4] certain Eſquire called *Robert Chamberlain*, with ſeveral more of his Accomplices, pretending to hold a Tourneament at the Town of *St. Botolf* (commonly called *Boſton* in *Lyncolnſhire*) but indeed with a deſign to plunder the Rich Fair that was then held, came thither, the one part of them diſguiſed in the Habit of white *Monks*, the other

[4] *Id. Ib.* *T. W.* *Robert Chamberlain* and his Accomplices Plunder the Fair at *Boſton*, and ſet the Town on Fire.

like

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like black *Channons*, and inſtead of Tilting, privately ſet the Town on Fire, that ſo they might in the mean time rob the Tradeſmen's Booths; which wicked Deſign they effected, and carried off a great many Rich Goods: But notwithſtanding the Townſmen's endeavours to quench the Fire, it burnt with that Violence, that it deſtroyed great part of the Town; [5] and which was much more ſtrange, this *Chamberlain* abovementioned was the only Perſon could be diſcovered to have a hand in that Wicked exploit; for which being Condemned to be Hanged, though at the Place of Execution he begged Pardon of the Merchants and Townſmen for the Injuries he had done them, yet would he never be brought to reveal his Accomplices: He was, it ſeems, a Man of ſome Subſtance, and had ſeveral Houſes of his own in that Town, in which were found after his Death, a great Share of the Booty which he and his Confederates had Stolen.

[5] *H. K. Col.* 2466.

[1] *T. W.* The ſtrange cheapneſs of Wheat this Year.

I ſhall only farther take notice of the [1] great plenty that was this Year in *England*, Wheat being now Sold in ſome Places for Twenty-pence, and in other Places for Sixteen-pence, and in others, but for Twelve-pence the Quarter: The Ounce of Silver being then worth Twenty-pence. This I take notice of, That ſo the Reader may compare the difference of the Price of Corn this Year, when it was cheapeſt, with ſome of the following Years, when it grew ſo dear that it cauſed a Famine, and was Sold at Ten, then Fifteen, and at laſt Twenty Shillings the Buſhel; a vaſt Price in thoſe days.*

* As to foreign Affairs I find Pope Honorius to have deceas'd at Rome in ye beginning of this Year, & Nicholas IV was elected in his Stead, who not long after his Coronation gave ye King notice of it by his Bulle dated 7º Kal: March, which you may find in R—'s Coll: p.355, to 357.

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[2] *Annal. Waver.* The King returns into *England*, after Three Years abſence in *France*. The King Summons a Parliament, where the Corruption of his Judges and other Officers is inquired into.

Nothing conſiderable happened in *England* this Year, [2] till the King's return out of *France*, when He was Solemnly received at *London* about the middle of *Auguſt*, having been abſent from *England* Three Years and Three Months: And ſo ſoon as He return'd, to ſupply his Coffers, emptied in the laſt Voyage, He took occaſion to look into the Corruption and evil Adminiſtration of Juſtice during his Abſence; and to this end Summoning a Parliament at *Weſtminſter*, and having Proclaimed, That all thoſe who had any thing to object againſt His Juſtices, Sheriffs, and other inferior Officers, ſhould come in and be heard, they were, upon due Examination of their Extortions, then Condemned in Parliament to pay to the King as follows, *viz.*

[3] *Chron. de Dunſtable MS. in Bib. Cot.* The Fines ſet upon ſeveral of the Judges for Corruption.

Firſt, [3] Sir *Ralph Hengham*, Chief Juſtice of the Higher Bench, Seven thouſand Marks; Sir *John Loveton*, Juſtice of the Lower Bench, Three thouſand Marks; Sir *William Brompton*, Juſtice, the like Sum; Sir *Solomon Rocheſter*, Juſtice of Aſſizes, Four thouſand Marks; Sir *Richard Boyland*, Four thouſand Marks; Sir *Thomas Soddington*, Two thouſand Marks; Sir *Walter Hopton*, Two thouſand Marks: The Four laſt were Juſtices Itenerants: Sir *William Saham*, Three thouſand Marks; *Robert Lithbury*, Maſter of the Rolls, a Thouſand Marks; *Roger Leiceſter*, a Thouſand Marks; *Henry Bray*, Eſcheater, and Judge for the Jews, a Thouſand Marks: And what is more remarkable, *Adam de Stratton*, a certain Clerk of the Court, was fined no leſs then Thirty two thouſand Marks of new Money, beſides Jewels, and Silver Plate: But Sir *Thomas Wayland*, Chief Juſtice of the Common Pleas, (being found the greateſt Delinquent, and of the greateſt Subſtance) had all his Goods confiſcated to the King: [4] Nor did it at all avail him that to eſcape Puniſhment he had profeſſed himſelf a Friar Minor in the Monaſtery of *Balwell*, near St. *Edmunds-Bury*; for being fetched from thence, he was deprived of his Religious Habit, and Condemned to abjure the Realm, and

[4] *Chron. Ædis. Chriſti Cant. in Bib. Dom. Sim. D'ews.*

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nd loſt his whole Eſtate, both Real and Perſonal. Which Fines and Confiſcations being brought into his *Exchequer*, amounted to above One hundred thouſand Marks; which at the Rate (as Money goes now) omes to above Three times as much: Beſides which the King had then lſo granted Him by the Citizens and Burgeſſes a *Sixth* Part, and of the eſt of the Kingdom a *Tenth* of all their Goods. Then [5] the King made all his Juſtices to Swear, that they would receive no Bribe nor Preſent from any one, more than of Edibles, which they might take according to Law.

[5] *Id. ib.*

The King makes the Judges take an Oath not to take any Bribes.

This was a vaſt Treaſure to be gotten out of the hands of ſo few Men, which how they could amaſs together in thoſe days, when Law-Suits eſpecially in *Weſtminſter-Hall*) had not multiplied to that degree they ave done ſince, may juſtly prove a matter of Wonder, and ſhews s the great Opportunities the Judges had in thoſe Times to enrich hemſelves by Bribery and Extortion; when their Power, before the Law became fixt and ſettled, was far more arbitrary than now; though hey could not eaſily come off when they were once accuſed in full Parliament.

I have here taken the more notice of this, that Men may not complain of the Age in which they Live, and believe it worſe and more corrupt in every reſpect than thoſe that went before; ſince my Author ays, *That there were not any of thoſe Judges, or Officers, though counted among the Wiſeſt and moſt knowing Men of the Kingdom, whoſe Innocence ould bear a ſtrict Examination, or who could make any reaſonable Defence to hoſe many Accuſations that were then prefer'd aginſt them.*

As for Foreign Affairs, I ſhall, from the Records in the *Tower*, give you an exact Account of the Treaty that was this Year reſumed between King *Edward* and the Eſtates of *Scotland*, concerning the Marriage of Prince *Edward*, the King's eldeſt Son, to the Daughter of the King of *Norway*, then Heireſs of *Scotland*, who was at that time in *Norway* with the King her Father: This Match being agreed on by the *Scotiſh* Eſtates, the Pope's * *Diſpenſation* was now procured by King *Edward*, That the Young Princes might inter-marry, although they were Couſin-*Germans*; which being obtained, King *Edward* † wrote to *Eric*, King of *Norway*, about this Affair, aſſuring him, That the Guardians, Great Men, Prelates, and the whole Community of the Kingdom of *Scotland*, had unanimouſly conſented to it: Upon which, that * King wrote to King *Edward*, and alſo ſent certain Commiſſioners named in the Record, to tranſact with Him, that by his Advice and Aſſiſtance the Young Lady, his Neice, might be obeyed as Queen and Heir of *Scotland*. Then the * King wrote to the Guardians of *Scotland*, to ſend Commiſſioners to treat with thoſe of *Norway*, about the Emendation and Peace of that Kingdom, and ordering the Eſtate of the Queen: And they ſent them accordingly, with whom he joined Commiſſioners of his Own; who all by name ſet down in this Inſtrument, met at *Salisbury* on the Twenry ſixth of *October*, where and when it was agreed;

An Account of the Treaty of Marriage between Prince *Edward* and the young Queen of *Scotland*.

* *Rot. Pat.* 17. *Ed.* 1. *M.* 3. *Cedula juti de Facto Norwegiæ.*

† *Ib. M.* 4. *in Cedula.*

* *Ib. M.* 3. 4.

* *Ibm.*

Firſt, That this Young Queen ſhould come into *England*, or *Scotland*, before the Feaſt of *All-Saints* next coming, if ſhe had no reaſonable Excuſe, free from any Contract of Mariage or Eſpouſal; for which the Commiſſioners of *Norway* did undertake.

† *Ibm.* The Conditions on which it was agreed.

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Secondly, That if ſhe came into *England*, King *Edward* engaged, tha when *Scotland* was ſettled in Peace and Quiet, ~~that~~ ſhe might ſafely g thither and ſtay there, and if the *Scots* required it, He would ſend he thither free from all Contracts of Mariage, ſo as the *Scots*, befor they ſhould receive Her, gave good Security to Him and the King of *Norway*, that they would not marry Her without their Conſents.

Thirdly, The *Scotch* Commiſſioners likewiſe promiſed, for themſelves and their Nation, that they would ſecure it before ſhe came thither, tha ſhe might come and remain in Her Kingdom, as Lady, Queen and Heireſs of *Scotland*, and that concerning the Premiſſes, they would give all rational Security that the Commiſſioners of *Norway* ſhould appoint.

Fourthly, That if any of the Guardians, or Officers of *Scotland*, were ſuſpected, they ſhould be removed, and new ones put in their Places by the Commiſſioners of *Norway* and *Scotland*, ~~and~~ ſuch as the King of *England* ſhould appoint for that purpoſe; and if the *Scots* and *Norweigans* could not agree in this matter, then the *Engliſh* Commiſſioners, were to determine what was to be done; and not only in this, but in all matters whatſoever that ſhould happen, relating to the State and Reformation of *Scotland*.

[1] *Ibm.* An Aſſembly of the Eſtates to be held at *Rokesburgh*.

For the Performance of all which Conditions, [1] it was further agreed, that there ſhould be a Great Aſſembly of the *Engliſh* and *Scots*, at or near *Rokesburgh*, at *Midlent* next following, where the *Scots* were to give Security, for the performance of theſe things, and for the Settlement of *Scotland*, before ſuch as the King of *England* ſhould ſend thither.

To this Agreement in Three parts, Two in *French* for the *Engliſh* and *Scots*, and a Third in *Latin* for the Commiſſioners of *Norway*, the reſpective Commiſſioners ſet to their Seals; and it bears Date at *Salisbury*, on *Sunday*, the Feaſt of St. *Leonard*, (*i. e. November* the Sixth) 1289.

* *Rot. Pat.* 17 *Ed.* 1. *M.* 3. 4. It is Printed in Dr. *Brady's* Append. *N.* 9.

* Then King *Edward* ſent His Letters, bearing Date the ſame day at *Clarendon*, near *Salisbury*, directed to the Prelates, Great Men, and the whole Community of *Scotland*, requiring them to obey and be aſſiſting to the Guardians thereof, who were appointed, in the Name of his Couſin Queen *Margaret*, to govern that Kingdom.

Theſe Tranſactions are but ſlightly mentioned by any of our Hiſtorians, yet are extant on the Patent-Rolls in the *Tower*, from whence Dr. *Brady* hath tranſcribed the Subſtance of them; and I have alſo my ſelf compared them with the ſaid Rolls. Thus far proceeded the Treaty this preſent Year, and in the next ſhall be expreſſed the final Concluſion of it.

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[2] *T.Wi. An.Wav.* The King Marries Two of His Daughters in one Year.

This [2] Year King *Edward* beſtow'd Two of his Daughters in Mariage, within a ſhort time after each other; *Joan* the Elder, Sirnamed of *Acres*, or *Acon* in the *Holy Land*, where ſhe was born, was Married in the beginning of *May* to *Gilbert de Clare*, Earl of *Gloceſter*, the Greateſt Nobleman of *England*, next thoſe of the Royal Blood; and in the beginning of *July* following, *Margaret* his Third Daughter was Married to *John*, Son to the Duke of *Brabant*, who graced the Solemnity with his own Preſence: Fifteen days after *Midſummer*, the King held a Par

He holds a Parliament at *Weſtminſter*, and the Statute then paſſed.

liament

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liament at *Weſtminſter*, where was enacted that notable Statute of *Weſtminſter* the *Third*, which is alſo called (from the firſt Words of it) *Quia Emptores Terrarum*; becauſe it chiefly relates to Purchaſers of Lands held by Knights Service.

But of other Affairs we find little worth noting, [3] except the Baniſhment of the *Jews*, who upon a General Complaint that was made againſt them by the Great Men and People of the Kingdom, for their Uſury and Extortions, had this Year their Eſtates ſeized for the King's uſe; having no more left them, than what would bear their Expences beyond-Sea, being not to return upon pain of Death: And we ſtill find upon Record * Two Writs with theſe Titles, the former *De Judæis Regno Angliæ Exeuntibus*, *i. e.* of the *Jews* going out of *England*; the Other *De Paſſagio & Conductu Judæorum Angliæ*, For the Paſſage and Conduct of the *Jews* of *England*; but whither theſe Wretches went, unleſs it were into the *Low-Countries* or *Germany*, I know not, for they were already Baniſhed out of *France*: But [4] many of them taking Shipping in the River *Thames* in a certain Veſſel belonging to one of the *Cinque-Ports*, were by the Wicked Maſter and Seamen, not only Plundered of all they had left them, but were alſo cruelly thrown over-board and drowned, which when the King heard, He cauſed a great number of thoſe Wicked Mariners to be Hanged.

[3] *M. W.*

The *Jews* are Baniſhed the Kingdom for their Extortion.

* *Clauſ* 18. *Ed.* I. *M.* 16. *Pat.* 18. *Ed.* I. *M.* 14.

[4] *Chron. de Dunſtable.* *T. Wi.*

Many of them robbed of all they had, and flung overboard.

But to give you ſome farther Account of the Baniſhment of the *Jews*; the old Manuſcript Chronicle of *Abingdon*, in the *Cambridge* Library, relates the manner of it ſomewhat otherwiſe, *viz.* As that it was done by Act of Parliament, at the ſame time when the Statute of *Weſtminſter* the *Third* was ordained, but yet they were not ſo ſeverely handled as the reſt of our Hiſtorians repreſent them; for that the King only ſeized their immoveable Goods (by which I ſuppoſe the Author means *Leaſes* and *Mortgages*) as alſo their Bonds and Securities for Money owing them; but as for their Jewels and ready Caſh, the King gave them leave to diſpoſe of them as they pleaſed: And this ſeems moſt likely; for otherwiſe if they had carried no Money with them, more than what would ſerve to pay their immediate Paſſage, how could the Marriners abovementioned have had ſuch a Booty of thoſe *Jews* they pretended to tranſport?

* Some other Accounts from *MS.* Hiſtorians, concerning the Baniſhment of the *Jews*.

However thus much is certain, That ſome time before their Baniſhment, at a Parliament held in the beginning of this Year, not long after the Feaſt of *St. Hillary*, there was a Statute made, Entituled, *de Judaiſmo*, by which the *Jews* were abſolutely forbid the taking any manner of Intereſt or Uſury for Money of *Chriſtians*, which Statute Sir *Edward Coke*, having publiſhed in his Second *Inſtitutes*, makes this Comment upon it; 'That the King did not directly expel them the Kingdom, but only 'prohibited them to put Money to uſe; which produced a Petition from 'them to the King, That they might have leave to depart the Land; 'a Requeſt eaſily granted unto them: Some will ſay it is all one in 'effect, whether one be Starved or Stabbed, Death inevitably falling 'from both, as here the *Jews* were Famiſhed, on the matter, out of '*England*; Uſury being their Meat and Drink, without which they 'were unable longer to ſubſiſt: However this took off much from the '*Odium* of the Act, that they were not immediately, but only indirectly, 'and conſequentially Baniſhed the Realm, or rather permitted a free Departure on their own Petition for the ſame.

The paſſing of the Statute *de Judaiſmo*, and when it was made.

P. 506, 507. Sir *Edward Coke*'s Opinion concerning the Baniſhment of the *Jews* examined.

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I cannot deny but this Account of ſo Learned a Man, may ſeem very probable; and I ſhould be likewiſe of his Opinion, could I find any good Authority for it; all our Hiſtorians unanimouſly agreeing in this, That the *Jews* did not depart voluntarily, but were Baniſhed by publick Edict, as the Writs for their being conveyed beyond-Sea do alſo expreſly declare.

[5] *T. W.* He exacts a Fifteenth of all moveable Goods, contrary to Law.

But though the King now got a vaſt Sum of Money by this Confiſcation of the *Jew's* Eſtates, yet was He not ſatisfied with it; [5] for preſently after *Michaelmas*, through the ill Advice of ſome of his Councellors, He iſſued out a Proclamation or Edict, whereby He exacted from all the People of the Kingdom, as well Clergy as Laity, the *Fifteenth* part of their Moveable Goods, which was alſo gathered with greater Severity than was wont, and gave all Degrees of Men a mighty Diſtaſt againſt his Government, though He was afterwards fain to retract all theſe Proceedings, as you will find in due time.

The Articles of the Marriage between Prince *Edward* and the Queen of *Scots*, agreed to by the Eſtates of *Scotland*, and what they were.

* *Pat.* 88 *Ed.* 1. *M.* 8. 9.

It is fit we now continue the Account we gave you laſt Year of the Treaty of Mariage, between Prince *Edward* and the Young Queen of *Scotland*; for the ſpeedy performance of which, a Great Council of the Guardians, Biſhops, Abbots, Earls, Barons, and the whole Community of *Scotland* being Aſſembled at *Edenburgh*, King *Edward* * confirmed to them certain Articles, that had been agreed on by ſpecial Commiſſioners on both ſides.

Firſt, That they ſhould have, uſe and enjoy all their Laws, Liberties and Cuſtoms, they had before enjoyed.

Secondly, That if *Edward* and *Margaret* ſhould dye without Heirs, the Crown ſhould revert to the next Heir of the Kingdom. *

* And that freely and abſolutely, without any ſubjection, ſo that by Reaſon of this preſent Agreement nothing ſhall accrue to, or be diminiſhed from that King or his Heirs in that Kingdom.

Thirdly, That the Kingdom of *Scotland* ſhould remain ſeparated, divided and free in it ſelf, from the Kingdom of *England*, without any Subjection, by it's true Bounds and Limits, as it had been before time. This was granted; yet *with a ſaving of the King's Right, which He had before this.*

Fourthly, That the Chapters of Cathedral, Collegiate, or Conventual Churches, might not be compelled to go out of the Kingdom, to ask leave to Elect or Preſent their Elects, or to do Fealty to the King of *Scotland*; nor that any Tenants in *Capite*, or other Perſons, ſhould be forced out of the Kingdom, to do their Homage, Fealty and Services, or proſecute any Suits, or other things which were uſed to be done there; but that they might be done in their uſual Places, before the Chancellor of *Scotland* and Vice-Roy.

Fifthly, That the Parliaments, for what concern'd *Scotland*, ſhould be holden within that Kingdom.

* *Ibm.* The King gives Bond of 100000 *l.* Sterling, to perform the Articles, and deliver up the Kingdom.

* The King was to Swear to the Obſervation of all theſe Articles; and the Commiſſioners farther promiſed, That He ſhould oblige Himſelf and his Heirs in a Bond of a Hundred thouſand Pounds Sterling, to make Reſtitution of the Kingdom in the Caſe aforeſaid; and the Forfeiture, if incur'd, to be paid to the Church of *Rome*, in Aid of the *Holy-Land*; and that He ſhould conſent, the Pope might conſtrain Him and his Heirs, by *Excommunicating* them and *interdicting* the Kingdom, as well to the Reſtitution, as Payment of the Money, if He did not obſerve it.

It was laſtly agreed and promiſed by the *Engliſh* Commiſſioners, That King *Edward*, at His own Charges, ſhould procure the Pope to Confirm theſe Articles within a Year after the Mariage of the ſaid *Edward* and *Margaret*; and that within the ſame time the Bull was to be delivered to the *Community* of the Kingdom of *Scotland*.

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The King engages to procure the Pope's Diſpenſation for Marriage.

Theſe Articles and Conceſſions were Sealed by the Commiſſioners, on *Tueſday* before the Feaſt of *St. Margaret*, (that is, the Eighteenth of *July*) *A. D.* 1290; and the Letters Patents of Confirmation of this Agreement were Sealed with the King's Seal at *Northampton*, the Eight and twentieth of *Auguſt*. * The witneſses whereunto were Anthony Biſhop of Durham, the Biſhop of Carlile, John Earl of Warren, Henry Earl of Lincoln and others, as appears by the Articles of this Agreement still preserved in ye Exchequer, & are published in R—'s Coll. p. 482 to 484.

On the ſame day the King appointed (by his ſpecial Commiſſion) the Biſhop of *Durham* to be Lieutenant to Queen *Margaret* and his Son Prince *Edward* in *Scotland*, for preſerving the Peace and Government thereof, with the Advice of the Guardians, Prelates and Great Men, according to the Laws and Cuſtoms of that Kingdom: And the Guardians and Noblemen of *Scotland*, with the Governors and Captains of the Caſtles and Fortreſſes, engaged themſelves by an Inſtrument to deliver them up, when their Queen and her Husband ſhould come into that Kingdom. This whole Tranſaction at large is to be found in the Patent-Rolls of the Seventeenth and Eighteenth of *Edward* I. in the *Tower* of *London*.

Rot Parl. 18. *Ed.* I. *M.* 9. Printed in Dr. *B's.* Append *N.* 10.

The King appoints the Biſhop of *Durham*, Lieutenant or Governor of *Scotland*.

Rot. Pat. 18. *Ed.* I.

The *Scotiſh* Governors of Caſtles, &c. engage to deliver them up to the Queen, &c.

Ib. M. 34. *Ib. M.* 89.

All which I have here ſet down, to let you ſee, That the *Scots* were then very cautious, and did as much as lay in their Power, to hinder their Country from being any way ſubjected to *England*, as may more plainly appear by the Second Article of this intended Marriage. Yet all this Treaty came to nothing, by reaſon of the ſudden Death of the Young Queen, who deceaſed ſome time this Autumn in her Voyage between *Norway* and her own Kingdom (or as *Knyghton* relates in the Iſle of *Orkeney*) by whoſe immature Deceaſe, there aroſe a mighty Contention between the Competitors for this Crown, which could no ways be decided by the Eſtates of that Kingdom; and therefore they agreed to refer the Judgement of this Great Controverſy to King *Edward*: Who, when He heard this News, preſently reſolved to go into *Scotland*, to compoſe and determine the Differences which He perceived would ariſe concerning the Succeſſion, being accompanied with his Queen *Eleanor*, who fell Sick and Dyed of a Feaver at *Herdeby* in *Lincoln*-ſhire in her Journey; at which great loſs the King being hugely afflicted, returned preſently to *London* to be preſent at her Obſequies, which He order'd to be perform'd with Great Magnificence; to this end, her Corps was removed to *Weſtminſter* by eaſy Journeys, and ſome time after buried in the Church of that Abbey with an Auguſt Solemnity, the King Himſelf being preſent in Perſon: He Ordered a handſom Tomb, with her Image upon it in Braſs, to be made over her Grave, which is ſtill to be ſeen at the Feet of that of her Husband, who alſo order'd ſeveral Croſſes of Stone to be erected to her memory, with her Arms engraven upon them, at thoſe Places where her Body had reſted, and where a Solemn *Dirge* had been Sung for her Soul; ſeveral of which Croſſes remain at this day, as at *Northampton*, *Waltham*, &c. as there were alſo (in the memory of thoſe ſtill alive) in *Cheapſide*, and at the Place, from thence called to this day, *Charing-Croſs*, though theſe two laſt were taken down by order of the Long Parliament, *A. D.* 1643. as Relicts of Popiſh Superſtition. I thought fit to ſay ſo much of this Princeſs, not

The Young Queen of *Scots* dies in her return home; upon which aroſe a great Contention between ſeveral Competitors for the Kingdom.

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not only becauſe all our Kings and Queens ſince that time have been deſcended from her, but alſo becauſe ſhe was an excellent Wife, and by her moſt obliging Carriage had highly won the Affection of all the Nation. But by reaſon of this Accident, all things in *Scotland* remain'd for ſome time in the ſame State as before.*

* And I must here further observe, that upon this Submission of Scotland, the Inhabitants of ye Isle C. W. H. of Man, who had been for many years subject to that Kingdom, submitted to & put themselves under the Protection of King Edward, as appears by an Instrument under the Seals of the Chief Persons of that Island, in which they set forth, that the said Isle had for want of due Protection & defence, was become almost ruined & desolate, and therefore they thereby surrender their Bodies and Estates to Punishment and forfeiture, if for the future they shall rebell against his Dominion This bears Date at the Abbey of Rufsyn in the said Isle A. D. 1290. and is entered in a Book of the Exchequer & is published in R—'s Coll: p. 492, upon which Submission the King took Possession of it; but soon restord it again to the King of Scots as you'll find hereafter.

As to Foreign Affairs this Year, upon the Receit of the evil News of the City of *Acon* or *Ptolemais*, being taken by the *Saracens*, with a Great Slaughter of the Chriſtians, King *Edward* had ſome thoughts of making another Voyage to the *Holy-Land*, as appears by Pope *Nicholas* his Letters to the Biſhops of *Wincheſter* and *Lincoln* to that purpoſe, and in the mean while had for this end granted Him the Tenth of all Eccleſiaſtical Benefices in *England*, *Scotland* and *Ireland*, for the ſpace of Three Years, and that at their utmoſt value, for the carrying on this *Holy War*, or intended *Cruſado*; and though the King never went, yet He ſtill received the Money. But we ſhall now give a further Account of the *Scotiſh* Affairs, from the Great Roll concerning King *Edward*'s Superiority over that Kingdom.

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Rot. de Superioritate, Regis in Scotiam 18 Ed I. p nes Cuſtod Record in Turre London.

The King being now reſolved to determine this Great Controverſy about the Succeſſion of the Crown of *Scotland*, as *Supreme* or direct Lord thereof, called a Parliament at *Norham*, on the Confines of *Scotland*, conſiſting of the Prelates, Nobility, Knights and others of both Kingdoms, who being all Aſſembled on the Tenth of *May*, at the Place abovementioned, *Roger Brabançon*, the King's Juſtitiary, in the Preſence of a publick Notary, and many other Witneſſes of great Quality, told them the Reaſon of the King's coming, and of their being there ſummoned together; which was, That He taking notice in what Confuſion their Nation had been ſince the Death of *Alexander* their laſt King and his Children, for the Affection He had for that Kingdom and all the Inhabitants thereof, whoſe Protection was well known to belong to Him, He was reſolved, for the doing Right to all that Claim'd the Kingdom, and Preſervation of the Peace thereof, to ſhew them his *Superiority* and direct *Dominion* out of divers Chronicles and antient Monuments, preſerved in ſeveral Monaſteries in *England*; yet that He would Uſe this Right, and do Juſtice to all, without any Uſurpation or Diminution of their Liberties; and further to Demand their Aſſent to, and Recognition of his ſaid Superiority and direct Dominion.

Ibm.

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noh
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The Juſtitiary having thus ſpoken in the King's Name, and the Biſhops and other Prelates, Earls, Barons, Great Men and Nobles of the *Community* of the Kingdom of *Scotland* there preſent, having underſtood his Meaning, they required time to conſult with ſuch of their ſeveral Orders as were abſent, which the King granted until the next day only.

Ibm.

When, it being the Eleventh of *May*, they met again in the Pariſh Church of *Norham*; and then they earneſtly preſſed the King to give them longer time to conſult with ſuch as were abſent, and to Anſwer his Demands concerning their Recognition of his *Superiority* and direct *Dominion* over the Kingdom of *Scotland*, which He ſaid was his Right. Then upon further deliberation, He gave them time until the Second of *June* next coming; and on that day preciſely they were to Anſwer his Demands, and if they had any Evidences, Writings or Antiquities to produce, which might exclude Him from the Right and Exerciſe of his ſaid Superiority and direct Dominion, or overthrow his Reaſons and

Arguments for it, they were then to exhibit, and ſhew them; proteſting He was ready to allow them what the Law permitted, and to do what was juſt.

* And that they might the better underſtand his Title, and make their Objections againſt it if they pleaſed, the Biſhop of *Durham* was appointed to ſet it forth to all the Nobles and Prelates their preſent: It is true, the Declaration he then made, and Arguments he uſed, were wholy Hiſtorical, and had been ſearched for and taken out of the Chronicles of *Marianus Scotus*, *William* of *Malmesbury*, *Roger de Hoveden*, *Henry de Huntingdon*, *Ralph de Diceto*, and the Chronicle of St. *Albans* (that is) *Matt. Paris*, that lay then in ſeveral of the Abbies of *England*, being to this Effect; That the *Scots* had been Conquered by ſeveral of our *Saxon* Kings; that many of their Kings had ſubmitted and Sworn Fealty to them, done Homage, and received the Crown and Kingdom from them, and that the *Scots* had alſo ſubmitted, and been governed by ſuch Kings, as the *Engliſh-Saxon* Kings had placed in that Kingdom; That after the Conqueſt, the very ſame things had been done, ſubmitted to and complied with, in the Reigns of *William* the *Firſt*, and *Second*, *Henry* the *Firſt*, *Stephen*, *Henry* the *Second*, *Richard* the *Firſt*, King *John*, and *Henry* the *Third*.

* *Ibm.* The Biſhop of *Durham* is appointed by the King to declare his Title to the Superiority over that Kingdom.

The Subſtance of this Declaration, and from whence extracted.

This is the Subſtance of that Declaration, which you may find more at large in the Hiſtories of *Matt. Weſtminſter*, and *Tho. Walſingham*; and which the King then cauſed to be ſet forth to ſatisfy the Clergy and Nobility of *Scotland*: But to ſpeak the truth, though the Matters of Fact which are therein cited are righly enough ſet down, yet there is no mention made of any Homage or Fealty done by the *Scotiſh* Kings, for the whole Kingdom of *Scotland* properly ſo called, which (as I have ſhewed in the former Volume) extended antiently no farther then the Bridge of *Sterling*, which in the time of King *Edgar* was the Boundary between the *Scotiſh* and the *Northumbrian* Kingdoms. But I ſhall defer ſaying more upon this Subject, having already ſaid ſo much of it in my Introduction; only this is obſervable, That whatever Authorities are found in our Hiſtorians againſt this Homage now claim'd, there was no Notice taken of them in this Declaration of King *Edward*; and there was very good reaſon for it, becauſe had they been mention'd, they might have ſerved to ruin the King's Pretences to any Superiority over that Kingdom.

But ſince we have nothing left us that is Authentick concerning any Anſwer or Defence the *Scotiſh* Clergy and Nobility then made to the King's Demands, we muſt only rely upon what Accounts, we can find in our own Records, * where it farther appears, that after the King's Title to the Dominion of *Scotland*, had been declared and publiſhed on the Second of *June*, the Biſhops and other Eccleſiaſtick Prelates, together with the Earls, Barons and other Nobles of the *Community* of the ſaid Kingdom of *Scotland*, met right over againſt *Norham*-Caſtle, (where King *Edward* then was) in a *Green* Plain on the other ſide of the River *Tweed*; as did alſo all the Princes and Noblemen that claimed the Kingdom: Then the Biſhop of *Bath* and *Wells* was ſent to demand in the King's Name what they had done ſince at their laſt Meeting, and * whether they would ſay, propound, or ſhew any thing that could or ought to exclude the King of *England* from the Right and Exerciſe of his Superiorіry and direct Dominion over the Kingdom of *Scotland*; and

* *Rot. de Super. Regis Angliæ, &c.* Another Meeting of the Nobility and Biſhops of *Scotland*, together with all the Competitors to the Crown.

* *Ibm.*

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Who are all required to produce what they had to object againſt the King's Superiority.

* *Ibm.*

that they ſhould produce and exhibit it if they, believed it expedient for them; proteſting in the Name of the King of *England*, that he (the Biſhop) would favourably hear them, and allow what was juſt, and report what they ſaid to Him and his Council, that upon deliberation they might do what Juſtice required; but ſince they (though often deſired) had anſwered nothing, neither propounded nor exhibited any thing againſt it, therefore the * Biſhop, recapitulating what had been ſaid and urged for the King's Title, and what had been done at theſe ſeveral Meetings, in all which they had offered nothing conſiderable againſt it, declared to them the Biſhops, Prelates, Earls, Barons and others of the Community of *Scotland*, That the King would make uſe of his Right of Superiority and direct Dominion in *Scotland*, in deciding the Controverſy between the ſeveral Competitors for that Kingdom.

* *Ibm.*

Robert Lord *Bruce* firſt owns the King's Superiority, &c.

Then the * Biſhop beginning with *Robert de Bruce* Lord of *Anandale*, being one of the Cheifeſt Competitors for the Kingdom of *Scotland*, he demanded of him, in the Preſence of all the Eſtates of the Kingdom laſt mentioned, Whether in claiming the ſaid Right, he would anſwer and receive Juſtice before the King of *England*, as Superior and Direct Lord of the Kingdom of *Scotland*? Who openly and expreſly, in the preſence of all there preſent, anſwered, That he did acknowledge *the King of* England *Superior and direct Lord of the Kingdom of* Scotland; *and that he would, before and from Him, as his* Superior and direct Lord of the Kingdom of *Scotland*, anſwer, and receive Juſtice.

* *Ibm.*

As did alſo all the reſt of the Competitors.

Then * all the other Competitors there preſent, (*viz.*) *Florence* Earl of *Holland*, the Lord *John Haſtings*, *Patrick* of *Dunbar* Earl of *Marche*, *William Veſcy*, *William de Roſs*, *Robert de Pinkney*, and *Nicholas de Soules*, had the ſame Queſtion put to them, and made the ſame Anſwer.

† *Ibm.*

† *John Baliol* was then abſent; but upon his Proctor's Requeſt the Meeting was continued until the next day, the *Third* of *June*, to be in the Pariſh Church of *Norham*; when he gave the ſame Anſwer to the Third Queſtion.

And they did not only make this *Recognition* publickly in this Great Aſſembly, but alſo ſigned the following Letters Patents thereof to the King in the *French* Tongue, which was uſed at that Time, and which I have here tranſlated for the Benefit of my *Engliſh* Reader.

To all thoſe who ſhall ſee or hear this preſent Letter.

Rot. de Superior. Scotiæ. N. It is alſo Printed in *Matt. Weſtminſter.* The Charter of Submiſſion from all the Competitors, Acknowledging the Kings Right of Superiority.

'WE *Florence* Earl of *Holland*, *Robert de Bruce* Lord of *Anandale*, *John Baliol* Lord of *Galloway*, *John Haſtings* Lord of *Abergavenny*, *John Comyn* Lord of *Badenaugh*, *Patrick de Dunbar* Earl of *Marche*, *John Veſcy*, for his Father *Nicholas Soules*, and *William de Ros*, Greeting in the Lord: Whereas we intend to perſue our Right to the Kingdom of *Scoland*, and to Declare, Challenge, and Aver the ſame before Him that hath moſt Power, Juriſdiction, and Reaſon to try it; and the Noble Prince *Edward*, by the Grace of God King of *England*, &c. having informed us by good and ſufficient Reaſons, that to Him belongs the Sovereign *Seigneury* of

‘ the Land; We therefore Promiſe, that We will hold firm and ſtable ‘ his * Act, and that he ſhall enjoy the Realm, to whom it ſhall be ‘ Adjudged before Him. *In Witneſs whereof we have here ſet our Seals to this Writing, made and granted at* Norham, *the* Tueſday *after the* Aſcenſion, *in the Year of Grace*, 1291.’×

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* *Viz.* His Judgment or Sentence concerning that Matter.

× The Reader may alſo obſerve that the Original Charter in French containing all their Submiſsion is still preſerv'd in the Cottonian Library, under all their Seals, wch are still entire except one that is by accident broken off.

But I ſhall here relate what our own [1] Manuſcript Hiſtorians farther add, concerning the manner of obtaining this Submiſſion from the *Scotiſh* Noblemen, *viz.* That upon a Recital or ſetting forth of the Authorities out of the *Engliſh* Chronicles, Charters, and Papal Bulls, there was a ſhort and peremptory Day given them to return their poſitive Anſwer, what they would do; and when they ſeem'd diſſatisfied, and not willing to comply with the King's Demands, He was ſo far incenſed, that He Swore by St. *Edward*, (the greateſt Oath He ever uſed) That He would looſe his Life in the Proſecution of his Juſt Rights; and indeed, He had all the *Militia* of *England* then ready prepar'd to have fallen upon, and compel them, if they had then denied what He demanded; ſo that it was no wonder, if not only the *Scotiſh* Nobility, but all the Competitors to the Crown, either for Hope or Fear, made the abovemention'd *Recognition* of King *Edward*'s Right to the Superiority over all *Scotland*.

[1] *Chron. Abing.* C. W. H.

An Account from ſome MS. Hiſtorians concerning the Force that was then uſed to procure the Aſſent of the *Scotiſh* Nobility.

This done, the King and his Council treated with the Prelates, Noblemen, and Competitors for the Crown of *Scotland*, about the propereſt Method how to proceed in this Buſineſs, as alſo about the Settlement of the State of the Nation; whereupon it was Agreed by the unanimous Conſent of the Noblemen and Prelates of both Nations, That * *John Baliol* and *John Comyn* ſhould chuſe Forty, and *Robert de Bruce* ſhould chuſe other Forty fit Perſons, their Names to be delivered to the King within three Days after, (*viz.* on the 5th of *June*,) and that He ſhould add Twenty four, more or leſs, who ſhould Hear and Diſcuſs the Rights of the ſeveral pretending Parties, and make a faithful Report thereof to Him; and then that He ſhould give the Definitive Sentence, by which they ſhould be all concluded.

Ibidem. *Eod. Rot.* The King ſettles the Method of his Proceeding in this Affair, with the *Scotiſh* Biſhops, Noblemen, and all the Competitors.

* *Note*, Theſe three had the moſt Apparent Right to the Crown.

Theſe things were diſpatched on the 2d or 3d of *June*; But becauſe by the Letters Patents of *Recognition*, or Inſtrument above-mention'd, the King had not ſufficient Power to put his ſaid Sentence in Execution, for whomſoever the Kingdom ſhould be adjudged, unleſs He (the ſaid King) were in Actual Poſſeſſion thereof; * the Competitors therefore came before Him on the 14th of *June*, and very many of the Biſhops, Earls, Barons, Knights, and Noblemen of both Kingdoms, and then had Poſſeſſion given Him of the Kingdom and Caſtles of *Scotland* by all the Competitors, with the Conſent of the Community of the ſame Kingdom, *Nemine Contradicente*, according to a certain Inſtrument or Writing, which being ſomewhat long, I ſhall only give you the Subſtance of it.

* *Ibidem.* The Competitors, and the Biſhops and Nobility, Conſent, that the King ſhall have Poſſeſſion of the Kingdom, till the Right be determined.

* It is another Charter from *Florence* Earl of *Holland*, and all the reſt of the above-named Competitors, reciting, That whereas they had already granted with one Aſſent, That King *Edward*, as Superior Lord of *Scotland*, ſhould Judge of, and Determine their ſeveral Rights and Titles, &c. then proceeds thus:

* *Ibidem.* The Competitors Grant another Inſtrument, declaring their Aſſent to it.

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But becauſe the ſaid King of England *cannot accompliſh his Judgment, or put his Judgment in full Execution, ſo as to have it take Effect, without the Poſſeſſion or Seiſin of the ſaid Country, or the Caſtles thereof: We Will, Grant, and Aſſent, That He, as Sovereign Lord, to perform the Things aforeſaid, ſhall have Seiſin of all the Lands and Caſtles in* Scotland, *until Right be done to the Demandants; upon Condition, That before He be put in Poſſeſſion, He ſhall give ſufficient Security to the Demandants, and to the Guardians and Community of the Kingdom of* Scotland, *to reſtore both It and the Caſtles, with all the Royalties, Dignities, Seigniories, Franchiſes, Cuſtoms, Rights, Laws, Uſages and Poſſeſſions, and all manner of Appurtenances, in the ſame State and Condition, as they were when He received them; Saving to the King of* England *the Homage of Him that ſhall be King; ſo as they may be reſtored within Two Months after the Day the Right ſhall be Determined and Affirmed; and that the Profits of the Nation which ſhall be received in the mean time, ſhall be kept in the Hands of the Chamberlain of* Scotland, *that now is, and One to be joyned with him by the King of* England; *ſo as the Charge of the Government, Caſtles and Officers of the Realm may be deducted. In Witneſs whereof We have here ſet our Seals to this Writing, made and granted at* Norham, *on* Wedneſday *after* Aſcenſion, *in the Year of Grace*, 1291.

When the King had thus obtain'd theſe Charters of *Recognition* of all the Competitors for the Crown, He ſent Authentick Copies of them, under his Privy Seal, to all the Chief Monaſteries in *England*, with Orders, That they ſhould be Enter'd in the Chronicles and Leiger-Books of their reſpective Houſes; divers of which are ſtill Extant in the *Cottonian* Library, where they that doubt the truth of it may conſult them; and our Authors have been ſo Exact as to give us a Copy of the Writs, whereby the Abbots and Priors of thoſe Religious Houſes were enjoyned to perform it: It bears Date the 9th of *July*, in the 19th Year of his Reign, *A. D.* 1297. being about ſeven Years after the Grant of that Charter, and ſeems to have been done about the time when the Pope began to queſtion the King's Superiority over *Scotland*: And that none may queſtion the Truth of it, the very Original of the Charter of *Recognition* is ſtill preſerved, with the Seals of all the Competitors Appendant to it, in the ſame Library, that great Repoſitory of Rarities of this kind. So much I thought fit to ſay in Confirmation of this Noble Record, to which I ſhall now return.

Chron. Abing. C. W. H.

* *Ibidem.*

* On the 5th of *June*, the Names of the Eighty Commiſſioners, Elected to Examine, Hear, and Report the Rights of the Competitors, were delivered to the King; and on the 6th, they were ordered to appoint the Place and Day for their Examination, and hearing the Petitions of the ſeveral Demandants, and Diſcuſſing their Right; and *Berwick upon Tweed* was the Place appointed for it, which the King accepted; but they not agreeing on the Time, the King, as Superior and Direct Lord of the Kingdom, by the Unanimous Conſent of the Prelates and Noblemen of both Kingdoms there preſent, appointed the 2d of *Auguſt* as a peremptory Day for the Competitors to propound their Titles.

The Time for Hearing of the Claims of the Competitors is put off till the 2d of *Auguſt.*

† *Ibidem.*

The Caſtles of *Scotland* delivered to the King, with the Guardianſhip of the whole Kingdom.

† Then on the 11th of the ſame Month, the Biſhops of St. *Andrews* and *Glaſcow*, *John Comyn* Lord of *Badenaugh*, and *James Seneſchal* or *Steward* of *Scotland*, then appointed Guardians of the Kingdom, and all the Caſtellans, or Conſtables of Caſtles, delivered up their Guardianſhips and

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Bayliwicks to the King of *England*, as Superior Lord; and when He had received them, He committed the Guardianſhip of the Kingdom to the ſame Perſons, to Govern it under Him, and in his Name; and preſently the Biſhops and Noblemen of *Scotland*, by the King's Command, choſe *Alan* Biſhop of *Cathnes* their Chancellor, and preſented him to the King, who allowed Him, and adjoyned *Walter* of *Agmundeſham*, his Clerk, to him, as an Aſſociate; and on the next Day they were both Sworn.

* *Ibidem.* Upon which, the Prelates, Noblemen, and Commons of *Scotland* Swear Fealty to King *Edward* as Superior Lord thereof.

These things being thus diſpatched, the Guardians and Competitors to the Crown, and all and ſingular the Biſhops and other Prelates, Earls, Barons, great Men, and the *Communities* of Cities and Burghs, that were there preſent, and that were bound to do and ſwear Fealty, had notice to do it on the Morrow, to the King of *England*, as Superior and Direct Lord of *Scotland*, in the ſame Place where they were at that time Aſſembled, on the *Green Plain* beyond the River *Tweed* within the Bounds of *Scotland*, which was then done, and they Sworn accordingly; after which, the King cauſed his Peace to be publickly proclaimed.

* *Ibidem.* Thoſe that ſtaid at Home are Sworn by Commiſſioners for that purpoſe.

From this 13th of *June*, to the 3d or 4th of *Auguſt*, all the Biſhops, Earls, Barons, Noblemen, Free Tenants, and all others that were bound, to do and ſwear Fealty to the Crown of *Scotland*, (and who were not then preſent) were (to ſave Expences and Labour) Sworn by Commiſſioners in all Parts of the Kingdom, and a very great number of their Names ſtand Recorded on this Roll; but in every Place, where they had Sworn, the King's Peace or Protection was proclaimed. The Form for taking the Oaths and Fealties of *Abſentees* was made by the Agreement and expreſs Conſent of all the Biſhops, Earls, Barons, and other Noblemen of *Scotland* there preſent.

* It is also very remarkable yt so soon as the King had obtained the Custody of the Kingdom of Scotland during ye vacancy of ye Throne, yt he immediately issued out a Declaration setting forth, that ye Kingdoms of England & Scotland by Reason of the Supreme Dominion, which he had obtained over Scotland, being now, blessed be God, in a manner conjoyn'd, he therefore commanded the Justices of his Bench yt all writs of his should be thenceforth returnable before them, according to the respective Dates, & Places in the said Kingdom of Scotland: and yt they should noways allow any Exceptions, if any should be made, against such Returns. This bears Date at Berwick 3d July & is entered on the Rolls Vid: R—s Coll: p. 533.

Rot: Claus: 19. Ed: I: m. 6. d.

[3] T. Wal. f. 57. The Death of the Queen Mother calls the King to *London*.

[3] While the King was thus employed in Deciding this Controverſie, his Mother Queen *Eleanor* died about *Midſummer*; whereupon He immediately return'd into *England* to ſee Her Interred, and the Funeral was Solemnized with all due Honour in the Church of the Nunnery of *Ambresbury*, where ſhe had been Profeſſed, which being over, He went back again toward *Scotland*.

* *Rot. de ſuper. Regis, &c. ut ſupra.* But upon his Return all the Competitors, with the Auditors, or Commiſſioners, appear before Him.

* It alſo appears from the above-mention'd Record, that the King was arrived at *Berwick* by the 3d of *Auguſt*, on which Day, (according to his Appointment) all the Competitors for the Crown appeared before Him and his Council, in a great Aſſembly of the Prelates and Noblemen of both Nations; and with them the Twenty four *Engliſh* Auditors, or Examiners of their Titles named by the King, and other Fourſcore, who were choſen by *Robert de Bruce* and *John Baliol*, (being Forty for each of them) with ſuch others as would Conſent to the Election made by them, to Diſcuſs their particular Rights, and make Report thereof to the King.

† *Ibidem.* The Names of the Twelve Competitors for the Scotiſh Crown.

† There appeared no leſs than Twelve Demandants, who all put in their Claims for the Crown of *Scotland*, all Entred on this Roll, who Petitioned to have the Kingdom delivered to them; beſides the King of *Norway*, who by his Proctor and Meſſengers demanded it likewiſe, as Heir to his Daughter *Margaret* late Deceaſed; the others were, *Florence* Earl of *Holland*, *Patrick de Dunbar* Earl of *Marche*, *William de Veſey*, *William de Ros*, *Robert de Pinkny*, *Nicholas de Soules*, *Patrick Galightly*, *Roger de Mandeville*, *John Comyn*, *John de Haſtings*, *John de Baliol*, and *Robert de Bruce*.

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* *Ibidem.* The Claims of the ſeveral Competitors being reported to the King, he puts off the Deciſion of it till the Year following.

[4] *Chro. Abing.*

* Their Petitions, with the Reaſons of their reſpective Claims, having been preſented, and ſhewn to the ſaid Auditors, they reported them to the King before the Prelates and Noblemen of both Kingdoms, in the preſence of all and every of the Demandants, and of the Publick Notary; and then the King Aſſigned them, by their own Conſent, the *Monday* next after the Feaſt of the *Holy Trinity*, [4] which would be on the 2d Day of *June*, in the Year 1292. for the further proſecuting of their reſpective Titles and Claims: And in the mean while, having Ordained Governors for the Royal Caſtles of *Scotland*, He return'd into *England*, where He ſpent the reſt of the Year; but what He did till his Return into *Scotland*, I do not find.

† *Ibidem.*

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The King comes to *Berwick*, and there upon a ſtrict Examination of the ſeveral Titles of the Competitors, finds that the Lords *Bruce* and *Baliol* had the beſt Right.

† The King being come to *Berwick upon Tweed* on the Day laſt mention'd, and the Prelates and Noblemen of both Kingdoms there aſſembled, with the *Auditors* of Claims that had been Elected by them, thoſe appointed by the King to Diſcuſs and Hear the Rights of the Parties Claimant, after an attentive and patient Hearing of all their Pleas, came to the King, and related what had been done; who, with the Prelates and Noblemen of both Kingdoms, ſtrictly Examined them; and for that He found there would be great Delay, and much Time ſpent, to the manifeſt Peril and Danger of the Kingdom, it was ordered by the expreſs Conſent of all Pretenders, and by the Aſſent of the Prelates and Noblemen aforeſaid, That the Rights and Titles of *Robert de Bruce* and *John Baliol* ſhould be firſt Examined and Diſcuſſed, and that afterwards all others might proſecute their Claims if they thought fit.

* *Ibidem.* The King cauſes the Eighty Commiſſioners to take an Oath to give him true Advice. They alledg'd great Difficulties in giving their Judgment; whereupon the Deciſion is again put off till the Meeting of the next Parliament in *October*.

It is further Recited in this * Record, That the King, tho' He might, as Superior Lord of *Scotland*, have judged this Cauſe without the Aſſiſtance or Advice of the ſaid Eighty Auditors; yet, that He might do it with more Security and Prudence, He cauſed them all to appear and take an Oath, That they would truly Adviſe Him how, and by what Laws and Cuſtoms, He ſhould proceed to Judgment in this Caſe: But theſe Eighty Perſons pretended mighty Difficulties, and deſired that the Twenty four *Engliſh*, whom the King had appointed, might be added to them; and theſe Twenty four pretended as great or greater Difficulties, and therefore durſt not undertake the Charge, or conſult upon the Buſineſs before them, without the Advice of the Prelates, Nobles, great and wiſe Men of *England* that were abſent: Wherefore by the unanimous Aſſent of all there preſent, the King Aſſigned the Morrow after the Feaſt of the Tranſlation of St. *Edward* the *Confeſſor*, (that is, the 14th of *October*) for their further Proceeding in this Matter, in his Parliament to be held in the ſame Place.

† *Ibidem.* The Nobility of both Kingdoms being met, the King ask'd them, By what Laws or Cuſtoms he is to give Judgment in this Caſe?

† At that Day, the Prelates and Noblemen of both Kingdoms appearing at *Berwick*, as alſo the ſaid Auditors, the King asked them, (as He had done before?) By what Laws and Cuſtoms, Judgment was to be given in the preſent Caſe? And if there were found no Laws or Cuſtoms to proceed by, how then it was to be given; and whether otherwiſe, concerning the Kingdom of *Scotland*, than concerning Earldoms, Baronies, and other individible or impartible Tenures?

* *Ibidem.* And appoints that the Claims of *Baliol* and *Bruce* be firſt Heard.

* The King having received their Anſwers, ordered all the ſaid Auditors to repair to the Church of the *Fryars-Preachers* in *Berwick*, and favourably to hear *John de Baliol*, and *Robert de Bruce*, from Day to Day,

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what they had to ſay or propound. *Robert de Bruce* began firſt, ſhewing the Reaſons and Arguments for his Claim; in which he concludes thus, *Quod quidem Regnum Scotiæ cum Pertinentiis dictus Robertus de Bruce Clamat tenere libere & in libertate de Domino Edwardo Rege Angliæ & de Corona Angliæ Jure hæreditario in perpetuum:* After whom, *John Baliol* ſet forth his, in a long Plea, and anſwered all that *Robert de Bruce* had ſaid: Then the Auditors having related to the King what had been urged on each ſide for their reſpective Titles, they both perſonally appeared before Him, who asked them, If they had any thing further to ſay? They anſwered, *No:* Whereupon the King openly and publickly, before the Prelates and Noblemen of both Kingdoms, his whole Council and the *Auditors*, Demanded of them, What Advice they would give Him; which of the two, according to what they had ſhewn, and ſet forth, had the true Right of Succeſſion to the Kingdom of *Scotland*? And the Force of all their Arguments on both Parts was drawn into this ſingle Queſtion; which I ſhall thus Tranſlate into *Engliſh*, without troubling you with the *Latin* Original.

Upon Hearing their ſeveral Claims, the King demands Advice, which of theſe two Competitors had the better Title?

* *Whether the more Remote by one Degree in Succeſſion, coming from the Eldeſt Siſter, ought, according to the Laws and Cuſtoms of thoſe Kingdoms, to Exclude the Nearer by a Degree coming from the Second Siſter? Or whether the Nearer by one Degree Deſcending from the Second Siſter, ought, by the Laws and Cuſtoms of thoſe Kingdoms, to Exclude the more Remote by a Degree coming from the Eldeſt Siſter.*

* *Ibidem.* Both their Claims are reduced into one ſingle Queſtion.

To which they unanimouſly Anſwered, without a Negative, That the more Remote by one Degree, *Lineally* deſcending from the Eldeſt Siſter, according to the Laws and Cuſtoms of both Kingdoms, is to be prefer'd to the Nearer by one Degree coming from the Second Siſter, in every Hereditary Succeſſion of that Nature.

Now that the Reader may more clearly underſtand this Queſtion and Anſwer, it will be neceſſary for me to leave the Record a while, and to ſet forth the Pedegree of both theſe Noble Perſons.

The Pedigree of each of theſe Competitors.

Henry Prince of *Scotland*, Son to King *David* the *Firſt*, who Died before his Father, left Three Sons; *Malcolm*, Sirnamed the *Maiden*, (ſo called becauſe of his great *Chaſtity* and *Averſion* to Mariage) *William*, Sirnamed the *Lyon*, from his great Courage; and *David* Earl of *Huntington*. King *William* had but one Son, called *Alexander* the *Second*, who was Father of *Alexander* the *Third*, his only Surviving Iſſue, who Married *Margaret* Daughter to King *Henry* the *Third* of *England*, and Siſter to *Edward* the *Firſt*: By her he had Two Sons, *viz. Alexander* and *David*, who Died without Iſſue; and one Daughter, named *Margaret*, Married (as you have heard) to *Eric* King of *Norway*, by whom ſhe had one only Daughter, named alſo *Margaret*, late Queen of *Scotland*, who Dying without Iſſue, (as was ſaid before) the whole Line of *William* the *Lyon* failing, the Right of the Crown remain'd in one of the Grandchildren of the ſaid *David*, Earl of *Huntington*; but to which of them it belonged was a Difficulty ſomewhat hard to be decided.

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For this Earl *David* had Three Sons, *Henry*, and *Robert*, who Died young, and *John*, Sirnamed the *Scot*, Earl of *Cheſter*, who alſo Died without Iſſue; and Three Daughters, *viz. Margaret*, the Eldeſt Married to *Alan*, Lord of *Galloway*, by whom ſhe had One only Daughter, *Dergovilla*, who was Married to *John Baliol*, and by whom ſhe had *John Baliol*, One of the Competitors for the Crown, as is above-mentioned.

The Title of the Lord *Haſtings*.

The Pretences of *Bruce* and *Baliol* appear difficult to be decided.

His Second Daughter was *Iſabel*, Married to *Robert Bruce*, by whom ſhe had *Robert* her Son: There was alſo *Adama* a Third Daughter, Married to *Henry* Lord *Haſtings*, from whence all the Earls of *Huntington* of that Name are Deſcended. Now by this Pedigree, it appears, That tho' *Robert Bruce*, Son to *Iſabel*, Second Daughter to Earl *David*, was by his Mother's ſide one Degree nearer to Earl *David*, on whom the Right of the Crown would have Devolved had he been ſtill alive; yet *John Baliol* was Grandchild to *Margaret*, the Eldeſt Daughter to *David*, which ſhews the Reaſon of this Queſtion, and the Anſwer that was given to it; upon this old controverted Point among the *Feudiſts*, Whether the next in Blood, (tho' of a Collateral Line, eſpecially if a Male) ſhould not Succeed, before one more remote in the Right Line? Some holding One way, ſome the Other; thoſe of *France* and *England* maintaining a Right by Repreſentation in the Iſſue, where the Parent in whom it would have been was Dead; and by this Title it was, that King *Edward* the *Third* afterwards Claimed the Crown of *France*, which I mention to let the Reader ſee, that according to the Laws and Cuſtoms of both *England* and *Scotland* at that time, *Baliol* had the better Title, notwithſtanding what *Hector Boethius*, and other *Scotiſh* Writers, have ſaid to the contrary; but to return to the Matter.

Yet that *Baliol* had the better Title.

* *Rot. de Superioritate Regis Angliæ, &c. ut ſupra.*

Upon the Anſwer above-mentioned, (as 'tis in the * Record) the King cauſed the Cauſe to be again carefully Re-examined before the Prelates and Noblemen of both Kingdoms, and Aſſigned to *Robert de Bruce* and *John de Baliol*, the 6th Day of *November*, to hear their final Sentence; which was judicially pronounced by the King Himſelf, with the Advice of the Noblemen and Prelates of both Kingdoms, the *Auditors* aforeſaid, and others of the Council; *That the ſaid* Robert *ſhould not Enjoy any part of the Kingdom of* Scotland *by his Petition*; but as for that of *John Baliol* there ſhould be nothing done upon it, until the other Competitors were heard.

Judgment is given againſt *Bruce*'s Title, but that of *Baliol*'s is again put off.

Then the King Commanded *John Baliol*, and the other Demandants, with the *Auditors*, to go to the ſame Place for the diſpatch of their Petitions.

† *Ibidem.* The Lord *Haſtings* puts in for a Third Part of the Kingdom.

† As for the Claim of *John Haſtings*, Son to *Henry Haſtings*, I ſhall only barely mention it; for when he found that being the Grandſon of the Youngeſt Daughter of Earl *David*, he could not Claim as Sole Heir, he then put in for a Third Part of that Kingdom, and gave this Reaſon for it, becauſe all the Lands that were held of the Crown of *England*, were Partible, and that ſince *Scotland* was ſo held, it ought to be divided in like manner; which was certainly a great miſtake, for the Law was then otherwiſe in *England*, as to Lands and Honours held by *Knight's Service*, eſpecially in reſpect of Females; as appears from the Caſe of the Siſters of the ſaid *John Scot*, Earl of *Cheſter*, upon whoſe Deceaſe without Iſſue, the Earldom, with the County, Devolved to the Crown, and the Siſters above-mention'd had no part of it allow'd them.

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As for *Robert Bruce*, he again appeared; and ſince he could not Enoy the whole, he likewiſe Claimed a Third Part of the Kingdom, to e held by Homage of the King of *England*, as Superior Lord of *cotland*: So that if our Records may be credited, (as I ſuppoſe they eſerve) rather than the *Scotiſh* Hiſtorians, he would have been wellontented with a Third Part of the Kingdom of *Scotland* upon thoſe Terms, which (as they ſay) he afterwards denied to accept of the vhole. But Judgment was not given againſt either of them upon this Point.

* For altho' both their Arguments and Reaſons had been ſufficiently nſwered in the Defence of *John Baliol*, before the *Auditors*, which were elated to the King; yet He, willing to deliberate with his Council, nd the *Auditors*, upon theſe Things, farther enquired of them, Whether the Kingdom of *Scotland* was Partible among Females? Who ll Anſwered, It was not: Upon which Anſwer, The King appointed *Monday* next after the Feaſt of St. *Martin*, as the peremptory Day for ll the Competitors to hear their Judgments in his Parliament at *Berick*; intending in the mean time further to Deliberate and Examine heſe Matters with *knowing* Men of both Kingdoms, beſides the *Auditors*, nd Others of his Council, that ſo He might be fully inform'd, what n Juſtice ought to be done.

* *Ibidem.* The King demands, Whether the Kingdom of *Scotland* be Partible among Females? And is anſwer'd in the Negative.

* On the 7th of *November*, 1292. which was the *Monday* after the eaſt aforeſaid, the *Nobles* and *Prelates* of both Kingdoms, the *Auditors*, ther *Great Men*, and a great Number of the People, being met in the Hall of the Caſtle of *Berwick*, with the Publick Notary who Signed he Acts of the Court, all the other Competitors Claiming the Kingdom, *viz.* **Eric*, King of *Norway*; *Florence*, Earl of *Holland*; *William de Veſcy*; *Patrick*, Earl of *March*; *William de Ros*; *Robert de Pinkeny*; *Niholas de Soules*, and *Patrick Galightly*; tho' they had ſufficient Notice nd Summons to be there, yet did not appear, but had withdrawn hemſelves, becauſe (I ſuppoſe) they found they were Excluded by he better Titles of the two laſt above-mentioned Competitors.

* *Ibidem.* The other Competitors renew their Claims.

* *Note*, He had now put in his Claim as Heir to the late Queen, his Daughter, tho it was not allow'd.

* Whereupon it was then Adjudged, and Judicially pronounced by he King, with the Conſent of the Noblemen and Prelates of both Kingdoms, That all theſe laſt mention'd Competitors ſhould obtain nothing by their Petitions: And becauſe *John Comyn*, and *Roger de Mandeville*, did not proſecute their Petitions, they had the ſame Judgment.

* *Ibidem.* All of them are ſet aſide by the King.

* But as to the laſt Petition of *Robert de Bruce*, whereby he Claimed the Third Part of the Kingdom for his Share, as of a Partible Inheritance; becauſe it appeared by his firſt Petition before the King, that he demanded the whole Kingdom of *Scotland*, he therefore did by that Acknowledge and Grant, That the Kingdom was Impartible, and one entire Inheritance; which *Recognition* and *Conceſſion*, he could not then deny; and for that it had been Agreed and Adjudged by the *Prelates*, *Earls*, *Barons*, *Nobles*, *Great Men*, and the *whole Council* of both Kingdoms, That the Kingdom ought to be Poſſeſſed by One Heir alone, becauſe of it's own Nature it was Impartible, as other Kingdoms; for theſe Reaſons therefore it was Adjudged, and Judicially declared by the King, That he ſhould gain nothing by what was ſet forth in his Petition.

* *Ibidem.* The Lord *Bruce* alſo Claims a Third Part of the Kingdom, but is denied.

† The

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† *Ibidem.*
* *Ibidem.*
The Right of *Baliol* again Examin'd.

† The ſame Judgment had *John Haſtings*, and for the ſame Reaſons, That he neither ſhould not obtain any thing by his Petition.

* But as to the Petition of *John Baliol*, who demanded the Whole Kingdom as his Right, the King cauſed it again to be Examined, and that for ſeveral Days, by the Council of both Kingdoms; and after a full Diſcuſſion, it was Found, Adjudged, and Agreed, by all the *Noblemen*, *Prelates*, *Auditors*, and *Wiſe Men*, of both Nations, That the Kingdom of *Scotland* was Impartible, and ought to remain to One Heir; and becauſe the King was Judge of the Right of his Subjects, by the Laws and Cuſtoms of both the Kingdoms, which was Approved and Affirmed by all the Noblemen and Prelates of both Kingdoms, and by the ſame Laws and Cuſtoms, in the Caſe before them; it was Agreed and judicially Declared in Favour of *John Baliol*, That the more Remote by Deſcent in the Firſt Line, was to be preferred to a Nearer in the Second Line, in the Succeſſion of an Impartible Inheritance; and ſince none of the Competitors denied him to be Heir of the Firſt Line, therefore he was to be preferred before all Others, as next Heir to the Kingdom of *Scotland* by Hereditary Succeſſion: Whereupon, the King of *England*, as Superior and Direct Lord of *Scotland*, Adjudged, That the ſaid *John Baliol* ſhould Recover and have Seiſin of that Kingdom, with all it's Appurtenances, according to the Form of his Petition, upon Condition, *That he ſhould Rightly and Juſtly Govern the People ſubject to him, that none might have Occaſion to Complain for want of Juſtice; nor the King as Superior Lord of that Kingdom, upon the Suit of the Parties, be hindred to interpoſe his Authority and Direction, a Right which the King of* England, *and his Heirs always reſerved in ſuch Caſes, when He would make uſe of it.*

And Judgment is given in his Favour.

Whereupon the King adjudges, That he ſhould Enjoy the whole Kingdom of *Scotland*, reſerving to Himſelf his Right of Superiority, *&c.*

* *Ibidem.*
And he has a Writ of Seiſin and Poſſeſſion delivered to him accordingly.

† *Ibidem.*

And * accordingly, King *Edward* gave him his Writ of *Seiſin*, or Poſſeſſion, for the Kingdom of *Scotland*, directed to *William* and *Robert* Biſhops of St. *Andrews* and *Glaſcow*, *John Comyn*, *James Seneſchal* or Steward of *Scotland*, and *Bryan Fitz-Alan*, his *Guardians* of the Kingdom of *Scotland*, to deliver Him Seiſin thereof, with it's Appurtenancies, Saving the Right of Him (the King) and his Heirs; dated at *Berwick* the 19th of *November*, in the Twentieth Year of his Reign; which indeed was a Miſtake of the Clerk, for it ſhould have been the Twenty firſt, He beginning his Reign † *November* the 16th, 1272. With this there were alſo other Writs of the ſame Date, directed to the ſeveral Caſtellans, and Governours of Caſtles in *Scotland*, to give him Poſſeſſion of them. *

* And about ye ſame Time, King Edward by his Writ directed to Walter de Huntercomb Guardian or Governour of the Isle of Man for delivering the Poſseſsion of the ſame to King John in like manner as it was enjoy'd by ye late King Alexander his Predeceſsor whoſe right Heir he is, ſaving to the King his Superiority &c. this bears Date at New-Castle upon Tyne ye 4th of Jan: this Year, & is enter'd on ye Rolls of Scotland [Rot: Scot: 21. Ed: I. m. 5] vid: R—'s Coll: p. 602.

* *Ibidem.*
And he then Swore Fealty to King *Edward* as his Liege Lord.

Whereupon he is put into Poſſeſſion of the Kingdom.
* *Rot. de ſup. Scotiæ, m.* 33.

* The next day being the Twentieth of *November*, *A. D.* 1292. in the very beginning of the Twentieth Year of the Reign of King *Edward*, being then at *Norham*, *Baliol* Swore Fealty to Him, as his Leige and Superior Lord of the Kingdom of *Scotland*. In Teſtimony whereof, He made to King *Edward* his Letters Patents of the ſame Date: His Oath of Fealty, and theſe Letters Patents are to be found both in *Latine* and *French* in this Record, as you will find by and by. This being perform'd, the new King *John* went into *Scotland*, and there was put into the actual Poſſeſſion of the Kingdom at the Monaſtery of *Scone*, * where on *St Andrew*'s day he was placed in the Royal Throne, according to the Cuſtom of *Scotland*. *Duncan*, Earl of *Fife*, ought to have placed him therein; but being under Age, *John de St. Johnſtown* was deputed

placed by King *Edward*, to perform that Ceremony in the Earl's ſtead; and He was alſo at the ſame time Crown'd King.

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Then on *St. Stephen*'s day (being the Twenty Sixth of *December*, and the Twenty Firſt of King *Edward's* Reign) the King of *Scots* did Homage to Him at *New-Caſtle*, after this Form in *French*, but I will give it you in *Engliſh*, * *My Lord* Edward *King of* England, *Superior Lord of the Kingdom of* Scotland, *I John King of* Scotland, *become Your Leige Man (or Vaſſal) for the whole Kingdom of* Scotland, *with it's Appurtenances; which Kingdom I claim and hold, and ought of Right to hold for Me, and my Heirs, Kings of* Scotland, *Hereditarily of You and Your Heirs, Kings of* England; *and ſhall bear Faith to You and Your Heirs, Kings of* England, *of Life and Limb, and Terene Honor, againſt all Men that may Live and Dye.* And of this Homage, He made his Letters Patents of the ſame Date. This was Witneſſed by Sixteen Biſhops, the Judges, and the *Greateſt* Men of *England*, and Twenty of the ſame Quality of *Scotland*, who at his Requeſt put to their Seals. *

* *Rot. eod.*

King *Baliol* does Homage to King *Edward* at *New-Caſtle*, with the Form of it.

* Then King Edward by his Letters patents declar'd, yt it was not his Intention to demand any thing from any future King of Scotland after ye Death of ye present King John; but only Homage & Fealty & what belongs thereunto, & yt ye Right Heirs may enjoy it without any Contradiction from him or his Heirs

All which Tranſactions ſtill remaining upon Record in the *Tower* of *London*, may ſerve as a ſufficient Juſtification of the Sincerity of King *Edward*'s Proceedings in this Great Affair, and that all things were tranſacted in the face of the World, and by the common Conſent of the Major part of the *Auditors*, or Commiſſioners that were appointed both by *Bruce* and *Baliol* to enquire into each of their Titles; and King *Edward*, having given Sentence according to the Major part of their Suffragans, it was alſo accepted of, and confirmed by the common Conſent of the Clergy, Nobility and Commonalty of *Scotland*: And therefore * *Hector Boethius*, and thoſe other Hiſtorians, are by no means to be credited, who relate, That the King uſed Violence to the ſaid Commiſſioners, to obtain their Votes; and further proffered *Robert Bruce* the Kingdom, upon Condition, he would own his Superiority over *Scotland*, and do Him Homage for it; whereas it plainly appears by the abovementioned Inſtrument, that was Sealed by all the Competitors that he owned King *Edward*'s Seigneury, or Supreme Dominion over the Kingdom of *Scotland*, before ever he entred upon the Deciſion of that Controverſy; and therefore if *John Baliol*, did now do Him Homage for that Kingdom, it was no more then a Conſequence of that Right, which all the Competitors had already acknowledged, and which *Bruce* himſelf had been obliged to have performed, in Caſe the King had thought fit to have given Judgment in his Favour.

A breif Juſtification of the King's Proceedings in this Affair.

* *Lib.* 13. *Buchan. Lib.* 8. *Leſlæ. Lib.* 6.

With a Confutation of the *Scotiſh* Hiſtorians falſe Relations of it.

Not that I will Juſtify all that the King did in the beginning of this Affair, in ſo ſtrictly inſiſting upon his Supreme Dominion over all *Scotland*, which the Eſtates of that Kingdom, and the Competitors for the Crown, either could not or durſt not then contradict. But ſince I have ſaid enough concerning this Subject in my *Introduction*, I forbear any further mention of it here, and therefore ſhall proceed in our Hiſtory.

But this good Underſtanding between King *Edward* and his new Feudataries, the King and Nobility of *Scotland*, did not laſt long; for within Four days after the Homage done in a manner as you have heard; * upon a Complaint made to King *Edward*, by *Roger Bartholomew*, Burgeſs of *Berwick*, againſt ſome of his Officers or Judges, by Him deputed

* *Ibm.*

The King receives a Complaint from a Burgeſs of *Berwick*, who thereupon Orders Commiſſioners to hear it.

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puted into *Scotland*: He preſently appointed his Juſtices there preſent, *Auditors* of the ſaid Complaint, (whereof *Roger Brabazon*, Chief Juſtice of the King's Bench, was One) ſtrictly Commanding them, That they ſhould do quick Juſtice, according to the Laws and Cuſtoms of his Kingdom; before whom and others of the King's *Council*, there was a Petition then Exhibited on behalf of the King of *Scotland*, by his Advice and Direction, by *William* Biſhop of *St. Andrews*, *John* Earl of *Boghan*, *Patrick de Graham*, *Thomas Randolph*, and other *Great* Men of that Nation, ſetting forth, That whereas the King of *England* and Superior Lord of *Scotland*, had lately * promiſed to the Noblemen and Prelates of that Kingdom, *That He would obſerve the Laws and Cuſtoms thereof*, and *that Pleas of things done there might not be drawn out of it*: They therefore beſeeched the King of *England* and his Council there preſent, in the Name of the King of *Scotland*, That He would pleaſe to obſerve his Promiſe, and command his Officers firmly to do the ſame.

Which is Petitioned againſt, by divers Noblemen, on behalf of the King of *Scots*.

* (*Viz.*) In the 8th Year of his Reign, in the Treaty of Mariage between his Son *Edward* and the Young Queen of *Scotland*, the 4th Article.

† *Ibm.*

The King's Chief Juſtice refuſes this Petition, and his Reaſons for it.

Whereupon † *Roger Brabazon*, the Chief Juſtice, anſwered this Petition as followeth: That it ſeemed unneceſſary and not to the purpoſe, for that it was manifeſt, and ought to be ſo, to all the *Noblemen* and *Prelates* of the Kingdom, That the King had performed all his Promiſes, and not acted contrary to any of them; and as to the Complaints concerning his Judges and Officers, lately deputed by Him, as Superior and Direct Lord of that Kingdom, and who did then repreſent his Perſon, the Cogniſance of all Complaints concerning them, belonged only to Him and no Other, and He had eſpecially reſerved it to Himſelf; as alſo, becauſe in Judgments of the Superior Lord, or of thoſe that repreſented his Perſon, no Subjects could pretend to them; and further ſaid, *That if the King of* England *had made any ſuch Temporary Promiſes, when there was no King in* Scotland, *He had performed them, and that by ſuch Promiſes, He would not now be reſtrained or bound.*

* *Ibm.*

The King makes Proteſtation, that He would not be bound by any Temporary Promiſes; and inſiſts on his Right of hearing all Complaints, as Superior Lord of that Kingdom.

* And the King of *England* made Proteſtation before all the *Noblemen* and *Prelates* of both Kingdoms then preſent, *That notwithſtanding any ſuch Temporary Promiſes and Conceſſions, He did not take Himſelf to be bound thereby, His Proteſtations otherwiſe publickly made, remaining in Force*; and *that He intended, and would admit and hear all Complaints whatſoever, and all other Buſineſs touching the Kingdom of* Scotland *and it's Inhabitants, by reaſon of his Superiority and Direct Dominion, which He had, and of Right ought to have, in that Kingdom, as his Progenitors in their times had, if they Lawfully, and for Juſt Cauſes came before Him; and upon thoſe Complaints every where, and at all times, if He pleaſed, to do them Juſtice; and to uſe and exerciſe his Superiority and Direct Dominion, and to call the King of* Scotland *Himſelf, if it were neceſſary, and the Quality of the Cauſe required it, to appear before Him in His Kingdom of* England.

From whence we may obſerve, that the King now openly declared, That He would not be ſtrictly tyed to the Conceſſions He had formerly made to the States of *Scotland*, farther than He Himſelf thought fit; and alſo that He would Advance his Real or Pretended Right to the Supreme Dominion of *Scotland*, to a higher Pitch than any of his Predeceſſors had indeed ever yet claimed or exerciſed; which produced a long and bloody War, as you will find anon. But to proceed to the reſt of the Relation in the ſame Record.

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* *Ibm.*

John King of *Scotland*, acquits King *Edward* of all his Promiſes, *&c.*

* *i. e.* The Articles of Mariage above-mentioned.

* Upon this Reſolution of King *Edward*, and the Anſwer of the Juſtices to the Petition, it is there recited, That *John* King of *Scotland* acquitted Him of all *Promiſes*, *Bargains*, *Agreements*, and *Obligations* He had made to the *Guardians* and others of the Kingdom, while by Reaſon of the Superiority of his Dominion, He held the Kingdom of *Scotland* in his Hands, and eſpecially the * Grant and Inſtrument made at *Northampton* the Twenty eighth day of *Auguſt*, in the Eighteenth Year of his Reign; in which the Promiſes and Grants ſet forth in the Petition were contained, with a Confeſſion, that they had been all perform'd, when He had adjudged and fully delivered the Kingdom to Him; which Releaſe or Acquittance was Sealed with the King of *Scotland*'s own Seal, and confirmed with the Seals of the Biſhops, Earls, Barons, and other Noblemen of his Kingdom, and is Dated the Second of *January*, 1293. being the Twenty firſt Year of King *Edward*'s Reign, and the Firſt of *John* King of *Scotland*; but whether the *Scots* did this freely, or becauſe they durſt not do otherwiſe, is very much to be doubted.

* *Rot. de Sup. Scotiæ*, p. 154, 155.

The King's receiving the Appeal of *Macduff*, Earl of *Fife*, exaſperates the King of *Scots*, againſt King *Edward*.

[4] *Ryley Placita Parl. f.* 154, 155.

The King of *Scots* is again Summoned to appear before the King, with the Subſtance of *Macduff*'s Complaint. *Ibm. f.* 157.

But that which exaſperated the King of *Scots* to that Degree as He never ſorgave it, was, that within a ſhort time after this Proteſtation and Releaſe, a troubleſome Affair began in *Scotland*, which being the Original of that unhappy War that not long after enſued, I ſhall therefore give you the whole Proceſs of this Cauſe, * from the above-cited Record, as alſo from * *Ryley*'s *Placita Parliamentaria*; and *Pryn*'s Third Volume of his Hiſtory of *Papal Uſurpations*: *Macdulff*, Earl of *Fife*, not long after brought a Complaint or Appeal for certain Lands, againſt *John* King of *Scotland*, before King *Edward*, as Supreme Lord of that Kingdom; who thereupon without any delay directed a certain Writ or Letter Miſſive to be delivered by the Sheriff of *Northumberland*, Summoning him to appear before the King on the Morrow after *Holy Trinity*, [4] wherever He ſhould be in *England*, to Anſwer what *Macdulff* had to ſay againſt Him: But the ſaid King not then appearing, King *Edward* directed another Writ to the Sheriff, to Summon Him to appear before Him in his Parliament at *Weſtminſter*, Fifteen days after *Michaelmas*, to anſwer as before. The Earl of *Fife*'s Complaint was, That when King *Edward* was laſt at *Berwick*, He had Commanded *William*, Biſhop of *St. Andrews*, and his Fellow Guardians of the Kingdom of *Scotland*, that they ſhould do Right to *Macdulff*, concerning his Lands and Tenements of *Rerys* and *Crey*, of which he had been Diſſeiſed by the ſaid Biſhop as *Guardian* of *Fife*, of which according to the Precept he had recovered Seiſin by the Judgment of the other Guardians: After which, *John* King of *Scotland* Diſſeiſed him again of the ſame Lands and Tenements; and that he might not farther proſecute his Right, impriſoned him, and cauſed an unjuſt Judgment to be given againſt him, in contempt of the King of *England*, Superior Lord of *Scotland*, and to his own Great Damage.

[5] *Ibm. f.* 158.

The King of *Scots* appears before the King in Parliament.

[1] *Ibm. Fol.* 154, 155.

Upon which Summons, the King [5] of *Scots* appeared before the King and his Council in his Parliament, after *Michaelmas*, and denied all Contempt of the Lord the King, and ſaid, *He had no Day to Anſwer the ſaid* Macdulff; who replied, *He had that very Day appointed him to Anſwer*, [1] by the King's Writ delivered to him by the Sheriff of *Northumberland* at *Strivelin*, on the Morrow after St. *Peter ad vincula*, (that is, the 2d of *Auguſt*) which ſufficiently appeared by the Return

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* *Ibidem.* f. 158. But refuſes to Anſwer the Complaint of *Macdulff*, without the Advice of his Subjects.

† *Ibid.* f. 159.

of the Sheriff; and the King of *Scots* being asked, Whether he had the Writ delivered to him by the Sheriff? confeſſed it; and being then urged to Anſwer; * he ſaid, *He was King of* Scotland, *and that he durſt not Anſwer to* Macdulff's *Complaint, or any thing that concern'd his Kingdom, without the Advice of his Subjects.* Then *Macdulff* demanded Judgment againſt him, as Pleading nothing conſiderable: Upon which, † He was told by the King, That he was his Liege-Man, and had done Him Homage and Fealty for the Kingdom of *Scotland*, and was Ordered to come thither to Anſwer, or ſay, Why he would not, or ought not to Anſwer before Him; but he ſaid as before, *That He could not, nor dare Anſwer to any thing that concern'd his Kingdom, without conſulting his People:* Whereupon he was told, He might require another Day; he Anſwered, He would require none. It was then Agreed, That the Principal Plea belonged to the King, and that he made no Defence againſt *Macdulff*; * and becauſe he would not require another Day, nor ſhew Cauſe why he ought not to Anſwer, it was adjudged a Contempt and Diſobedience in him, in Eluſion of the King's Juriſdiction and Superiority; and that Three of his principal Caſtles of *Scotland*, ſhould be Seized into the King's Hands, and ſo remain till he had given Satisfaction for his Contempt and Diſobedience.

* *Ibid.* His denying to Anſwer is adjudged a Contempt.

But before the Pronounciation of the Sentence, he came before the King and his Council, and made Supplication to the King with his own Mouth, and delivered it unto Him with his own Hand in Writing, to this effect.

Yet upon his Supplication he has longer time given him till the next Parliament to put in his Anſwer.

SIR,

I Am Your Liege-Man for the Realm of Scotland, *and pray You, as to what I am come hither, and for which concerns the People of my Kingdom, as well as my Self, that You would forbear me, while I ſpeak with them, that I may not be Surprized for want of Advice; for that thoſe that are with me, will not, nor ought, to Adviſe me without Others of the Realm; and when I have Advice from them, I will Anſwer at Your Firſt Parliament after* Eaſter, *and will behave my Self towards You as I ought to do.*

The King Adviſing hereupon, at the Inſtance of the Great Men of his Council, and with the Conſent of *Macdulff* himſelf, granted his Petition, and gave him a longer Day until his next Parliament after *Eaſter*, that ſhould be holden on the Morrow of the *Holy Trinity*. This is all that can be found in *Ryley*'s Pleas of Parliament concerning this Caſe: And we ſhall defer giving you a further Account of this Affair until we come to the enſuing Year.

[2] In *Bib. Cot. Claudius* D. 6. The King of *Scots* withdrew himſelf from this Parliament without the King's leave, who thereupon orders his Eſtate in *England* to be Seized.

For a Supply and Illuſtration to this Record, I ſhall here add only what I find in a Manuſcript [2] Chronicle of this time written, by a Monk of St. *Alban*'s, who gives a large and exact Relation of all theſe Proceedings with the King of *Scots*, (being much the ſame with thoſe upon Record in the Tower.) And this Author farther ſays, That juſt before that King came to this Parliament at *London*, the *Scotiſh* Nobility choſe Twelve Peers to Govern that Kingdom in his Abſence; and that not long after his Appearance at the ſaid Parliament, he withdrew himſelf from thence, without taking any leave of the King; which ſo incenſed him, that He cauſed all King *Baliol*'s Eſtate in *England* to be Seized into his Hands. * vid: above

Having

* But I must here further observe, yt this Appeal of Mac:Duff's was not ye only one yt was brought against ye King of Scots about yt Time, for him to appear and answer before King Edward in his Parliament for neglect of Justice: for there is still on the Scottish Roll [Rot: Scot. 21. Ed. I. M. 4.] in the Tower a Writ of Summons from King Edward, to John King of Scotland, granted on a Complaint made by John Mason a Merchant of Gascoigne for a Debt of 2180: 17l. 8d. Sterl: due by Alexander late King of Scotland for Corn & Wine, which he had taken up of the said Merchant, and had made over the Customs of Berwick for the Payment thereof, and which being deny'd to be pay'd him by the present King John; he appeal'd to King Edward & had thereupon a Writ of Summons for the said King to appear at Westminster on the Morrow after our Lord's Ascension next ensuing to answer the said Mason concerning the Premisses &c. This bears Date at Kirkby 8th of March this year vid: R—'s Coll: p. 605. 606. and there is also to be found entered on the same Roll another Summons of ye like Nature on the behalf of Austrica Cousin & Heir to Magnus late King of Norway, upon a Claim she had made to King John of her Hereditary Right to ye Island of Man, which she was ready to prove & make out; but the said King having deny'd to doe her Justice, she had therefore appeal'd to King Edward as Superiour Lord of Scotland, since he was oblig'd to do Justice to all that requir'd it, in Pursuance whereof he summon'd yt King to appear before him 15 Days after Michaelmas, wheresoever he should be in England to answer the said Austrica, concerning the Premisses, & to do and receive what should appear just thereupon; & on which Day the King had also appointed ye sd Austrica to appear before him to receive what Justice should require in ye Premisses. This bears Date at Westminster June 15th vid: R—'s Coll: p. 608.

But since ye former of those Appeals fell of it self by reason yt Mason the Plaintiff did not pros & yt I do not find any Proceedings in Great Councils or Parliaments concerning this latter, I suppose Appeal of Mac Duff's to have been ye only one, yt was prosecuted with any vigour, and which unpro & severe Proceedings made King John repent of his former Submission to ye King of England as supreme Lord, & provok'd him to take those violent Courses as you will hereafter find he d

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Chron. ad hunc An.

Having now done with the *Scotiſh* Affairs for a time, I ſhall return o thoſe of *England*; and for this purpoſe, give me leave to look back o the beginning of this Year, when (as *Thomas Wykes* relates) the King returning to *London* from his *Scotiſh* Journey, about a Month after *Eaſter*, came to his Parliament, which He found already Aſſembled, onſiſting of the Biſhops, Earls, Barons, and *a great number of Others f his Kingdom*: By which laſt Expreſſion, I here underſtand the Repreentatives of the *Commons*, which would more plainly appear, were not he Writs of Summons to this Parliament taken off from the Clauſe Rolls; but I take this to have been the ſame Parliament as that laſt nention'd, and in which our Author tells us, The King conſulted with hem concerning the Peace of his Kingdom, and (as *Hemingford* alſo ells us) how to Manage the War with *France*, that a little before bean to break out.

Chron. MS. Walter Hemingford *ad hunc An.*

A Relation of the Cauſes of the War with *France.*

It is time we now relate the Original and Progreſs of this War, hich broke out this Spring upon a very ſlight Occaſion, and *Thomas alſingham* and other Writers give to this purpoſe: That a certain *orman* Mariner, quarrelling with an *Engliſhman*, who ſhould firſt take Vater at a Spring on the Coaſt of *Normandy*, the *Norman* being killed n the Fray, the reſt of the *French* Mariners follow'd the *Engliſhman* to kill im, who being defended by his Comrades, repulſed the *Normans*; and they hereupon made their Complaints to *Philip* King of *France*, who comanded them that they ſhould revenge the Death of their Companion pon whatſoever *Engliſhmen* they met with: From which raſh Comnand, there began firſt a deſperate Conflict between the Mariners of oth Nations; which afterwards ended in a War between the Kings of *rance* and *England*: For tho' our Writers differ in ſome Circumſtances n theſe Tranſactions, yet they agree in the Main, That not long after, ertain *Norman* Veſſels meeting with Six *Engliſh*, ſet upon them, and not nly took two of them, but Hanged the Men (together with ſome Dogs) pon the Main-Yard; at which barbarous Action the Inhabitants of he *Cinque-Ports* being grievouſly Provoked, and reſolving to be Reenged, ſailed out in purſuit of the *French*, whom not finding in he open Sea, they met with in the Haven of *Swyne*, in *Flanders*, and here Aſſaulting them, ſunk Six Veſſels, and carried away as many nore, with a great Slaughter of the *French*; after which followed ſeeral Petty Sea-Fights, with much Effuſion of Blood, till at laſt the *ngliſh* Ships routed a great *French* Fleet, and took about Two hundred nd forty Veſſels, all laden with Wine and other Merchandizes. But ome [3] of our Hiſtorians relate this Matter more particularly, *viz.* hat the Merchants of *England* having ſuffer'd many Loſſes and Injuies by the *French*, made their Complaints to the King, deſiring ſome Redreſs; who thereupon diſpatched *Henry de Lacy*, Earl of *Lincoln*, his Ambaſſador to the King of *France*; propoſing to Him, That ſince ſome Differences were riſen between them, they ſhould leave it to their reſpective Councils to conſider and agree upon ſome Expedient to Renedy them; but whilſt the Earl was expecting his Anſwer, it hapened that a great Fleet of *Norman* Veſſels being bound for *Gaſcoigne* o fetch Wines, fell upon, took and deſtroyed whatſoever *Engliſh* Veſels they met, together with their Men; Whereupon the Inhabitants f the *Cinque-Ports* ſetting out a great Fleet of Sixty Sail, conſiſting of he Ships of thoſe Ports and other Places, they ſail'd to meet the *French* in

Chron. Abing. *Chron. W. H.*

Certain *Norman* Veſſels take ſix *Engliſh*, and hang the Men, for which the Seamen of the *Cinque* Ports take a ſevere Revenge.

[3] *T. W.*

The King ſends the Earl of *Lincoln* into *France*, but without any Effect.

A Fleet from the *Cinque Ports* ſet upon and deſtroy that of *France*.

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in their return, and finding them laden with Wines in the Port of St. *Matthew* in *Britany*, they ſet upon, took and deſtroyed the whole Fleet, together with above Fifteen Hundred Men, few eſcaping, but what got off in *Cock-Boats*. This done, The *Engliſh* return'd home with their Booty a little before *Whitſontide*. *Matt. Weſtminſter* relates this as only done by the King's Permiſſion, and not Command; and therefore that He would not meddle with any of the Booty.

The King of *France* is highly incenſed at it, and ſends to demand Reſtitution.

King *Edward* makes very fair Propoſals for an Accommodation, but they are refuſed by the *French* King.

This Victory, as it gave great Satisfaction to the *Engliſh*, ſo it as highly Provoked the *French* King and his Council, who preſently thereupon diſpatched Ambaſſadors to the King of *England*, demanding, Immediate Reſtitution of all the *French* Ships and Goods, if He intended to hold any thing in *Gaſcoigne*; wherefore the King taking Advice of his Council, ſent *Richard Fox* Biſhop of *London*, and ſeveral diſcreet Perſons to the King of *France*, with an Anſwer to this Effect: 'That ſince the King held his * Court, or Great Council, Subject to none whomſoever; if therefore any Perſons found themſelves Injured or Aggrieved by his Subjects, they might repair thither, and having ſet forth their Injuries, the King would thereupon order them a ſpeedy Relief; And that they might the more ſafely do ſo, the King would grant Letters of Safe-Conduct to all ſuch Complainants: But if this did not pleaſe the *French* King, then certain Arbitrators or Commiſſioners appointed by each Prince, ſhould conſider the Damages done and ſuffered by both Nations, and then Ordain what Satisfaction they ſhould make to each other; And the King of *England* offer'd to Bind Himſelf in an Obligation to ſtand to their Award, provided the King of *France* would do ſo likewiſe: But if any thing ſhould Occur of ſo great difficulty, that it could not be decided by theſe Arbitrators, then it ſhou'd be left to the Determination of both Kings; And in ſuch caſe, the King of *England* having firſt the *French* King's Safe-Conduct, would attend Him at any Maritime Town the King of *France* ſhould appoint; and there by mutual Conſent put an end to all Differences: And if the King of *France* ſhould not like this, That they ſhould then Agree, to refer it to the Pope, whoſe Intereſt it was to maintain Peace between the two Crowns: And ſince the Papal See was then Vacant, (for Pope *Nicholas* the *Fourth* had deceaſed the laſt Year) That it ſhould be then referred to ſome or all of the Cardinals, and after they had determined this Controverſie, the former Peace and good Correſpondence ſhould be renewed between the two Kings, and their Subjects.

* *Curia ſua.*

[5] *T. W.*
[1] *T. W.*
The King of *France* refuſes King *Edward's* Propoſal.
[2] *M. W.* *T. W.*
And ſends a Herald to *Agen* to Summon him to *Paris*, to anſwer for what he had done.

But the King of *France* refuſed all theſe reaſonable Propoſitions, [5] neither would He ſo much as Vouchſafe to return any Anſwer to King *Edward*'s Ambaſſadors; but [1] being tranſported with Paſſion, preſently Summoned a Parliament, or Aſſembly of the Eſtates, wherein it was agreed, That no *Engliſh* Commodities whatſoever ſhould be brought into *France*, nor any *French* ones tranſported into *England*; by which means all Things of the Growth of that Kingdom became extreamly Scarce and Dear in this, which proved very detrimental to the Trade of both Nations. Nor was the King of *France* contented to ſtop there, [2] but He ſent certain Heralds to the City of *Agen*, belonging to the Dutchy of *Acquitain*, with Letters to Summon the King of *England* to appear at *Paris* at a certain Day prefixed, there to Anſwer the Injuries and Rebellions which He had committed: And King *Edward* not appearing

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pearing at the time appointed, the *French* King ſitting upon his Throne, did himſelf in Perſon give Sentence againſt King *Edward*, as Contumacious, and Adjudged all his Territories in *France* to be Seized, as Forfeited to the Crown; And for the Execution of this Decree He ſent *Raowlle de Neſle* his Conſtable into thoſe Parts, to reduce them to his Maſter's Obedience; but he found no great Succeſs at firſt; for King *Edward* had a little before ſent over *John de St. John*, a diſcreet, valiant, and experienced Commander, who ſo well Victualled and Gariſoned the Towns and Caſtles in *Guienne*, that they were able to reſiſt the Conſtable's Aſſaults. But King *Edward* ſtill endeavoured to pacifie the King of *France* by all means poſſible, and to that end, by his Letters, gave his Brother Earl *Edmund*, (who was then in *France*) full Power to make Peace with Him, upon ſuch Conditions as might prove ſatisfactory to the *French* King, and not be diſhonourable to Himſelf.

And ſends his Conſtable into *Guienne* to reduce that Province, but is prevented.

Yet the King ſtill deſires Peace by his Brother Earl *Edmund*.

But the Earl, after many Treaties held in vain about this Affair, was at laſt fain to return towards *England* without making any Agreement between theſe two Princes.

Who is fain to return towards *England*.

This is the Account which *Nicholas Trivet*, who lived and wrote near theſe times, gives us concerning the firſt Occaſion of this War, and from whom *Thomas Walſingham* has borrowed all that is conſiderable, word for word; and this ſeems highly probable, ſince it was not for King *Edvard*'s Intereſt at that time to begin a War with *France*, whilſt the *Scotch* Affairs were yet very unſettled.

Therefore it is moſt likely, That King *Philip*, envying our *Edward*'s Grandeur, in having thus obliged the King and Kingdom of *Scotland* to acknowledge his Superiority over them, was thereupon reſolved to take the firſt opportunity of humbling King *Edward*, by Seizing his Dominions in *France*, thereby to render Himſelf ſafe from that exceſs of Power, which by the nearer Dependence of *Scotland* upon the Crown of *England* muſt now neceſſarily accrue to Him.

But ſince *William de Nangis*, in his Chronicle of *France*, and *Paulus Æmilius*, in his Hiſtory of the *French* Kings, have given us far different Accounts of the Original and Progreſs of this War, I ſhall (that I may not be thought Partial) here alſo ſet down, what they have related concerning it: The former of whom places the beginning of this War under the Year before, and ſays, That *Edward* King of *England*, making great Preparations as if it were for the *Holy Land*, out of a preconceived Malice had by ſome of his Subjects of the City of *Bayonne*, (which joyned with ſome other Ships of King *Edward*'s Dominions) in Hoſtile manner Aſſaulted the Subjects of King *Philip* of *France* belonging to *Normandy* and other Places, cruelly deſtroying many of the Men, and carrying the reſt, together with their Ships, Priſoners into *England*.

Ad hunc An. The Account the *French* Hiſtorians give of the Cauſes of this War.

And further, That ſome other Subjects of the King of *England* Aſſaulted *Rochel*, a Town of the King of *France*'s, killing ſome of the Townſmen, and doing a great deal of Damage to it, which when King *Philip* had heard, He ſent to the King of *England*, and his Lieutenants in *Gaſcoigne*, that they ſhould ſend a certain number of thoſe Malefactors Priſoners to the City of * *Perig~~ux~~*ot, to ~~have ſuch Satisfaction~~ to receive such punishment from Him, as Reaſon and Juſtice required; but the King's reaſonable Demand being Contumaciouſly neglected, He thereupon cauſed all *Gaſcoigne* to be Seized by his Conſtable *Raowlle de Neſle*; and moreover cited King *Edward* Himſelf to appear at his Parliament at *Paris*.

* *Perragorum.*

whoever desires to see a fuller Account of the Causes, which the King of France suppos'd he had for begining
ning War with King Edward may consult ye Original Declaration of ye King of France agst ye sa
as it is published in R—'s Coll: p. 616. to 619. from ye original in ye Tower, wherein having re
rovocations, as are above recited, he concludes with a peremptory Summons & Command to the
King upon ye Penalties he might thereby incur, yt he should appear personally before him
within twenty Days after Christmas, then and there to answer the sd Crimes yt had been ~~done~~ committed by
ers & Subjects, & such other Matters as might be alledg'd against him, & to obey ye Law, & to doe & receive
ould be justly determin'd in that Cause, & yt if he did fail to appear at ye Time appointed, he, ye King
nes would proceed agst him notwithstanding. this bears Date at Paris 1293. And from hence you
erve, yt as King Edward pressed ye King of Scots to own his Superiority by answering to his
so King Philip by Way of Retaliation did ye like by King Edward, as his Feudatory for
Territories he held in France.

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Paulus Æmilius is more Brief in his Relation, and omitting the Injuries done to the King of *France*'s Subjects in *Gaſcoigne*, imputes the beginning of the War to the *Engliſh* Ships taking ſeveral Prizes upon the Coaſt of *Normandy*; for which King *Philip* demanding Satisfaction, but not obtaining it, He cited the King of *England* as a Peer of *France*, as has been already ſaid; who not appearing upon Summons, the Conſtable of *France* (above mentioned) being ſent into *Acquitain*, took the City of *Bourdeaux*, and all the other Caſtles and Towns, except ſome few which were kept by ſtrong *Engliſh* Gariſons; but ſome of theſe the ſaid Conſtable, and *Charles* Count of *Valois*, the Kings Brother, afterwards reduced, which Actions though mentioned here, were not performed till the Year following. But to return to our own Affairs.

The Succeſs of the Conſtables Arms in *Acquitain*.

[3] *T. W.* *Eleanor* the King's Daugher married to the Earl of *Barr*.

In *England* nothing elſe happened conſiderable, only *Eleanor*, the King's eldeſt Daughter, was this Year married at *Briſtol* to *Henry* Earl of *Barr*, by whom he had a Son called *Edward*, and a Daughter *Margaret*, who was afterwards Married to *John* Earl of *Warren* and *Surrey*.

and in France Earl Edmund the Kings brother married Blanche Queen Dowager of Navarre & who bore him three sons viz Thomas and Henry successively Earls of Lancaster and one called John.

[4] *An wig. Ang. Sacra Vol.* 1. Archbiſhop of *Canterbury* deceaſing is ſucceeded by *Robert Winchelſey*

As to Eccleſiaſtical Affairs, [4] *John Peckham* Archbiſhop of *Canterbury* (a Prelate of a moſt Monklike and Mortified Life) deceaſing in *December* laſt Year, *Robert Winchelſey* Arch-Deacon of *Eſſex* was, in the beginning of *February* following, Elected Archbiſhop by the Monks of *Canterbury*; but was not Confirmed by the Pope, nor Conſecrated, until *September* the next Year.

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[5] *Chron. de Norwich in Bib. Cotton* The King wanting Money Seizes all the Wool and Hydes that lay ready to be tranſported, giving the owners Tallies for them.

The firſt thing I find done this Year worth our Notice, is, That the King being much put to it, for want of Money to recover his Territories in *France*, and to ſubdue the *Welſh*-Men, [5] who were then in Rebellion, did about the end of *July* iſſue out Writs to all the Sheriffs of *England*, Commanding them to ſeize all the Wool and Tanned Hydes for the King's uſe, which were about to be Tranſported beyond Sea, and to give the owners Tallies for the Money due for them; the Form of which Writs (bearing date the Six and Twentieth of *July*) you may find in the *Appendix*. But this way of Proceeding being very Arbitrary and contrary to Law, created the King much ill will and diſcontent among his Subjects, to whom it was very Grievous.

[1] *Id Ib.* **The King Summons a Parliament and Demands an Aid.**

* *Rot. Clauſ.* 22. *Ed.* 1 *m.*6 *dors.* The Clergy granted a Moiety of their Goods though with great Difficulty.

* *M. W.*

Yet to give the Nation ſome Hopes of Satisfaction, He alſo about the ſame time (being then at *Portſmouth*) iſſued out other * Writs to Summon a Parliament to meet at *Weſtminſter* on the Twelfth of *November*, being the morrow after St. *Martin*. The Buſineſs was to conſult with, and demand an Aid of them, for the War now like to break out with *France*; And there was a Convocation alſo held about ~~the ſame time~~; wherein the Biſhops and Clergy gave a Moiety of all their Goods both Eccleſiaſtical and Temporal, as appears by the King's Writ for the Collecting of it, to be found in the ſame Author; who farther adds, That though the Biſhops ſeemed willing to grant it, yet the Major part of the Inferior Clergy ſtill ſtood it out; till the King hearing of it, ſent certain Knights into the Room * where the Procurarators of the Clergy were then aſſembled (being the Refectory of the Monks of *Weſtminſter*) where one of them, Sir *John de Havering*, thus accoſted them on the King's behalf; *It is His Majeſty's Pleaſure, that you now grant Him half of your Revenues; and let him that dare contradict this, come forth and ſhew himſelf, that he may be known*: Upon

which

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which the leſſer Prelates and Proctors for the Clergy being affright'ned at, hey immediately complied with the Kings Demands; and though much gainſt their Minds, || yet they were forced to give up their own to he King's Will; who, however, in gratitude for what the Clergy had ow done, granted them a particular Writ of *Protection*, the Form of which you may find in the Manuſcript Chronicle here cited.

|| Chron. Nor.

* *John Everſden* alſo agrees with theſe Authors in the ſubſtance of this Tranſaction, and relates, That the King in his Parliament at *Weſtminſter*, held the morrow after *Michaelmaſs* (which is a miſtake for ~~*Martinmaſs*~~) forced and violently induced the Prelates with their Clergy and * Religious, to yield up a Moiety of all their Goods both Spiritual and Temporal, according to a Rate or Taxation lately ſet forth, to be paid t three different Terms within one Year, amounting to no leſs than 80100 l. a vaſt Sum in thoſe days.

* Ad hunc An. MS. in Officio Armor.

* i. e. The Monks.

St. Matthews Day

Who thoſe *Inferior* Clergy then were that joyned with the Biſhops n granting this great Tax, appears by the King's Writ, recited in the Mandate of *John* the *Roman* Archbiſhop of *York*, to ſummon the Clergy o this Convocation, *viz.* 'The Dean and Archdeacons in their proper Perſons, and the Chapter of his Church by one *Proctor*, and the *Clergy* by two of the ſitting *Proctors*, ſufficiently impowered by the ſaid Chapter and Clergy, to be preſent with the King, and to treat, ordain, and act for them, according as ſhall be provided by the common Advice of themſelves and the reſt of the Prelates, Deans, Archdeacons and Proctors.

Regiſt. Johani Roman. Arch. Ebor. f. 27. Printed in Dr. *Wake's* Appendix to his State of the Church p. 21. 22.

This deſerves your particular Notice, as being the firſt Example of the King's Writ to Summon the *Proctors* of the *Inferior* Clergy, as well as the *Deans* and *Archdeacons* to a *Convocation*; but that they met at the ſame time with the Parliament, I very much doubt, notwithſtanding the Authority of the *Manuſcripts* here cited, ſince the Writs (which are ſtill extant) Summon them to meet on the Feaſt of St. *Matthew*, or 21ſt of *September*, whereas thoſe for the Parliament appoint it to meet at *Weſtminſter* on the morrow after *Martinmaſs*, which is above ſix weeks after the Time that the Convocation was to meet at the ſame Place.

But to come to Foreign Affairs; this ~~Summer~~ Earl *Edmund*, the King's Brother, and late Ambaſſador to *France*, being on his Journey towards the Sea-ſide in order to return home, had been recalled by a Meſſage from *Joanna* the Queen Conſort, and *Mary* the Queen Dowager, who proffer'd by their Mediation again to reaſſume the former Treaty of Peace between the two Kings: And then after ſeveral Conferences it was at laſt agreed, That for the Honour and Security of the King of *France*, who (as he pretended) had been much injured by the King's Officers in *Gaſcoigne*, Six of the King's ſtrongeſt Caſtles in thoſe Parts, (*viz. Xainctes, Tallemund, Tourn, Pomerel, Penne* and *Mountflaunkon*, ſhould be delivered up into the King of *France's* hands by way of Sequeſtration till Matters could be adjuſted; and that in all Cities and Caſtles of the whole Dutchy (except *Burdeaux, Bayonne*, and *la Reole*) one of the King of *France's* Officers ſhould be appointed there to preſide in his Name: And farther, That of thoſe Miniſters and Officers which belonged to the King of *England* in *Gaſcoigne*, the *French* King might chooſe which He would of them for Hoſtages for the due Performance of the Articles of Peace, that were to be made between them.

[2] Spring

T. W.

Earl *Edmund* is ſent for back to renew the Treaty with *France*.

Which ſeems concluded upon certain Conditions.

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[3] *Id. Ib.*

And theſe things being perform'd, the King of *France* was thereupon to recal both his Citation and Sentence, which had been given againſt King *Edward* at the Parliament at *Paris*; and then the King of *England*, firſt having obtain'd Letters of Safe-Conduct, was to go over to *Amiens*, and there, upon an Enterview with the King of *France*, a firm Peace was to be concluded between them, and then all Caſtles were to be reſtored, and the *French* King's Officers removed out of all the Cities and Caſtles, and the Hoſtages were alſo to be delivered upon the Interceſſion of One or Both of the Queens; which Articles being reduced into Writing, one part ſigned by the ſaid Queens was to remain with Earl *Edmund*, and the other part their Majeſty's were to keep, who promiſed the ſaid Earl on the behalf of the King of *France*, That the Conditions agreed on ſhould no ways be violated.

[4] *N. T. T. W.* King *Edward* agrees to the delivery of ſeveral Towns in *Gaſcoigne* into the *French* King's Hands. Who thereupon ſeems to confirm the Treaty ſet on Foot by the two Queens.

[4] King *Edward* being informed of theſe things by the Earl his Brother, He thereupon ſent him Letters Patents, directed to all his Officers in *Gaſcoigne*, commanding them, that in all Points they ſhould ſubmit to the King of *France*'s Pleaſure.* Theſe Letters were to be tranſmitted into *Gaſcoigne* ſo ſoon as Earl *Edmund* thought it convenient; but though he had received them, yet he delay'd the ſending them thither, till he was aſſured that the *French* King would approve of what had been agreed upon by the two Queens; and therefore he deſired of them that Aſſurance of it from the King of *France*'s own Mouth: Upon which King *Philip* gave the Earl a Private Audience in the Preſence of the Queen of *Navarre*, the Duke of *Burgundy* and other Perſons of great Quality; where He promiſed, upon the Word of a King, to perform and fulfil whatſoever the ſaid Queens had granted on his behalf; whereupon Sir *Geoffry de Langly*, a Servant of Earl *Edmund*'s, was diſpatched into *Gaſcoigne*, with Letters to recal the Conſtable of *France*, who was then marched with an Army to invade that Province; and *John de Lacy*, a Clerk, was alſo ſent thither with the King's Letters Patents directed to his Officers for the purpoſes already mentioned. Then *John de St. John*, whom the King had made Governor of *Gaſcoigne*, being certified of this Agreement, and believing all Matters as good as concluded between the two Kingdoms, unwarily ſold all thoſe Stores which he had provided for the Towns and Gariſons in thoſe Parts, and preſently return'd into *England*.*

[5] *M. W. T. W.* The King of *France* changing his mind, is too hard for King *Edward*.

The King of *France* reduces moſt part of *Gaſcoigne* to his obedience.

[5] But whilſt King *Edward* kept his *Eaſter* at *Canterbury*, daily expecting the *French* King's Letters of Safe-Conduct for his Paſſage into *France*, King *Philip* on the ſudden changed his Mind, and not only denyed the ſaid Letters of Conduct, but alſo diſanulled the Revocatory Letters, which He had a little before ſent to the Conſtable to ſtop his Proceedings in *Gaſcoigne*; ſo that King *Edward*'s Letters Patents to his Officers and Miniſters in *Gaſcoigne*, commanding them to ſubmit to the King of *France*, having been already delivered, it was no difficult matter for the Conſtable, who had now raiſed ſufficient Forces, to make himſelf Maſter of all the Cities and Caſtles in thoſe Parts; inſomuch that the whole Country was ſoon reduced under the *French* King's Obedience, and all the Officers of the King of *England* were immediately ſeized and ſent Priſoners to *Paris*. In the mean while Earl *Edmund*

* And indeed this Commission was much more ample than the former agreement made by Earl Edmund with that King; for in this King Edward reciting the Complaints yt had been made against the Disobedience & Trespasses committed by his General, & others his Subjects in Gascoigne agst his most dear Lord and Cousin ye King of France. He thereby empowers his sd. Brother to command his said Seneschal & other Officers in ye Dutchy of Guienne to obey his Brother in all Points. This bears Date Jan: 1st at Canterbury & is published in R–s Coll: p. 618. And in Pursuance of this Commission Earl Edmund not long after by his Letters directed to Sr. John St. John Lieutenant of Guienne & other Officers in ye said Dutchy, commanding them to permit such Persons as should be sent by King Philip to Sequester & take Possession of all Cities, Towns, and Castles within ye Dutchy, & yt all Bailiffs, Provosts & other Officers of those Places should surrender them to those, who should be sent according to the King of France's Letters Patents for yt Purpose: This Letter bears Date at Paris ye morrow after Candlemas-Day A.D. 1293. but according to our Acct. 1294. vid R–s Coll: p. 619. but how treacherous and ill advantage the said King made those Letters you will presently find.

* And a Peace was not that looked upon as certain with France, about this Time King Edward sent Letters to the Bishops in England, reciting, that whereas he intended suddenly to go over beyond Sea to con his Cousin the King of France, concerning a Peace to be made between them, that they should take his Subjects within their respective Dioceses to make publick Prayers to God to direct the King's to his Glory, and render his Endeavours profitable for the publick Good of the Kingdom: these terd on the Rolls [Rot: Claus: 22. Ed: I. M. 11.] & published in R–s Coll p. 626.

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Edmund moved the two Queens to put the King of *France* in mind of is Promiſe to ſend his Letters of Saſe-Conduct to the King of *Eng-and*, as alſo of the reſt of the Articles which had been lately agreed n betwixt them: But the *French* King ſent certain Knights to Earl *dmund*, with Directions in his Name, poſitively to deny that He knew f any ſuch Conditions or Agreements. Then the Earl perceiving how hat both his Brother and himſelf had been trick'd by the King of *rance*'s fair Promiſes, return'd into *England*, and laid before the King nd his Council all that he had done in *France*: So that if this Relation e true, as it is moſt likely, ſince it is found in *Nicholas Trivet*'s Chro-icle, and is from thence tranſcribed by *Thomas Walſingham* (though mitted by the *French* Hiſtorians, as being to their King's Diſhonour) hen King *Philip* is highly to be blamed for his Treachery and Breach of aith, and Earl *Edmund* deſerves the Character of a credulous and nexperienced Young Man; who would ſo far rely upon the King of *rance*'s bare Word (without any thing to ſhew under his Hand and eal) as to ſend the King's Letters to his Officers of *Gaſcoigne*, to ſub-nit themſelves and their ſtrong Places to the King of *France*'s Pleaſure, efore he had obtained the Letters of Saſe-Conduct for the King his rother to go over, and alſo to return in Saſety.

And denies the whole Agreement with Earl *Edmund*.

[1] *Id. ib.* The King Summons a Parliament, wherein it was agreed to recover the King's loſt Dominions.

[1] King *Edward*, upon his Brother's Return from *France*, having Summon'd a Parliament to meet at *London*, (as hath been already re-ated) it was there agreed by the Prelates and Great Men, *That the Counties that had been thus ſeized by Treachery, ſhould be recovered by the Sword*; and at this Meeting the Clergy granted a *Moiety*, the Citizens a *Sixth* part, and the reſt of the People a *Tenth* of all their Moveable Goods, as an Aid for the carrying on of this War: But the Chronicle of *Norwich* is more exact than any other, in relating the Proceedings of the Clergy at this Parliament.

[2] *T. W.* The King ſends Two *Fryers* Envoys to the *French* Court, to renounce his Homage to that Crown.

Ibm.

Not long after this, the King ſent *Hugh de Mancheſter*, a Preaching *Fryer*, and *William de Gisborn* a *Fryer Minor* (both Doctors in Divinity, and Diſcreet Perſons) as his Envoys to the King of *France*, with this Meſſage, That ſince He had violated all the Compacts that had been made between Himſelf and his Progenitors, as alſo thoſe Secret Treaties which had been concluded with the late King his Brother, King *Edward* did not therefore think Himſelf obliged (as King of *England*) to be any longer his Vaſſal for the Dukedom of *Acquitain*, and therefore renounced the Homage He had made Him. And *William de Nangis* ſuppoſes King *Edward* to have done this, not ſo much out of Generoſity, as Policy, becauſe of the hopes He had to regain the Country again by Conqueſt; and then He intended to hold it no longer as a *Feudatary* to the Crown of *France*.*

[3] *Chron. Abing.* *C. W. H. T. W.*

[4] *Id. ib.*

The Biſhop of *Durham* ſent Ambaſſador to the Emperor *Adolf*, to make a League Offenſive and Defenſive.

About the ſame time [3] the King ſent *Anthony Beke*, Biſhop of *Durham*, together with the Archbiſhop of *Dublin*, his Ambaſſadors into *Germany*, to the Emperor *Adolph* of *Naſſau*, with whom He entred into a Leage Offenſive and Defenſive againſt the King of *France*; and the better to confirm it, ſent Him over no leſs then Sixty Thouſand Marks (ſome Writers ſay a Hundred thouſand Pound) to begin the War, though the Emperor was never able or willing to perform this Agreement. And the King [4] likewiſe now ordered an Army of Twenty thouſand Foot and Five hundred Horſe, to be ſent into *Gaſcoigne*, over

* A Copy of this Renunciation of Homage & Fealty, setting forth the Reasons of it (viz) the unjust detaining of Aquitain, notwithstanding the private Treaties & Agreements made between King Philip & ye said Earl Edmund, besides other Injuries, is preserved in the Tower & published in R—s Coll: p. 620. and this also further appears by other Letters sent by Earl Edmund to the said Sr. John St. John, wherein he not only repeated ye Former Orders, but also yt he should choose twenty Person out of the Seneschals Bailiffs & other Officers of that Dutchy, who were to be sent Prisoners into France & also yt he should deliver up Xaintes, Talmond & several other Towns into that King's Possession; all which was executed accordingly as you may find in the Letter it self preserved in ye Exchequer, and published in R—s Coll: p. 620. But I find Earl Edmun ye King's Brother is not so much to be blamed as I believed at first; for I now find by a Charte ing of France's, whereby he entered into a new and private Treaty with that Earl, whereby it was agreed yt ndition King Edward would marry Margaret Sister to King Philip, the Dutchy of Aquitain (which was t in Sequestration till then) was to be restored upon the sd. Marriage: but this Treaty not then taking any Effe mention it & leave ye Reader to consult ye Original preserved in the Exchequer under the King of Broad Seal, bearing Date at Paris An: Dom: 1293. but according to our Account 1294. & is publish Coll: p. 622. to 626. seems yt ye King of France having once got Possession of the said Dutchy, being advised by his llors who were not for making Peace with England, flew off from this Agreement concern- Match, and Restitution of Aquitain; so that King Edward seeing fair Means would not prevail

[turn over]

was forced to have Recourſe to his Sword, & altho' ſome years after this Match took Effect, & yt this Du
again restored upon a Peace yet it was not till after a large Effuſion of Blood & Treaſure by both
So unhappy a thing it is for Subjects, when their Princes are once blinded with Ambition & Covetousneſs
neighbours Territories, yt they will obſerve no Treaties or Agreements any further than they think
conduce to their present Interest or Advancement of that falſe Notion of their own Glory in acqui
does not belong to them.

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The King ſets out a great Fleet and Army againſt *France*.

which (at their being muſtered at *Portſmouth*) He appointed his Nephew *John*, Earl of *Bretaigne* and *Richmond*, General, ordering *John de St. John* and *Robert Tiptoſt*, two Valiant and Wiſe Commanders, to be his Aſſiſtants and Councellors. The King likewiſe at the ſame time ſet forth a Great Fleet, which He divided into Three Squadrons, under as many Admirals, *viz* *John de Botecourt* Commanded the Ships of *Yarmouth* and the *North-Eaſt Coaſt*; *William de Laban*, thoſe of *Portſmouth* and the *Cinque-Ports*; and a certain Knight of *Engliſh-Iriſh* Extraction, all the *Iriſh* and *Weſtern* Veſſels. But neither the King's Army nor his Fleet met with good Succeſs at their firſt ſetting forth; for the Fleet ſailing about *Michaelmaſs* from *Portſmouth*, was driven by contrary Winds, into the Haven of *Dartmouth*, and there waiting ſome days for a Wind, again ſet ſail about the beginning of *October*, and Landing at the Mouth of the River *Garrone*, they there took all the Towns upon that Shore, as far as *Bourdeaux*, and alſo the Town of *Rions*, that lies over againſt it; but could not repoſſeſs themſelves of the City of *Bourdeaux*, though the Land-Army was ſet down very near it; but they put Gariſons into *Ryons*, *Blaye*, and other Towns on that Coaſt, which they had made themſelves Maſters of; and ſo the Expedition ended for this Seaſon. But to return to our Affairs at home.

Whereby ſeveral Places in *Gaſcoigne* are recovered.

[5] *Ch. Anon. in Bib. Cott. Ch. Sti. Ang. in Bib. Ben. MS.*

The Veſſels of the *Cinque-Ports*, take a Fleet of *Spaniſh* Merchants.

About the ſame time likewiſe, [5] the Veſſels belonging to the *Cinque-Ports*, took a Fleet of *Spaniſh* Merchant Ships of Two hundred and eighty Sail, laden with ſeveral Rich Commodities, and bound for *France*: But the King of *Caſtile*, to whoſe Subjects theſe Ships belonged, was ſo enraged at it, That He preſently declared War againſt the King of *England*, which laſted a good while, to the great Damage of the Merchants of both Nations.

[1] *Dr. Ps. Chron.*

The *Welſh* Rebel, and on what occaſion.

I muſt now give you an Account of another *Welſh* Rebellion, which happened the beginning of this Summer, upon this occaſion; [1] the King having lately had a Great Subſidy granted Him for the War againſt *France*, Part of it was levied in *Wales*, as well as other Places, which put the *Welſhmen* into ſuch a violent Commotion, that they flew ſtrait to their Arms, ſeized one of the King's Captains or Officers, called *Roger de Puleſdon*, who was ſent down to gather this Subſidy, and immediately hanged him up, with ſeveral other Collectors, whom they had likewiſe taken. After they had done this, the *Weſt-Welſhmen*, choſe *Maelgon Vauchan* for their Leader, who ſpoiled the Countries of *Caërdigan* and *Pembroke*, and returned with a great deal of Rich Booty; whilſt they of *Glamorganſhire*, and the *Southern* Parts made one *Morgan*, a *Welſh* Nobleman theirs, who driving the Earl of *Glouceſter* out of the Country, they reſtored to him thoſe Poſſeſſions, which that Earl's Anceſtors had taken from his Predeceſſors. [2] In the mean while, the Men of *North-Wales* had ſet up one *Madoc*, of the Family of the late Prince *Llewellyn*, who with a good ſtrong Force came to *Carnarvan*, and ſlew there a great many *Engliſh* that had reſorted to the Fair; and then plundering the Town, retired to the Caſtle of *Snowdun* with Eighteen hundred Men; at which News the King being highly inſenſed, immediately recalled Earl *Edmund*, and *Henry de Lacy*, Earl of *Lincoln*, with great part of the Army, that were then upon their March for *Gaſcoigne*, and ordered them to go to *North-Wales*; but as they approached near the Caſtle of *Denbigh*, upon *St. Martin*'s day, the *Welſhmen* met them with

[2] *T. W.*

The King ſends an Army thither, which is Defeated.

with a powerful Force, and giving them Battel, repulſed the *Engliſh* Army, and gave them at that time an entire Defeat.

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But the King's Forces met with better Succeſs in *South-Wales*, * into which He marched in Perſon, and being diſappointed by the Abbot of *Stratfur*, who promiſed to bring in the whole Country of *Cardigan* to the King's Peace, He in a Rage commanded that Abbey, together with the adjacent Country to be plundered and burnt. But not long after this, *Morgan* abovementioned, who call'd himſelf Prince of *South-Wales*, came in, and voluntarily ſubmitted himſelf to the King's Mercy, with Seven hundred of his Men, being introduced by the Earl of *Warwick*, who it ſeems had reduced him to theſe Terms

* *Annal Wig. ad hunc Ann.*

[3] *H. K. ad hunc An.*

The King marches againſt them in Perſon, and is at firſt reduced to great Straits.

All that I can find to have been done farther in *Wales* this Year, was, That the [3] King marched down in Perſon to thoſe Parts, towards he beginning of *November*, and paſſing over the River *Conway*, came to he Caſtle that bore that Name, which He had lately built; but his Army not being able at preſent to get over to Him, and the *Welſhmen* knowing it, took Courage, and beſieged the King in his Caſtle, and reduced Him to that neceſſity for want of Proviſions, That He had but one large Flaggon of Wine left, and He mixing ſome Water with it, diſtributed it amongſt all his Followers, ſaying generouſly, *That in xtream Neceſſity, All things ought to be Common:* But in a little while after he King's Army getting over, they reſcued Him, and put the *Welſh* to flight; and there the King continued till after *Chriſtmaſs.* After which the War was perſued with great Vigour all the reſt of the Winter, and till the *Auguſt* following, when *Madoc* being betrayed, and given up by his Countrymen, all *Wales* was again reduced under the *Engliſh* Dominion.

[4] *M. W. T. W.*

The King of *Scots* appears at the Parliament at *Weſtminſter*

I find little relating to the King of *Scots* this Year, [4] only that ll our Authors agree, That He was at the Parliament held at *Weſtminſter* ſometime after *Whitſontide*, where they reſolved to Aſſiſt the King o recover his loſt Dominions: And *Matt. Weſtminſter* further adds, That King *John* then granted King *Edward* the Revenue of all his Eſtate in *England* for three Years, towards carrying on the War with *France*; and that the reſt of the Nobility alſo promiſed an Aid according to heir Eſtates; whereby it appears that the King of *Scots* was yet (at eaſt outwardly) in the King of *England*'s Intereſt.

And what was done further in *Macdulff*'s Appeal, the Proceedings in which are again put off till the next Parliament.

And I ſuppoſe it is to this Parliament, that the Record *de Superioritate Regis in Scotiam* &c. ſo often cited, is to be refer'd, which further informs us what was done this Year, in the Appeal that *Macdulff* abovementioned had brought againſt King *John*, (*viz.*) That the Parliament not being holden on the Morrow after the *Holy Trinity*, as had been ppointed the laſt Year, becauſe the King was engaged in Wars lately raiſed againſt Him in divers Countries, the Suit between the King of *cots* and *Macdulff*, which was ſome time ſince begun before the King's uſtices in Parliament, was continued and Prorogued to the Parliament ext to be holden, and which was afterwards Summoned to be at *t. Edmund*'s-*Bury* on the Feaſt of *Martin* in Winter (that is, the Eleventh f *November*) in the Three and twentieth of King *Edward* the *Firſt*; t ſince that falls out under the next Year, I ſhall defer ſaying any ning further of it till then.

I will

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[5] *C. N. T. W.* The King ſeizes the Moneys hoarded up in Monaſteries and Churches.

Rot: Vas: 22. Ed: I. m. 4. d.

* This was held on 21st Sept. at Westminster this year, as appears by the King's writ of summons to ye Arch Bishop of York for that Purpose.

Upon which He promiſed the Clergy to make them Satisfaction; whereupon they Demand a Repeal of the Statute of *Mortmain.*

I will now come to Eccleſiaſtical Affairs. The King this Year took an Occaſion highly to diſoblige the Clergy, and it was thus; [5] being inform'd of great Sums of Money, that were hoarded up in ſeveral Monaſteries and Cathedrals, either for the Repairing of their Churches, or other Uſes, the King cauſed it all to be ſeized, and brought up to his Exchequer at *London*; which Action the Biſhops and Clergy ſo mightily reſented, that they remonſtrated againſt it in the next Synod or Convocation,* demanding Reſtitution of all that had been forced from them by the King's Officers; but He excuſing the Fact, by reaſon of the Neceſſity of his Affairs, promiſed to make them Satiſfaction, ſo ſoon as his Wars were ended; and to pacify them in the mean while, He offered to do any thing that they ſhould deſire, provided it were for the Advantage of the Church; whereupon the Biſhops conſulting among themſelves, demanded a Repeal of the Statute of *Mortmain*; but the Politick King not being willing to part with ſuch an excellent Law as that, put them off, by telling them that He could not repeal it without the Conſent of Parliament; and ſo they were fain either to be, or at leaſt to appear ſatisfied for that time.

[1] *T. W. Chron. Lanc.* A Parliament at *Weſtminſter*, where the King obtains a great Tax from the Clergy and Laity.

* *Secularium militum.*

Some while after this, *viz.* [1] on the Vigil of *St. Matthew*, or the Twentieth of *September*, a Parliament was called at *Weſtminſter*, wherein the King demanded of the Clergy a Moiety of all their Goods for one Year, as well their Eccleſiaſtical as Temporal Revenues; which, though it ſeemed very grievous to all there preſent, yet the Biſhops and Prelates being afraid of the King's Diſpleaſure, did at laſt agree to, and ſo He had it. But this, our Author ſays, they ought not to have done without the Pope's Conſent. In this Parliament too, the King had likewiſe granted him a *Tenth* part from the *Community* of the Counties, or * Knights of the Shires, and a *Sixth* part by the Citizens and Burgeſſes.

[2] *Chron. Cotton.* The *Engliſh* Army in *Gaſcogne*, reduce part of *Arragon* to his Obedience, and the Town of *Bayonne* is Surrendred to the *Engliſh*

I find nothing more done in *France* this Winter, except that [2] ſome of the *Engliſh* Army then in *Gaſcoigne*, being called in by the King of *Arragon*, recovered great part of that Province to his Obedience, and not long after (about the beginning of the Year following) the Town of *Bayonne* was Surrendred to the *Engliſh*, where they took Fifty Ships laden with Wine, which were ſent over to the King.

[3] *M. W.* *Celeſtine* the *Fifth* is choſen Pope, but reſigns after five Months, and is Succeeded by *Boniface* the *Eighth.*

As to the Affairs of *Italy*; [3] the Papal Throne having been void for above two Years, the Cardinals at laſt elected a certain *Hermite*, of great Reputation for Sanctity, called *Peter de Murrone*, who taking upon him the Name of *Celeſtine* the *Fifth*, after He had been Pope about five Months, being but a weak Man, was wheedled out of it, and perſwaded to reſign by Cardinal *Benedict* of *Cajeta*, whom He nominated for his Succeſſor and who was choſen Pope in his ſtead, upon *Chriſtmaſs-Eve*, by the Name of *Boniface* the *Eighth*, a Crafty and Violent Prelate, of whom we ſhall hear more hereafter.*

* As for other foreign affairs, I cannot but observe that King Edward this year strengthened his Interest abroad by making new Leagues & Alliances with several foreign Princes, viz: Adolph of Nassau King of ye Romans, & also with James King of Arragon which was offensive & defensive between them, & is still extant on the Roll. [Rot: all 22. Ed: I. m. 19] bearing Date 11th of ye Kal: Novemb: 1294. & both of these are published in R—'s Coll: p. 658, to 661. & 695 to 698.

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[4] *Chron. Cotton* The new Archbiſhop of *Canterbury* being confirm'd, does his Homage to the King.

King *Edward* kept his *Chriſtmaſs* at *Aberconway* in *Wales*; about which time [4] *Robert Winchelſey*, Archbiſhop Elect of *Canterbury*, having been already Confirm'd and Conſecrated by Pope *Celeſtine*, now did his Homage to the King, and was ſent home with a favourable Reception, though he afterwards proved the moſt violent Oppugner of the King's Power and Prerogative, that had been ever ſince *Thomas Becket*'s time. But to return to the Affairs of *Wales*.

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[5] Dr. *Ps. Chron.*

The King marches into *Wales*, and is in great want of Proviſions.

The King, after ſome time ſpent at *Conway*, advanced further into *Vales*, where marching ſomewhat before his Army, the *Welſhmen* ſallying ut of their Faſtneſſes, took all his Carriages of Proviſions, ſo that He vas reduced to that Extremity, that for a few days He was forced o drink nothing but Water ſweet'ned with Honey, and eat Salt-Meats: But the reſt of his Army coming up to Him, He was quickly elieved by them.

The *Welſh* are routed by the Croſsbows, commanded by the Earl of *Warwick*.

The Iſle of *Angleſey* again reduced, and the Caſtle of *Beaumaris* built.

Madoc ſtill continues the War in *South-Wales*.

But he is at laſt taken Priſoner, and all *Wales* is ſettled in Peace.

[1] *Chron. Cotton.*

Whilſt the King thus remained in *Snowdun*, the Earl of *Warwick* earing that a great number of *Welſhmen* were got together in a Valley, etwixt two Woods, Selected a Company of choice Horſe-men with ertain Croſsbows, and Archers, who coming upon the *Welſhmen* in the Night, cloſed them in; but they pitching the ends of their Pikes on the Ground, and turning their Points againſt their Enemies, ſtood upon heir Guard, and kept off the Horſe-men; but the Earl having ſo well rawn up his Forces, that betwixt every two Horſemen, there was laced a Croſsbow, great part of the *Welſhmen* were overthrown and routed y the Croſsbow Arrows; then charging the reſt of them with a Squaron of Horſe, they made ſuch a Slaughter of the *Welſh*, as had not een for a long time before: So that the Country being now cleared, he King marched directly to the Iſle of *Angleſey*, and having again educed it, there built a ſtrong Caſtle called *Beaumaris*, from whence the Chief Town of that Iſland hath it's Name: Then having put to Death hoſe that Hang'd *Roger de Puleſdon*, and wholy broke the Power of he *Welſh* in thoſe Parts, by cutting down the Woods, and placing ariſons in the Sea-Coaſts, the King returned into *England* with a great eal of Honour. Yet in *South Wales* the War was ſtill continued by *Madoc*, who ſometime after marched with his Forces to *Oſwaldſtrie*, here the People ſubmitted to Him; and then meeting the Lord *Strange*, ith a Company of his *Marchers* (not far from *Knockin*) overthrew him, nd ſpoiled his Country; and ſhortly after He gave the Lords *Marchers* nother Overthrow: But yet they were nothing diſcouraged at his Miſchance, but muſtering up freſh Forces, met with *Madoc*, as he as coming towards *Shrewsbury*, upon the Hills not far from *Caurs*-Caſtle, here, after a ſharp Conflict, his Men were routed, and he at laſt taken nd ſent up Priſoner to the Tower of *London*; though ſome Authors re-te, That this *Madoc* was not then taken, but ſometime after he volun-rily ſurrendred himſelf to the King's Mercy, which he obtained upon his Condition, That he ſhould go in perſuit of *Morgan* the Leader of he Rebels in *North-Wales*, and not deſiſt till he had taken Him Priſoner, hich was done not long after; and *Morgan* being Beheaded at *London*, he [1] King took for Hoſtages about Five hundred of the Sons of he Chief of the Noblemen of *Wales*, who were ſent to divers Caſtles *England*, to be there ſafely kept; which being perform'd, the Country as ſo well ſettled in Peace, that we find no Inſurrection in *Wales* for any Years after.

[2] *Ch. Abing.* *Ch. W. H.*

The Treaſon of Sir *Thomas Turbervill* diſcovered.

About this time was diſcovered the Treaſon [2] of Sir *Thomas Turberville*, Knight of Note, who whilſt he was lately Priſoner in *France*, pro-iſed that King to betray One of the *Cinque-Ports* to Him, for the Land-g his Army in *England*; but when upon *Turbervill*'s Return home, King *dward* refuſed him that Command (which he then deſired) of the *Cinque-Ports*, that Plot came to nothing; and his Treaſon being diſ-over'd by a certain Clergyman whom he employed as his Secretary,

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to write a Letter to the King of *France*, wherein he invited Him to invade *England*, during the Abſence of Earl *Edmund* the King's Brother, who was ſometime before ſent over into *Gaſcoigne* with the Power of the *Engliſh* Forces; as *Turberville* was going towards *Wales* he was ſoon apprehended, and being brought back again to *London*, was there tryed and condemn'd to be hang'd and quarter'd; and he was Executed accordingly.

For which he is Condemned and Executed.

[3] *Id. Ib.*

Which utterly diſappoints the *French* deſigns upon *England.*

This Diſcovery and Execution had this good Effect, That it was a great means of diſapointing the Invaſion of the *French* that they deſigned about this time; for they arriving upon the Coaſt of *England* with a great Fleet of 400 Sail, hoped to have had one of the *Cinque-Ports* delivered up to them by *Turberville*, whom they expected to have found Guardian thereof; but their Deſign being fruſtrated by the King's not Truſting him with that Command, all they could do, was [4] to land not far from *Dover*, with ſome Forces, and then marching to that Town, they burnt a good part of it, plundering the Churches, eſpecially that of the Priory, wherein many of the Inhabitants had fled for Refuge: But ſome of thoſe that ran out of the Town upon the Approach of the *French*, joyning with the Militia of the Country, coming in to their Aſſiſtance, fought with ſo much Bravery, that they beat the *French* back to their Ships with the Loſs of a great many of their Men, who were either killed or taken Priſoners.

[4] *Annal S. Auguſt MS. in Bib. Ben.*

Yet they Land and Plunder *Dover*, and ſet it on Fire, but at laſt are repulſed.

And (as *William de Nangis* relates) there was ſo great an Army then on Board the *French* Fleet, as might have gone near to have conquer'd *England*, had not the Fleet been recalled through the Envy of the *French* Admirals. But this ſeems not at all probable; for had they been Guilty of ſuch a Miſcarriage, the *French* King would have made them pay for it with the loſs of their Heads. However, in Revenge of this petty Loſs, the Seamen of *Yarmouth* burnt the Town of *Cherburgh* in *Normandy*, whilſt the Mariners and Soldiers belonging to the *Cinque-Ports* Landing near *Diepe*, burnt the Towns and Villages adjoining, for near 20 Miles together along the Coaſt, and returned to their Ships; and not long after thoſe of *Portſmouth* took fifteen *Spaniſh* Ships laden with rich Commodities, being bound for *Damm* in *Flanders*, and brought them into *Sandwich.* But this ſmall Succeſs met with a very ill Conſequence, for it cauſed a long War between *England* and *Spain*, to the great prejudice of the King's Affairs.

Some Towns burnt by the *Engliſh* in *Normandy.*

But I ſhall now ſpeak of the Affairs of *Scotland* and *France*, which took up the reſt of this Year.

King *Edward*, as I have ſaid before, had Summoned a Parliament to meet at St. *Edmunds-bury*, on the Feaſt of St. *Martin*, or the Eleventh of *November*, and it laſted until the end of *December* following; * in this Parliament the *Scotiſh* Earl, [5] *Macdulff*, proſecuted his Plea afreſh againſt the King of *Scots*; who, inſtead of appearing in Perſon, ſent the Abbot of *Abirbrothok*, and ſome other Noblemen of that Kingdom, to King *Edward*, with Letters of Excuſe for his not coming to his Court either the two laſt Parliaments, at the Days aſſigned him, or now; wherein he gave ſome ſpecious Reaſons why he could not attend in his own Perſon.

The King Summons a Parliament, at which the *Scotiſh* King refuſed to appear.

[5] C. J. E.

* *Rot. de Superior. Reg. Angl. in Scot.*

But ſends an Abbot, and ſome Noblemen, with Letters of Excuſe.

But indeed, this* Abbot, and thoſe that came with him, brought not nly an Excuſe, but a Quarrel, and demanded of King *Edward* Satisaction for ſeveral pretended Injuries, Oppreſſions and Grievances, ſuained by the *Scots* from his Subjects: To whom, after good Deliberaion, this Anſwer was given, That the King of *England*, for certain Cauſes, was coming towards the *North Parts*; and that the King of *Scots* ſhould then have ſufficient Recompence to his own Content for all njuries could be proved done to the *Scots* by his Subjects of *England*: And alſo appointed him a Day in the ſame Parliament, when (by the Continuation and Prorogation of the Juſtices repreſenting his Perſon) He ſhould Appear and Anſwer to *Macdulff*, *viz.* the firſt day of *March* next ollowing, at *New-caſtle upon Tine*, who would expect his being there; and njoyn'd the Abbot and thoſe with him, to give notice to their King, that He ſhould then not fail perſonally to appear there, to Treat with the King of *England* about the Premiſſes, and other Things touching the State and Tranquility of both Kingdoms and their Inhabitants.

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* *Ibidem.*

They alſo demand Satisfaction for ſeveral Injuries; and the King's Anſwer to them.

The King appoints another Day for the King of *Scots* Appearance.

While * the King was at the Parliament intent upon this Buſineſs, He had certain Information, That the King of *Scots*, with his Prelates, Earls, Barons, and other Noblemen, *Communities* of Cities, and Towns, nd others of the Chief Inhabitants of the Kingdom, had made a private Confederacy and League with the King of *France* againſt Him, Sealed with both their Seals, and Counterchanged; for diſpatch whereof, the King of *Scots*, at the Inſtance of his Biſhops, Earls, *&c.* ſent four Procurators or Commiſſioners, *viz.* *William* Biſhop of *St. Andrews*, *Matthew* Biſhop of *Dunkeld*, *John de Soules*, and *Ingraham de Umfreville*. The Sum of this League was:

* *Ibidem.*

The King is inform'd, that the King of *Scots*, with his Prelates and Nobility, had made a Secret League with the King of *France*.

Firſt, 'That *Edward*, King *John*'s Son, ſhould Marry the Daughter of *Charles* of *Valois*, Earl of *Anjou*, the King of *France* his Brother.

The Articles of this League.

Secondly, 'That the King of *Scotland* in the preſent War ſhould aſſiſt the King of *France* againſt the King of *England* and all his Confederates, as well by Sea as by Land, againſt the Emperor of *Germany* and others.

Thirdly, 'That He ſhould at his own Charge make War againſt the King of *England*, when He was employed in, or diverted by, War in other Places.

Fourthly, 'That as well the Earls, Barons, Prelates, and other Noblemen, as far as of Right they might, and alſo the *Communities* of the Kingdom of *Scotland*, ſhould, as ſoon as they could, ſend Him their Letters Patents, under their Seals, of their Conſent to theſe Things.

Fifthly, 'That if the King of *England* Invaded *Scotland*, the King of *France* was to make War upon Him in other Parts, by way of Diverſion; or if required, to ſend Forces into *Scotland* at his own Charges, until they came there.

Sixthly, 'That if the King of *England* went out of his Kingdom, or ſent many Forces abroad, the Commiſſioners promiſed, that the King of *Scotland* ſhould enter *England* with his whole Power as far as He could, making War in the Field, beſieging Towns, waſting the Countries, and by all poſſible ways deſtroying *England*.

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Seventhly, ‘ That they ſhould not make Peace on either ſide, withou
‘ the Conſent of the other.

The League it ſelf, with the Procuratory Letters, are to be found a large in this Record, and in *Hen. de Knyghton*, Col. 2473.* and the Reader notice that the like copies of this League are preserv'd in the Exchequer & in R—'s Coll: p. 680, 681.

* *Ibidem.*

The King ſends two Abbots to the *Scotiſh* King, to warn him to Appear at the Parliament; and to deliver certain Caſtles in the mean while.

About * the prefixed time for the King of *England*'s ſetting out fo his Journey to *New-caſtle*, He ſent the Abbots of *New-minſter* and *Wellebec* to the King of *Scots*, to give Him notice of the Adjournment of th Parliament, and the time of his coming thither; they alſo demanded in the King's Name, certain Caſtles in the *Marches* to be delivered, up to Him, for his Own and his Subject's Security from the preſent Dangers during the War with *France*, which when over, He ſhould receive again; and that He might have them without any difficulty, He ſent by thoſe Abbots his Obligatory Letters for the Performance of his Promiſe.

[1] *H. K. Ib. Chron. Lan.*

The Caſtles that the King demanded, which the *Scots* refuſe to deliver.

Our [1] Hiſtorians do alſo agree with the Record in this matter, and are in ſome Points more expreſs; as that the King, ſuſpecting the Fidelity of the King of *Scots*, demanded three of the ſtrongeſt Caſtles in his Kingdom, *viz. Berwick, Roxburgh*, and *Edenburgh*, to be delivered into his Hands, as Pledges for his Fidelity until the end of the *French* War: But the *Scotiſh* Parliament, then aſſembled at *Edenburgh*, refuſing to comply herewith, the King thereupon reſolved to ſubdue them by Force; and that they, much about the ſame time, choſe Twelve Peers of the Kingdom, to wit, Four Biſhops, Four Earls, and Four Barons, by whoſe Advice the King was to Govern, and by whom He was chiefly incited to make War againſt King *Edward*, as they did the Year following, when it came to an open Breach between the two Kingdoms.

[2] *T. W. Chron. Lan.*

Charles, the *French* King's Brother, with the Conſtable *de Neſle*, enter *Gaſcoigne*, and take *Ryons*, with ſeveral Officers.

Let us now ſee what ſucceſs the King's Forces had in *Gaſcoigne* this Spring. [2] Count *Charles* the French King's Brother, with the Conſtable *de Neſle*, having entered that Province about the middle of *Lent* with a powerful Army, they Beſieged *Ryons* and took it, being quitted by *John* Duke of *Bretaigne*, and the Lord *Robert Tiptoft*, by reaſon of a great Mutiny and Sedition that happened among the Soldiers; ſo that the Commanders abovemention'd retreating to *Blaye* by Water: all the Officers that remained in the Town, together with the common Soldiers, were without any difficulty taken, and ſent Priſoners to *Paris*. But in return, on the ſame day the Town of St. *Severe* was yielded up to the *Engliſh*, and *Hugh de Vere* made Governor of it; but he could not keep it long, for Count *Charles*, having burnt the Town and Caſtle of *Ryons*, preſently marched to Beſiege that Place, before it was ſufficiently Fortified; *Hugh* the Governor made a Gallant Reſiſtance, and held out a long Siege of Nine Weeks, during which time a great number of the *French* periſhed, both by Plague and Famine; yet at laſt, Proviſions failing in the Town, by the Mediation of the Counts of *Artois* and *Foix*, (who were then with Count *Charles*) the Governor obtained a Truce for Fifteen days, within which time, if he were not relieved, he was to Surrender the Place; and no Relief being ſent from *Bayonne*, (as was expected) the Town was Surrender'd, upon Condition, That the Gariſon might march out with their Arms and Baggage, and be ſafely conducted for two days march by the French Army: There were alſo good Conditions made for the Inhabitants that ſtaid behind. But to make ſome amends for theſe ill Succeſſes, [3] *John de St. John*, one of the King's Chief Commanders in *Gaſcoigne*, about this time fought the *French*,

The Town of St. *Severe* taken by the *Engliſh*,

Which is retaken after a long Siege by the *French*.

[3] *Chron. Annon. in Bib. Cotton.*

Sir *John St. John* routs the *French*, and kills 1700 of them.

French, and killed Seventeen hundred of them, and took Seven hundred Priſoners.

As to Eccleſiaſtical Matters, nothing happened remarkable, [4] but the Death of John Sirnamed the Roman, Archbiſhop of York, of Italian Extraction, a Learned Prelate, but withall ſordidly Covetous: and Henry de Newark, Dean of the ſame Church, was Elected in his room.

[4] H. K. The Death of John the Roman, Archbiſhop of York.

The [5] new Pope Boniface reſolving again to revive the Holy War, and to make all Chriſtian Princes agree to the carrying on of that great Deſign, ſent the two Cardinals of Alba and Preneſte to the King of France, commanding Him upon pain of *Excommunication* to make Peace with the King of England: But King Philip refuſing it, anſwered boldly, *That the Pope had nothing to do about making Peace or War in his Dominions.* [1] Then the ſame Legates came over into England with the like Meſſage; but King Edward being more Complaiſant, order'd the Biſhop of Durham to receive them with all due Reſpect; and the King, upon his Return from his Welſh Expedition, anſwered them to this effect, That He was inclinable enough either to a Peace or Truce, which the King of France ſhould think fit; but he was obliged, by his Oath to the Emperor, not to conclude either without his Privity and Conſent: Then the Legates, having deſired the King to perſwade that Prince to comply with their Propoſals, took their Leaves, and return'd into France.*

[5] Mezeray's Hiſt. Ad hunc An. Pope Boniface ſends his Legates to the King of France, commanding him to make Peace with England.

[1] T. W. The ſame Legates come over hither, and are kindly received, and reſpectfully anſwer'd by K. Edward.

* And yt the Pope now did his Endeavour to have made Peace between the two Kings, appears by ye Bulle of Pope Boniface entred on the Rolls [Rot: Al: 23. Ed: I. m. 10] by which he offerd to arbitrate all Differences between them not as Pope, but as a private Person, & yt in Order to it, a Truce should be agreed upon from the Feast of Epiphany last past, for one Year to come. this Bulle bears Date at Rome 12th of Augt. in ye first Year of his Pontificate, & is published in R—s Coll: p. 682. 683. But tho it did not then take Effect yet that this Truce was accepted on King Edward's Part, appears by his Letter to the Pope, dated some Time after the said Bulle, wherein he lets his Holiness understand yt to show his Obedience to his Mother the Church of Rome, he had offer'd his Holiness Legates, who were then with him, to make a Truce with the King of France by Sea and Land, till the Feast of All Saints next ensuing, provided the sd King would also agree to it, as appears by the Letter it self entred on ye Rolls [Rot: Claus: 23. Ed. I. m. 7. d] and is published in R—s Coll: p. 685 686.

This [2] Year was alſo remarkable for the Deceaſe of ſeveral Perſons of Quality, eſpecially the Lord Robert de Bruce the Elder, who had been a Competitor for the Kingdom of Scotland: He Died in that Kingdom, but was Buried in the Abbey-Church of Giſbourn in Yorkſhire, which his Anceſtors had Founded. This deſerves our notice, becauſe moſt of our Hiſtorians confound him with his Son of the ſame Name, who was ſome Years after Crown'd King of Scotland. [3] Alſo this Year Died Gilbert Earl of Gloceſter, who had Married Johanna the King's Daughter, and by her left a Son of the ſame Name with his Father: And for the Counteſs-Dowager, ſhe not long after privately Married an ordinary Eſquire, called John de Monthermer, who belonged to the late Earl her Husband, without the King's Conſent; for which, Monthermer was for ſome time kept in Priſon; but being at laſt ſet at Liberty, and obtaining the King's Favour, he was for his Valour created Earl of Gloceſter, during the Minority of Young Gilbert de Clare, the King's Grandſon.

[2] C. W. H. H. K. The Death of Lord Bruce the Father.

[3] Chron. Abing. As alſo of the Earl of Gloceſter.

[4] Open War being now broke out between England and France, King Edward, to ſee what the King of Scots would do, ſent to Him, deſiring his Aſſiſtance againſt the French; but the Scots return'd an Anſwer to this Effect, That neither they nor their King were obliged to Obey the Requeſts or Commands of the King of England, ſince they were now Abſolved by Pope Celeſtine from the unlawful Fealty and Homage King Edward had Extorted from them: Which when the King heard, He was much ſurpriz'd, and ſent them word, That ſince they would give Him no Aſſiſtance, He expected the Caſtles of Berwick, Edenburgh and Roxburgh, ſhould be put into his Hands by way of Caution to the end of the War, that they wou'd not take up Arms againſt him: But this was not only refuſed with great Scorn, but the King of Scots, now reſolved upon a War, [5] to be before-hand with England, Baniſh'd all of that Nation out of Scotland, and turn'd the Eccleſiaſticks there out of their Livings; and alſo Seized all the Goods of the Engliſh, which

[4] Id. Ib. The King deſires Aſſiſtance from the Scots againſt France, which is by them refuſed.

[5] Chron. Lan. The Engliſh Baniſh'd out of Scotland, and their Eſtates Seiz'd.

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which were ordered to be kept in ſafe Places towards the Expence of, the War: But thoſe few *Engliſh*, who were permitted to ſtay behind, were forced to take an Oath to aſſiſt the *Scots* againſt their own Nation; which (as my Author well obſerves) was fooliſhly contrived; for how could a forced Oath oblige others, when the *Scots* themſelves had broke their Oath of Fealty to King *Edward*, on pretence that it was impos'd upon them, againſt their Conſents.

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* *Rot. de Super-rior. in Scotia.*

The King marches in Perſon againſt the *Scots.*

[1] *T. W. Chron. Abing.*

And again cites that King to appear at *New caſtle*; but without any effect.

Whereupon in *February* following King *Edward* began his Expeditio against the *Scots*; and it appears by the * Record abovementioned, that He was on the Firſt of *March* at *New-caſtle*, where, holding a great Council of his Nobility, He Cited by Proclamation the King of *Scots* to make his Perſonal Appearance on the Day laſt mention'd: [1] But He not obeying the Citation, nor ſending any one to excuſe his Abſence, after ſome Days ſtay there, the King, by the Advice of his Council, reſolved to march further againſt Him: and in perſuance thereof, proceeded as far as *Banborough* Caſtle, where He again cauſed the *Scotiſh* King to be Summon'd; but it had no other Effect than the former.

[2] *Id. Ib.*

Robert de Ros Rebels againſt the King, with the ill Conſequences of it.

But before I inform you what the King did in this Expedition, I cannot forbear mentioning an ill Accident that fell out, [2] whilſt the King remained at *New-caſtle*. It happened that a certain Knight there, called *Robert de Ros*, Lord of the Caſtle of *Weark*, for the Affection he bore to a *Scotiſh* Lady, whom he intended to Marry, Revolted from King *Edward*, and went over to the *Scots*: Whereupon, *William de Ros* his Brother, immediately gave the King notice of it, and deſired a ſufficient Gariſon to defend the Caſtle againſt the *Scots*: The King upon this ordered him a Thouſand Men; and he marching with them toward the Caſtle, quartered at a Village called *Preſtfen*, where *Robert* his Brother, with a great number of *Scots*, ſurprizing them in the Night, killed them all, except ſome few that eſcaped in the dark. When the King heard of this, tho' He was ſorry for the loſs of his Men, yet it gave Him this Satisfaction, That the *Scots* had firſt begun theſe Hoſtilities.

[3] *C. W. H. H. K.*

Divers *Scotiſh* Noblemen Submit to the King.

Then [3] the King went to the Caſtle of *Weark*, and there kept his *Eaſter*. Whilſt He was at that Place, there came over to Him divers *Scotiſh* Noblemen, who not only ſubmitted themſelves to Him, but alſo gave Him their Homage and Oath of Fealty: The Perſons were, *Patrick* Earl of *Marche* and *Dunbar*, *Gilbert Umfreville* Earl of *Angus*, *Robert de Bruce* the Elder, and *Robert de Bruce* the Younger, whoſe Homages and Submiſſions are ſet down at large in my Author; but ſeeing they are much the ſame with thoſe of the other Noblemen, whom I ſhall mention hereafter, and are ſtill Extant on the Rolls in the *Tower*, I purpoſely here omit them.

[4] *T. W.*

Some *Scotiſh* Noblemen raiſe Forces, invade *England*, and burn part of *Carliſle.*

Whilſt [4] the King kept his *Eaſter* at this Caſtle, ſeveral *Scotiſh* Earls and Barons, (the chief of whom were thoſe of *Menteithe*, *Stratherne*, *Athol* and *Mar*) having gathered an Army of Five hundred Horſe and Four thouſand Foot, marched out of *Anandale* over the River *Salwarth*, and entring *Cumberland*, not only deſtroyed the Inhabitants without diſtinction, but burnt all the Towns from *Artereth* as far as *Carliſle*, the Suburbs of which they alſo laid in Aſhes: And tho' the Town was ſet on Fire by a Spy that was there kept in Priſon, yet the Inhabitants making a vigorous Reſiſtance, it was not only ſaved, but the *Scotiſh* Army was alſo repulſed with ſome loſs.

In [5] the mean while, King *Edward* marching into *Scotland* on the other ſide, ſat down before *Berwick upon Tweed*, and on the 29th of *March* Summoned the Town and Caſtle to Surrender, offering the Gariſon and Townſmen a Free Pardon, with a Continuation of all their Liberties and Privileges: But they were ſo far from hearkening to the King's Offers, that they refuſed them with moſt opprobrious Language, and endeavoured to burn the *Engliſh* Fleet that was then lying in that Harbour; which ſo highly provoked the King, that He immediately commanded a General Aſſault to be made; and the Place being ſoon taken by Storm, the *Engliſh* gave no Quarter to any of them, but putting all to the Sword they met in their way, no leſs than Fifteen thouſand, as ſome, or, (as *John Everſden*, and Others, more probably relate) Nine thouſand *Scots* were there Slain; and for thoſe that were left, the King Baniſhed them the Town for ever. Then He ordered a deep Trench, fortified with Palliſadoes, to be caſt up between the Town and the reſt of *Scotland*, to hinder the *Scots* from approaching it, and ſpent ſome time in repairing the Fortifications of that important Frontier.

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[5] *Chron. Cotton. Chron. Lan.*

King *Edward* enters *Scotland*, and Beſieges *Berwick*.

Takes the Town by Aſſault, and puts 9000 *Scots* to the Sword.

[6] *Chron St Alban. in Bib. Cot. Claud. D. 6.*

Whilſt the King was thus employ'd, *Baliol*, being now reſolved to act aboveboard, and openly to defie King *Edward*, to that purpoſe ſent, by the Guardian of the *Fryars Minors* of *Roxburgh*, an Inſtrument, or Writing, containing a *Renunciation* of the Homage and Fealty, which himſelf and many of the Inhabitants of the Kingdom had formerly made, which being both in *French* and *Latin*, is thus Tranſlated.

Baliol ſends K. *Edward* a Renunciation of the Homage he had made him.

TO the Magnificent Prince Edward, *By the Grace of God, King of* England, John, *By the ſame Grace, King of* Scotland: *Whereas You and Others of Your Kingdom have purpoſely and knowingly, by Your violent Power, notoriouſly and frequently done grievous and intollerable Injuries, Contempts, Grievances and enormous Damages againſt Us, the Liberties of Our Kingdom, as alſo againſt God and Juſtice, Citing Us at Your Pleaſure, upon every ſlight Suggeſtion out of Our Kingdom, unduly Vexing Us, Seizing Our Caſtles, Lands and Poſſeſſions in Our Kingdom unjuſtly, and for no fault of Ours, taking the Goods of Our Subjects, as well by Sea as by Land, and carrying them into Your Kingdom, Killing Our Merchants, and other Traders with You, and taking away Our Subjects and Impriſoning them: For the Reformation of which Things, tho' We ſent Our Meſſengers to You, yet they remain not only unredreſſed, but there is every day an Addition of worſe; for now You are come with a great Army upon Our Borders, to Diſinherit Us, and the Inhabitants of Our Kingdom; and proceeding forwards, have inhumanly committed many Slaughters, Burnings and violent Invaſions, as well by Sea as Land: We therefore not being able to Suſtain the ſaid Injuries, Grievances and Damages any longer, nor to remain in Your Fealty or Homage, Extorted by Your violent Oppreſſion, do hereby return them to You, for Our Self, and all the Inhabitants of Our Kingdom, as well for the Lands We hold of You in Your Kingdom, as for Your pretended Government over Us.*

[7] *T. W. Hen. de Knight. Col.* 2477.

The Form of it.

We cannot tell the Exact time when this Letter was Writ, becauſe it is entered in our Hiſtorians without any Date; only *Walſingham* tells us in general, That it was ſent about the latter end of *April*, which is moſt probable, becauſe King *Edward* was then at *Berwick*; to which place all our Authors agree this Writing was ſent, and do alſo tell us,

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That the King having recieved it, and accepted of King *John*'s *Renunciation*, commanded his Chancellor, that it ſhould be enrolled *in perpetuam Rei memoriam*, as it remains on the Records of the *Tower* to this day; being in Latin, though it was Written Originally in *French*, as appears from *Walter Hemingford*'s Manuſcript Hiſtory of this King's Reign, as alſo in the *Abingdon* Chronicle. But to return to the Hiſtory.

[2] *Id Ib.* The King ſends part of his Army to reduce the Caſtle of *Dunbar*. The *Scots* invade and waſt *Northumberland*.

About the ſame time [2] the King ſent great part of his Army to reduce the Caſtle of *Dunbar*, which had been betrayed to the *Scots* by the Lady thereof, in the Earl her Husband's Abſence; in the mean while the *Scots*, to divert the King's Forces from this Siege, under the Conduct of the Earls of *Caſſiles* and *Menteithe*, invaded the Borders of *Northumberland*, and killing all the Inhabitants they could meet with, burnt and waſted all *Cokeſdale* and *Redeſdale*, with all the Country lying Eaſtward of *Tine*; and then marching forward, burnt the Monaſteries of *Henham* and *Lanercoſt*, with the Nunnery of *Lambſley*, and ſo return'd into *Scotland*, through the Foreſt of *Nicholay*, with a great Booty.

[3] *H. K.* *Dunbar* Caſtle taken.

Notwithſtanding this, the Forces Royal, under the Command of the Earls of *Surrey* and *Warwick*, ſtill carried on the Siege of *Dunbar*-Caſtle; [3] and the King, having ſtayed at *Berwick* till the end of *April*, then marched with freſh Forces to their Aſſiſtance; but before He could arrive there, His Army had not only taken the Caſtle, but obtain'd a great Victory over the *Scots*: The manner of which was thus.

[4] *Id. ib.* The *Engliſh* Army obtain a great Victory over the *Scots*. [5] *T. W.*

King [4] *John*, finding this Caſtle which was then of great ſtrength and importance, like to be taken, having muſter'd up a great Army, marched to it's Relief; but being met with by the *Engliſh* Generals, who roſe from the Siege, and gave them Battel, [5] they wholy routed the *Scots*, and killed about Ten thouſand of them; which is much more probable then *Knyghton*'s Account, that makes them above as many more; though none of any Note were there ſlain, except the Lord *Patrick Graham*.

[1] *Ibidem.* Divers *Scotiſh* Noblemen taken Priſoners at *Dunbar*. [2] *Chron. Lan.* [3] *W. H.*

Upon [1] this Victory, thoſe in the Caſtle of *Dunbar* ſeeing no further hopes of Relief, Surrendered it to the King's mercy, where were taken Priſoners, the Earls of *Menteithe* and *Athol*, the Lord *Ros*, One and thirty Barons more, beſides ſeveral other Perſons of Quality: [2] But as for the common Soldiers who were about 300, the King gave them all their Liberty, upon their promiſſory Oath not to take up Arms againſt Him any more. Upon [3] the loſs of this Battel, and the taking of *Dunbar*, the *Scots* were ſo diſpirited, that they fled beyond the Frith of *Forthe*, leaving no Forces behind them, but what were in Gariſons.

The Caſtle of *Roxburgh* Surrendred by the Steward of *Scotland*, who ſubmits and takes an Oath of Fealty to the King. [4] *T. W.*

After this, the King with his Army marched againſt the Caſtle of *Roxburgh*, which was held by the Seneſchal, or Steward of *Scotland*, who upon the approach of his Royal Army, thinking it in vain to reſiſt, ſurrendered the Place upon Good Terms, having the Lives, Eſtates and Liberties, of himſelf and thoſe that were with him, preſerved; upon which he was alſo admitted to make his Submiſſion, and take his Oath of Fealty to the King, as appears by an [4] Inſtrument under his Seal, which I ſhall mention farther hereafter. From thence the King went forward directly to *Edenburgh*, which was Surrendered without any Reſiſtance;

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Reſiſtance: And as for the Caſtle, though it was counted one of the ſtrongeſt holds in all *Scotland*, yet that likewiſe was Surrendered after Eight days Siege, though our * Anonimous Chronicle does not attribute it to the Force of the King's Engins of Battery, but becauſe the Well in the Caſtle fail'd ſuddenly of it's Water, contrary to expectation; which ſeems to be the more likely Account.

The Town of *Edenburgh*, with the Caſtle, are Surrendred to the King.

* *In Bib Cott.*

[4] After this, King *Edward* marched forward to the Caſtle of *Sterling*, which, though very ſtrong, was preſently taken, the Gariſon having for fear deſerted it: Upon which unexpected Succeſſes, King *John* with his Nobility, ſeeing their Caſe now deſperate, thought fit by Meſſengers on purpoſe, to implore the King's Mercy, who thereupon [5] ſent *Anthony* Biſhop of *Durham* to treat with them; and he having agreed upon the Terms of their Submiſſion, brought the King of *Scots* along with him to King *Edward*, being then at a Place called *Stroukatherack*, without any State, only mounted upon a little Nag, with a white Rod in his Hand: Then being admitted into the King's preſence, He made his acknowledgment of his Offence, and beg'd Pardon by Word of Mouth, and went thence with the King to the Caſtle of *Brechin*.

[4] *Id. H. K. Chron. Abing. in Bib. Cant.*

King *John*, with his Nobility, implore the King's Mercy, which is granted.

[5] *Hec. Boeth. L.* 15.

But it is owing to the Records in the * Rolls of the *Tower*, that we find after what manner that King made this Acknowledgment, *viz.* ' That He ' by Word of Mouth acknowledged Himſelf heartily ſorry for the unlawful Confederacies He had made with *Philip*, King of *France*, againſt ' the King of *England*; He alſo then renounced all ſuch Confederacies ' and unlawful Contracts, made in the Name of Himſelf, his Son *Edward*, and the Inhabitants of *Scotland*, againſt his due Homage, and ' Fealty He had done to the King of *England*. This was done in the *Church-yard* of *Stroukatherack*, *July* the Seventh, before *Anthony* Biſhop of *Durham*, *Humphrey* Biſhop of *Hereford*, *John Comyn* Earl of *Bouchan*, the Lord *Hugh le Diſpenſer*, the Lord *John Comyn* the Elder, of *Badenach*, as Witneſſes eſpecially called for that purpoſe. * Then Three days after, his Majeſty coming to the Caſtle of *Brechin*, King *John* being ſtill with Him, in a more ſolemn manner abſolutely Surrendered Himſelf, together with the whole Kingdom of *Scotland*, and his Royal Dignity, with all Homages, and other Rights and Appurtenances thereunto belonging; as alſo all his Lands and Poſſeſſions, and Goods Moveable and immoveable, with a contented Mind and Freewill, into the hands of *Anthony*, Biſhop of *Durham*, who received them in the Stead and Name of King *Edward*. Theſe things were done at *Brechin* the ſame day, before a publick Notary, whom he commanded to publiſh and make an Inſtrument of them, *in perpetuam Rei memoriam*; the ſaid Biſhop of *Durham*, *John Comyn* of *Badenach*, the Elder, *Bryan Fitz-Allan*, Knights, and *Alexander Kenedy*, Clerk, Chancellor to the King of *Scotland*, being ſpecially called as Witneſſes thereunto.

* *Rot. Scot.* 24. *Ed.* I. *Pecia.* 8.

The manner of the *Scotiſh* King's Submiſſion

* *Ibm.*

King *John* Surrenders himſelf and his Royal Dignity into the King's Hands.

From which Records it plainly appears, that (though Dr. *Brady* takes no Notice of it) there were Two ſeveral Submiſſions of the King of *Scots*, the former made *July* the Seventh, wherein He renounced all unlawfull Confederacies againſt the King of *France*; and the *Second* was more large and Solemn, and contain'd a Surrender of his Kingdom, and Royal Dignity, *&c.* into the King's Hands.

Two ſeveral Submiſſions made by the *Scotiſh* King

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Which laſt Submiſſion and Reſignation, together with a large Acknowledgment of his Offence in Confederating with the King of *France*, was reduced into a Charter, or Inſtrument, written originally in *French*, and is thus Tranſlated.

[1] *H. K. Coll.* 2481. See it alſo in *Trivet*, and *Walſingham* in *Latin.* The Charter of his Submiſſion and Reſignation.

JOhn, by the Grace of God, King of Scotland, *to all that ſhall hear or ſee theſe preſent Letters, Greeting. Whereas We by evil and falſe Counſel, and Our own Simplicity, have greatly offended and provoked Our Lord* Edward, *by the Grace of God King of* England, *&c. to wit, for that being in his Faith and Homage, We have Allied Our Self to the King of* France, *who then was, and is now his Enemy, offering a Marriage between Our Son and the Daughter of his Brother, the Lord* Charles, *and Aſſiſting Him by War, and otherway with all Our Power, and furthermore by Our evil Counſel aforeſaid, We defied Our Lord the King of* England, *and put Our Self out of his Faith and Homage, and ſent Our People into* England *to Burn, Spoil, Plunder, Kill and Commit other Miſchiefs; fortifying the Kingdom [of* Scotland*] that is his Fee (or Seigniory) againſt Him, putting Gariſons into the Towns, Caſtl and other Places, for which Tranſgreſſions Our Lord, the King of* England, *having entered* Scotland *by force, Conquer'd and took it, notwithſtanding all We could do againſt Him, as of Right He might, as Lord of the Fee, ſeeing after We had done Homage to Him, We Rebelled againſt Him; We, being therefore yet Free and in Our own Power, do hereby Surrender unto Him the Land of* Scotland, *and the whole Nation, with all it's Homages: In Witneſs whereof We have cauſed to be made theſe Our Letters Patents. Dated at* Brechin, *the Tenth Day of* July *in the Fourth Year of Our Reign.*

[2] *N. W. T. W.* Upon which the great Seal of *Scotland* is broke.

Which Inſtrument, though it is not Recorded upon the Roll, yet that it was then made, all our [2] Hiſtorians agree, Some of them having Tranſlated it into *Latin*, and Others giving it us in the *French* Original; and *Nicholas Trivet* (whom *Walſingham* Tranſcribes) relates, that this Charter being Sealed with the Great Seal of *Scotland*, it was forthwith broke, as being no longer of any uſe, the King taking that Kingdom into his own Government. ✗

✗ But it further appears from the Original under the King's ~~Seal~~ great Seal, and which is still extant, that this Charter was issued out at Kinkardon in Scotland the 2d of July in the fourth Year of King John's Reign.

The King takes a Progreſs into the fartheſt Parts of *Scotland*, without any Reſiſtance.

[3] *T. W. C. W. H.*

[4] *Id.* He removes the Stone to *Weſtminſter*-Abbey, on which the *Scotiſh* King's were wont to be Crown'd.

[5] *N. T.*

This Great Affair being thus happily ended, to the good Satisfaction of the King, and all the *Engliſh* Noblemen there preſent, He then reſolved to go a Royal Progreſs through the Heart of *Scotland*, to ſee if there were any left, that dur'ſt reſiſt Him; [3] and then ſending the Biſhop of *Durham* a day or two's March before, with a Detachment of Light Horſe, He followed in Perſon by eaſie Journies as far as the *High lands*: Then the King having paſſed through *Murrey* as far as *Elgin*, and found the whole Country in Peace, thought it needleſs to proceed any further, and ſo returned back by the Abbey of *Scone*, from whence, as a perpetual Monument of his Conqueſt, He ordered [4] that famous Stone to be taken, on which the Kings of *Scotland* were for many Ages wont to be Crown'd; and this being carried to *Weſtminſter*, [5] the King afterwards commanded it to be put into a Chair, wherein the Prieſts might ſit at Divine Service. From this Antient Authority of *Nicholas Trivet*, (from whom *Walſingham* has borrow'd it) we may obſerve, That though the King's of *England* have ſince that time thought fit to make uſe of that Chair to receive their Crowns, yet it was not at firſt intended by King *Edward* for that purpoſe, but only as a token of his Conqueſt over the *Scotiſh* King and Nation.

I can-

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I cannot here omit that [5] *Hector Boethius* charges King *Edward* to have, at this time, burnt all the *Scotiſh* Records, abrogated their Laws, and alter'd even their Forms of Divine Service; and laſtly, removed their moſt Learned Men from their own Univerſities to that of *Oxford*; to all which Charges, having already made this King's Defence in my *Introduction*, I refer the Reader to it for farther Satisfaction. *

[5] L. 14. C. 7. *Boethius*'s *Calumny*, of King *Edward*'s having deſtroy'd the *Scotiſh* Records.

But to return to the Hiſtory. [1] From *Scone* King *Edward* return'd to *Berwick* in the beginning of *Auguſt*, where He held a Great Council or Parliament of the Great Men or Nobility, Clergy and Commons of *Scotland*, and where the *Scotiſh* Noblemen again renewed their Homage and Fealty to Him, much in the ſame Form with that of the Lord *Steward* of *Scotland*, upon the Surrender of *Roxburgh* Caſtle. But I will ſet down the Form of it as a Pattern for all the reſt, from the *French* Original in *Henry de Knyghton*, and the *Bodleian* Chronicle.

[1] Id. T. W. H. K.

* The King having thus ſubdued the Scots went to Abberdeen where ſeveral of the Scotch Clergy & nobility came in to him, and voluntarily renounced all confederacies with Philip King of France, and his Adherents, revoking ſuch as they had made to that Purpoſe. This Inſtrum.t was made in the Preſence of William Comyn Provoſt of the Church of St. Andrews, and Notary publick, dated at Aberdeen 15th June in ye 24th year of King Edwards Reign: and the like was done not long after by the Biſhop of Glascow, who had been a great Stickler for the late King John, as appears by his Inſtrument of Renunciation dated at Elgyn in Murrey 26th of June, both which are ſtill preſerved in the Exchequer, and are publiſhed in R—s Coll. p. 720. 721. as is alſo the oath of Fealty taken by the ſaid Biſhop. 24th Agust following vid: Ib: p. 722. 723.

TO [2] *all thoſe that ſhall ſee or hear theſe Letters, We* (ſuch and ſuch there named) *ſend Greeting; For that we agree to the Faith and Will of the moſt Noble Prince, our Dear Lord* Edward, *by the Grace of God, King of* England, *Lord of* Ireland, *and Duke of* Aquitain; *we promiſe for us and our Heirs, upon the pain of Body and Eſtate, and whatſoever elſe we can Incur, that we will Aſſiſt and Serve Him well and loyally againſt all Perſons that may Live and Dye, at all times when required, or ſummoned by our Lord the King of* England, *or his Heirs; and we ſhall not know of any Damage done to Him or them, but we will hinder it to the utmoſt of our Power, and will diſcover it to them: And for the Performance of this, we bind Us and our Heirs, and all our Goods, and further have Sworn it upon the Holy Goſpels. In Witneſs whereof we have cauſed theſe Letters Patents to be made and ſealed with our Seals. Given at* Berwick *upon* Tweed *the Eight and twentieth day of* Auguſt, *in the Twenty fourth Year of the Reign of our Lord the King of* England. Then follows the Form of the Homage which they then made to the King; but it having nothing in it Extraordinary, I therefore omit troubling you with it.

[2] Id. Col. 2488.

In much the like Form of Words did all the Biſhops, Abbots, Priors, Monks, Parſons, Vicars, Abbeſſes, Nuns, Earls, Barons, Knights, Citizens, Burgeſſes, Aldermen, Communalties of Cities and Burghs, and other Commoners and Inhabitants in *Scotland*, ſome time after make their Homage and Swear Fealty to *Edward* King of *England*, as appears by Four large * Rolls, ſtill remaining in the *Tower* of *London*, with this Title, *De Juramentis Homagii & Fidelitatis Edwardo Regi Angliæ nominatim Præſtitis, per unamquamq; inviduam Perſonam Regni Scotiæ, i.e. Of the Oaths of Homage and Fealty made to* Edward *King of* England, *by every individual Freeholder of the Kingdom of* Scotland. All theſe were made according to the Form preſcribed in this Great Council at *Berwick*, and by the joint Conſent of the Prelates and Noblemen of both Kingdoms, according to the Form ſet down in † *Henry de Knyghton*'s Chronicle.

*Rot. Scot. 24. E. I. Pecia 20, 21, &c.

† Col. 4832.

But the Reader may pleaſe to obſerve, That though theſe things were then drawn up by *Andrew*, the Publick Notary there preſent, who alſo atteſted what was then done, and which were alſo entred among the Records of this Year; yet were not theſe deliver'd to the Keeper of the King's Rolls, until the Four and thirtieth Year of his Reign; as it is entred at the end of the ſame Roll, *Pecia* 25. And the like Inſtruments

Vid. Finem. Rot. Scotiæ.

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ſtruments of Homage and Fealty ſtill remain with the Chamberlain of the *Exchequer*, in the Third Treaſury at *Weſtminſter*, with other things and Inſtruments in ſmall Boxes put up in Great Wooden-Cheſts: All which deſerves our particular Notice; ſince they do not only prove as Monuments of the entire Conqueſt and Submiſſion of the *Scotiſh* King and Kingdom at that time, but alſo ſhew the Partiality of all the *Scotiſh* Hiſtorians, who (I ſuppoſe) to conceal the Perjury of their Nobility and Gentry, paſs by all theſe Grand Tranſactions without taking the leaſt notice of them.

[3] *T. W.* The Earl of *Surrey* appointed by the King Governor of *Scotland*.

Then [3] the King appointed *John Warren*, Earl of *Surrey* and *Suſſex*, his Lieutenant or Governor of *Scotland*; *Hugh de Creſſingham*, Treaſurer; and *William Ormesbey*, Chief Juſtitiary thereof; and a little before his Departure ſent the late King *John* to the Tower of *London*, where He was to be kept in free Cuſtody, and decently attended: [4] But the Lord *John Comyn*, and the reſt of the *Scotiſh* Noblemen who had taken his part, being alſo ſafely convey'd into *England*, were only forbidden to paſs the River *Trent*, under Forfeiture of their Heads, until the War between *England* and *France* ſhould be ended.

[4] *Id. H. K.* King *John* with many *Scotiſh* Noblemen ſent Priſoners into *England*. The King upon his Return home pays and diſbands his Army.

Thus the King, having ſubdued and ſettled the Kingdom of *Scotland*, disbanded his *Welſh* Forces, and diſmiſſed the *Iriſh*, (very well ſatisfied) who had lately come over to his Aſſiſtance under the Earl of *Ulſter*; (Standing Armies being then a Terror, as well as a Burthen, to the Nation) and returned into *England* with great Glory.

[5] *Id. Ib.* * *Rot. Claus.* 23. *E.* I. *M.* 3. The King calls a Parliament at St. *Edmundsbury*, with the Subſtance of the Writ of Summons to the Archbiſhop or Clergy.

Not long after his Return, He held a Parliament at St. *Edmundsbury*, on the morrow of *All-Souls* or *Third* of *November*, as appears by the Writs of Summons, bearing date the twenty Sixth of *Auguſt*, in the Four and twentieth Year of His Reign, at *Berwick* upon *Tweed*. In that directed to the Archbiſhop of *Canterbury*, He tells him, 'That he, with the other Prelates and Clergy lately aſſembled at *Weſtminſter*, had granted the *Tenth* of their Rents and Benefices for the Defence of the Kingdom, until the Feaſt of St. *Michael* then next coming, which Grant was well accepted by Him, in hopes of a more plentitiful Aid from the Archbiſhop and others of the Clergy, and which they then promiſed ſhould be ſufficient for that end, unleſs in the mean time there was a Peace or Truce made between Him and the King of *France*; therefore He now enjoyned him to be preſent with the Prior, Archdeacons, and Procurators of the Clergy of the Church of *Canterbury* at *Bury* at the time appointed, to order the Quantity and Manner of the Subſidy that was then to be raiſed. The Writs to the other Biſhops and Abbots, &c. were like this; but thoſe to the Noblemen and Sheriffs were only in general to treat about the Dangers impending upon the whole Kingdom, and the Remedies to prevent them.

[1] *T. W.* The Laity grant the King a great Aid; but it is utterly refuſed by the Clergy becauſe of the Pope's late Bull, with the occaſion thereof.

In this Parliament the Citizens and Burgeſſes gave an *Eighth* Part of their Goods, and the reſt of the Laity granted a *Twelfth* part; but the Clergy nothing, by reaſon of a Conſtitution made the Year before, and publiſhed by Pope *Boniface*, by which, 'He forbad all Prelates and Eccleſiaſticks, as well Religious as Secular, to grant, as alſo all Emperors, Kings, Princes and other Temporal Lords, to take, any Taxes or other Payments from any of the Clergy, without the Conſent of the *Papal* See. This Bull bears date at *Rome* the Sixth of the Calends of *March* (*i. e.*) the Four and twentieth of *February*

this

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this current Year, and was (as ſome of our Authors relate) ſecretly procured by means of the Archbiſhop of *Canterbury*, to hinder the King from demanding ſuch great and exorbitant Taxes of the Clergy as He had formerly done; though *William de Nangis* Aſcribes it to the Complaints of the Clergy of *France*, by reaſon of the Great Aids that King *Philip* had lately levied upon them for the War againſt the King of *England*; and perhaps both of theſe Occaſions may be true: But as for the Bull it ſelf, ſince it does not now concern us, I have not thought it worth while to tranſcribe it, and therefore ſhall refer the Reader that deſires further ſatisfaction to [2] Dr. *Brady's* tranſlation of it, and to the *Latin* in his *Appendix*, *N.* 17 truly tranſcribed from * *Henry de Knyghton's* Chron. But to return to the Hiſtory.

[2] *Contin. Hiſt. of England. p.* 41.

* *Coll.* 2489.

King [3] *Edward*, in hopes of a more ſatisfactory Anſwer from the Clergy, deferred this weighty Affair to the next Parliament or great Council that ſhould be holden at *London*, on the morrow after St. *Hillary*; (or Fourteenth of *January* next enſuing) but in the mean time, to humble the Clergy, and frighten them into a Complyance, He cauſed all their Barns, Granaries and Storehouſes to be ſhut up and ſecured, although the Archbiſhop had now ſent Copies of the Pope's Bull to be publiſhed in all the Cathedrals of his Province.

[3] *Chron. Nic. Trivet. T. W. H. K.*

The King Summons another Parliament at *Weſtminſter*, and in the mean while cauſes all the Barns and Storehouſes belonging to the Clergy to be ſhut up.

We ſhall conclude this Year with an Account of the War with *France*, which by reaſon of the King's being taken up in *Scotland*, was but remiſly managed, and for the moſt part with ill Succeſs; for very early [4] this Year the King having appointed his Brother Earl *Edmund* (with the Earl of *Lincoln*, who was joyned in Commiſſion with him) to command a powerful Army that was then to be ſent into *Gaſcoigne*, and in the begining of *March* a numerous Fleet of Three hundred and fifty Veſſels being now got ready to tranſport them, they took Shipping, and though they were at firſt bound for *Gaſcoigne*, yet in their Paſſage thither they landed on the Coaſt of *Bretagne*, and took the Town of St. *Matthew*, which had been deſerted by the Inhabitants, and burnt a great many *French* Gallies in the Harbour; and the *Welſh* Auxiliaries marching up into the Country, kill'd many of the People and burnt their Houſes: Then going on Board again, they ſailed to the Port of St. *Gillemies de Boys*, where they burnt about Thirty Gallies and other Veſſels; and then they ſail'd on to the Coaſt of *Gaſcoigne*, and landed at *Blayes*, which they took without much Difficulty, and then marching forwards they took the Town and Caſtle of *Spare* or *Speare*, (as *Walſingham* calls it) and after that, divers others: But when he approached near *Bourdeaux*, and had encamped at a Village called *Rekall*, intending there to refreſh himſelf and his Army, the *French* Gariſon in *Bourdeaux* ſallied out upon them on the ſudden, thinking to have taken them wholy unprovided; but they were diſapointed in their Expectations, for the *Engliſh* having had ſome Notice of their Deſigns, had put themſelves in as good a Poſture of Defence as the ſhortneſs of the time would allow, ſo that iſſuing out of their Camp, there began a fierce Conflict between them and the *French*, who were at laſt forced to return to the City, with a great Slaughter of their Men, the *Engliſh* perſuing them ſo eagerly, that two or three *Engliſh* Knights with ſome other Officers of leſs note, entring the City too raſhly in perſuit of the Enemy were taken Priſoners; ſo that the *Engliſh* having ſet fire to part of the Suburbs, were

[4] *M. W. Id. Ib. Chron. Abing.*

The King ſends an Army into *France*, under the Command of his Brother Earl *Edmund* and the Earl of *Lincoln*.

The *Engliſh* defeat the *French*, and make them retreat in the City.

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Earl *Edmund* falls Sick at *Bayonne*, and there dies.

forced to retreat, and Earl *Edmund* upon ſome urgent Occaſions went to *Bayonne*, where not long after he fell Sick, and his Illneſs being much encreaſed by Diſcontent at his late bad Succeſs, as alſo for want of Money to pay his Soldiers, he deceaſed, to the great grief of the whole Army, and loſs to the *Engliſh* Nation, being a Prince of ſignal Valour and Affability: His Body was carried into *England*, but not buried at *Weſtminſter* until about half a Year after, and that with great Solemnity, the King Himſelf being Chief Mourner at the Funeral.

[2] *Pol. Verg.*

The various Succeſs of the *Engliſh* Army after his deceaſe.

[3] *T. W.*

After this Prince's Deceaſe, [2] the *Engliſh* acted for a time on the Defenſive, fortifying their Gariſons and ſtoring them with Ammunition and Proviſions, whereby they might the better oppoſe ſo powerful an Enemy; yet not long after, [3] the Army under the Conduct of *Henry* Earl of *Lincoln*, who now commanded in Chief, undertook the Seige of the City of *Aux*; but after ſome time they were forced to raiſe it for want of Proviſions. About the ſame time the Earl of *Artois*, being ſent by the King of *France* into *Gaſcoigne*, took ſome ſtrong Places from the *Engliſh*; but in the mean while the Lord of *Sully* beſieged the Town of *Burgh* upon the Sea, in which the Gariſon obtained a ſhort Truce, until they could ſend to *Blaye* for Aſſiſtance, where none would undertake their Relief by reaſon of the great Danger of it, except Sir *Simon Montacute*, a brave and Valiant Knight, who ventur'd to Conduct a Ship Loaden with Proviſions through the middle of the *French* Gallies that lay there in wait to intercept him; whereupon the *French* General was forced to raiſe the Seige and return from whence he came. These things were tranſacted during the King's Expedition into *Scotland* the laſt Autumn. *

* I find further that this Year, the Pope again endeavoured by his Legates to have made a Peace between the Kings of France and England, and that the Latter seem'd very willing to it, and that he had returned his Answers to the Proposals made to him by his Holinesses Legates, who were still in France as appears by the King's Letters to them entred in the Rolls [Rot: al: 24. Ed: I. M. 10] and this Treaty went so far, that the King not long after sent a Letter to the Emperor Adolph, to give him notice that he (the King) had been prevailed upon by the Pope's Legates to send his Ambassadors to Cambray three weeks after Christmass; this Letter is preserved in a Miscellaneous Bundle in the Tower, and is also confirm'd by another Letter to the Bishop of Winchester, & other noblemen who were to be his Ambassadors there and is entred on the Rolls [Rot: Al: 24 Ed: I. m. 17] both which are published in R—s Coll: p. 698. to 701, 702, 703. But I do not find that these Ambassadors ever met, or that these Treaties came to any thing, because King Philip had such great Expectations from the King of Scots Success against England, that he would not agree to any reasonable Proposals.

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Walſingham Places this Wedding at Twelfth-tide; but he was miſtaken, for it will appear anon from a Record that He was then at *Ipſwich.*

[4] *T. W.*

Elizabeth the King's Daughter married to the Son of the Earl of *Holland.*

The King kept his *Chriſtmaſs* at *Weſtminſter*, and at the * ſame time [4] married *Elizabeth* His Seventh Daughter to *John* Son and Heir to the Earl of *Holland* and *Zealand*, whom not long after the Nuptial the King ſent home, together with his Bride, under the Conduct of *Humphry de Bohun*, Earl of *Hereford* and *Eſſex*: But this Match did not prove fortunate at all, by reaſon of the young Prince's Death ſome Years before his Father, without any Iſſue; ſome time after whoſe Deceaſe this Princeſs married the ſame Perſon that had conducted her over. But it is now time to come to Affairs of greater importance.

[1] *Id. Ib.*

The King holds a Parliament, where the Clergy perſiſt to deny him any aſſiſtance.

On the [1] Fourteenth of *January*, being the day after St. *Hillary*, the King held a Parliament, or rather a great Council of ~~the Biſhops~~, Earls and Barons at *Weſtminſter*, where I do not find any Commons Summoned to it; but nothing was done, becauſe the Clergy in Obedience to the Pope ſtill perſiſted in their former Stiffneſs, and abſolutely refuſed the King any Aſſiſtance towards his Wars, whereupon the Laity alſo refuſed to give any thing at that time, which might be the Reaſon why the King was not long after forced upon ſuch violent Courſes to raiſe Money as you will find by and by; and as an earneſt of what He would do, He not long after encreaſed the Cuſtom upon Wool, from half a Mark to Forty Shillings upon each Sack exported.

* *Chron. MS.*

† *Col.* 2491.

A larger Account of theſe Tranſactions from other Writers.

But to give you a larger Account of the Eccleſiaſtical Affairs, ſince they are now ſo interwoven with the Civil, I ſhall from * *Walter Hemingford* and *Henry* † *Knyghton*'s Chronicles, ſhew you the Tranſactions of the late Convocation, which was then held at St. *Paul*'s Church for though

all

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ll our Hiſtorians agree in this Refuſal of the Clergy, yet none of them re ſo expreſs in giving the Reaſons for it, as the two laſt mentioned uthors; and they tell us, That after the Clergy had refuſed to give he King any Aid, *Robert Winchelſey*, Archbiſhop of *Canterbury*, ſpake hus to the Biſhops then aſſembled with him in that Convocation; *My ords, you know well that under Almighty God we have two Lords, a Spi itual and Temporal Lord; the Spiritual is the Pope, the Temporal our King*; *nd although we owe Obedience to both, yet greater to the Spiritual than the emporal: However, that we may pleaſe both, it were convenient to ſend eſſengers Expreſs at our own Charge to our Spiritual Father, to have his Leave grant the King ſome Aid, or at leaſt for Direction what we ought to do in nice and difficult a Caſe.*

The Archbiſhop's Speech to the Biſhops about this matter.

This was all they then reſolved on; [2] only before the Convocation broke up, the Biſhops and Clergy deputed ſome of their own Body attend the King, being then at *Caſtle-Acre* in *Norfolk*, to acquaint Him ith their final Reſolution, and the Reaſons of it; which were ſo far om giving Him any Satisfaction, that they rather ſerved the more to xaſperate Him; inſomuch that He openly declared 'That ſeeing the Biſhops and Clergy had broken their Oaths of Fealty to Him, in denying Him that Aſſiſtance, which by the Tenure of their Lands they were bound to pay, He would be no longer obliged to protect them; and immediately gave Order that all the Clergy of what Degree ſoever ſhould be put out of his Protection, and further Commanded, that all the Lay-Fees of the Clergy, as well Secular as Regular, together with their Goods and Chattels ſhould be ſeized into his Hands by the Sheriffs, until they ſhould receive further Orders from Him: * Which Writs or Warrants to all the Sheriffs of *England* bear date at *Ely* the Twelfth of *February* in the Five and Twentieth ear of his Reign.

[2] C. Co.

The Biſhops and Clergy depute ſome to acquaint the King with their Reſolution, at which He is highly exaſperated, and thereupon put the Clergy out of Protection.

* Printed in Dr. *B's. Append. N.* 18.

Now that you may the better underſtand what was meant by being ut out of the King's Protection, I will tell you what our [3] Writers ay concerning this Matter, *viz.* That all Councellors, or Pleaders, were prohibited Pleading for Clergymen before any Temporal Judge; nſomuch that Sir *John Mettingham*, Lord Chief Juſtice of the Common Pleas, made this Declaration Publickly on that Bench, by the King's Order, in theſe Words: *You, Gentlemen, that appear as Attorneys and Sol icitors for the Archbiſhops, Biſhops, Abbots, Priors, and other Eccleſiaſtical erſons, tell your Maſters that for the future no Juſtice ſhall be done them in he King's Court, for any Matter of Injury they ſhall receive; yet neverthe eſs Juſtice ſhall be done to all Perſons that will demand it, or make any Complaint againſt them.*

[3] *M. W. H. K. An. de Waverly.*

What that Term of being out of the Kings Protection then Signified.

But notwithſtanding theſe ſevere Proceedings, the Archbiſhop of *Can terbury* fearing leſt any of the Clergy might comply with the King's Demands, on the very day the abovemention'd Writs were publiſhed, He in his own Cathedral, at the Conſecration of the Biſhop of St. *Aſaph*, towards the end of his Sermon, denounced Sentence of *Excommunication* againſt all ſuch Clergymen, as ſhould give any thing to the King contrary to the Pope's late Bull: However all the Clergy were not ſo ſtiff as this Arch-Prelate; for the Biſhops of *Norwich*, *Lincoln*, *Worceſter* and *Ely* (whom in Contempt [4] *Matt. Weſtminſter* calls *Shaveling Court-Prelates*) prefer'd the King's favour before that of the Pope's, as

Ibm.

The Archbiſhop notwithſtanding denounces Sentence of Excommunication againſt all thoſe who ſhould give the King any Aid.

[4] *M.W.&C.W.H.*

did

Yet however divers of them Compound with the King's Officers, and pay a 5th part of their Eſtates. Whereupon they obtain the King's Writ of Protection.

* *Vid.* Dr. *B*'s. Append. *N.* 19. where it is Printed at large.

did likewiſe ſeveral of the Inferior Clergy, who were content to compound, and pay a Fifth Part of their Eſtates to the King's Sheriffs, as was demanded; by which means they enjoyed all the reſt of their Revenues and Eſtates in Quiet: So likewiſe the Archbiſhop of *York*, with all his Dioceſs, as alſo the Biſhops of *Durham* and *Carliſle*, having deep Apprehenſions of the King's Diſpleaſure, ſoon complied with his Demands, and by the Payment of a Fifth part of their Benefices and other Goods, for the Defence of the Kingdom againſt Foreign Enemies, obtain'd the King's Writ of Protection for themſelves and their Churches, Tenants, Lands and Goods whatever, which (as thereby appears) were to be protected and defended from all Injury, Trouble and Damage, until the Feaſt of *All-Saints* next. * This Writ bears Date at *Walſingham* the Sixth of *February*, in the Five and twentieth Year of his Reign, and under his Privy Seal, and on the Eighteenth of the ſame Month paſſed the Great Seal by Warrant from the King.

**Rot. Clauſ.* 24. *Ed.* I. from *M.* 22. to *M.* 26. Of which ſort a great many were granted.

† Append. *N.* 19. 20. 21.

We find alſo many other Protections of the like nature entred upon the * Roll of this Year, which were granted to divers Clerks of the Province of *Canterbury*, upon their Submiſſion to the King, being to the Number of above a Hundred and twenty. Beſides theſe Writs of Security and Protection to ſuch whoſe Lands were not ſeized, nor Goods taken, He alſo granted Writs of Reſtitution to thoſe, whoſe Lands and Goods had been ſeized upon their Non-Compliance with the Royal Demands: Of each of theſe † Dr. *Brady* hath given us divers Examples in his *Appendix*, Collected from the Records in the *Tower*, which thoſe that are curious in ſuch matters may conſult if they pleaſe.

* *MS. in Bib. Cotton.* The Deſign of their Writs, which ended in a Compoſition with the Clergy.

But the * Chronicle of *Norwich*, as well as the following Writs, inform us, That in perſuance of the King's Propoſals of Compounding for a Sum of ready Money with ſuch of the Clergy as were willing to comply with his Demands, certain Commiſſioners were appointed to go through all *England*, and to cite all Biſhops, Abbots, Priors and other Clergymen before them, and to let them know, on the King's behalf, that if they would, they might redeem their Eſtates out of his Hands for a reaſonable Compoſition, and thereby receive his Gracious Protection, provided they laid hold of this Offer before *Eaſter* following: Yet this had not (ſays my Author) much effect upon the greater or richer ſort of Clergymen of the Province of *Canterbury*, and particularly in *Norfolk*, where though many appear'd before the Commiſſioners, yet few Compounded and took out Protections, as they expected they would; ſo that the King, being inform'd of their Obſtinacy, iſſued out his Writs to the Sheriffs immediately to ſell the Goods of all ſuch Clergymen, who, having Benefices to the value of Forty Shillings *per Ann.* had not Compounded with his Commiſſioners, and taken out Writs of Protection: But this, though mention'd here, was not put in Execution until after *Eaſter*, when the time was elapſed wherein the King had allowed them to make their Compoſition.

The King grants Commiſſions to take Recognizances of ſuch Clergymen as had not ready Money.

And as for ſuch Clergymen as were willing to Compound, and had not ready Money to pay down, He gave Commiſſions to the Sheriffs and others, to take Recognizances of them for the ſeveral Sums which they had engaged to pay. Divers Inſtances of this Kind, with the manner of the Commiſſioners Proceedings upon them, are ſtill extant

on

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the Rolls in the *Tower*; of which theſe following may ſerve for a fficient Proof.

The firſt of them is a * Writ or Commiſſion to *Adam de Wells*, and the Sheriff of *Lincoln*, reciting, That whereas He had conceived iſpleaſure and Indignation againſt ſome Clerks of Holy Church, re-ſing to give an Aid for Defence of the Realm, *&c.* yet being willing ow to do them a favour, He therefore Aſſigns him the ſaid *Adam* and e Sheriff, or One of them, to receive in his Name *Recognizances* om all Prelates and others of Holy Church, whomſoever, in the County foreſaid, according to their Eſtates, that will have his *Protection* in the orm that is ſent and enjoined by Him; and to certify to the Chancel-or the Names of thoſe that had made ſuch *Recognizances*, provided they ere made between this and *Eaſter* next. This bears Date at *Cla-endon* the Firſt of *March*, in the Five and twentieth Year of his eign.

* *Rot. Pat.* 25. *Ed.* I. *p.* 1. *M.* 12. Dr. *B*'s. *Ap. N.* 22.

There is likewiſe a Second Writ or Commiſſion, directed to the ſame erſons, of the ſame Date, for the Apprehenſion and Impriſonment of nventers and Diſperſers of *Falſe News*, and Publiſhers of the Sentence f *Excommunication* againſt the King's Miniſters and Subjects, for exe-uting his Commands for the Profit of his Realm, or againſt Perſons f Holy-Church that have put themſelves under his *Protection* to ſave hemſelves and their Churches.

Another Writ to apprehend the Diſperſers of falſe News, and the Publiſhers of the late Sentence of Excommunication.

The like Writs were directed to ſeveral Knights-Bannerets and heriffs of † divers other Counties within the Province of *Canterbury*, s alſo to thoſe of the Counties of *Lancaſter* and *Cheſter*, within the Province of *York*; and alſo for *North* and *Weſt-Wales*, whoſe Names are eedleſs to be here recited.

† *Vid.* the particular Counties in Dr. *B*'s. *Contin. p.* 47.

And with theſe Warrants or Commiſſions, there were likewiſe ſent certain * Inſtructions, how they ſhould Act; the Subſtance of which is, That hey were to take ſufficient Security of Lay-men to anſwer the Sums he Clergy had engaged for; and that thoſe Clergy-men who could ot find Lay-ſureties, were to bring to the Sheriff Goods to the Value f what they were to pay, to remain with him until they had paid it.

Commiſſioners appointed to compound with the Clergy-men that ſubmitted.

* *Id p.* 48.

They were alſo to take of every Prelate and Parſon of a Church, or Clerk Beneficed, double the Value of the laſt Aid to the King, for that the Buſineſs and the Neceſſity is now much greater than at that time. And Laſtly, they were to cauſe to be enrolled the Sums *Recognized*, and every Man's Name, with the Names of the Pledges or Sureties, nd ſend the Roll to the *Exchequer*, that ſo the Money may be Levied: And the ſaid Bannerets and Sheriffs, ſhall give to every Clerk, that hall have entred into *Recognizance* as aforeſaid, a *Certificate* under their Seals to the Chancellor, that ſo he may obtain the King's *Protection*.

Inſtructions to the Commiſſioners and Sheriffs, how much they were to take of every Clergy-man that Compounded.

Then follows a Commiſſion to the Coroners of each County, to Swear the ſaid *Commiſſioners*; the Form of which (being extant on the Roll) need not be here recited.

Vid. Dr. *Brady*'s Hiſtory *ib.*

A Commiſſion to Swear theſe Commiſſioners, with the Oath they were to take.

That theſe *Commiſſioners* and *Sheriffs* Acted according to their Commiſſions and Inſtructions, appears by ſeveral of the Original *Recognizances* and *Certificates*, with the Seals annexed to them, yet remaining amongſt the Records in the *Tower*; upon which the Eccleſiaſticks and Clerks, had *Protections* granted them, and Writs for the *Reſtitution* of their Temporalities, Goods and Chattles: The *Certificates* were in divers Forms,

The Return of the Recognizances, ſtill extant on Record.

directed

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* *Contin.* of Hiſt. of *Eng.* p 49.

directed to the King's Chancellor, of which *Dr. *Brady* hath given u ſeveral Examples, as alſo of the Sum that was paid; to him therefor I refer the Reader, if he be curious after ſuch Niceties, which I omit as thinking them not very pertinent to our Hiſtory, ſince the only of I know can be made of them, is, to ſhew us the King's illegal Proceedings, firſt in putting the Clergy out of his *Protection*, and then making them pay Money to re-obtain it.

[4] *W. H.* C. Cotton All the reſt who refuſed to compound, remain excluded from the King's Protection.

[5] *Chron. Ch. Roſ.* And the Archbiſhop himſelf has his Horſes taken, and all his Goods ſeized.

But [4] as for the reſt of the Clergy who ſtood out, and refuſed to make any Compoſition, and take out the King's Writ of *Protection*, they remained wholy excluded from it, and were left to be injured and abuſed by every one that met them; they had often times their Horſes taken from them on the High-way, and [5] the Archbiſhop of *Canterbury* himſelf, reſolving to take a Journey to Court, on purpoſe to complain of theſe Injuries, had his Horſes ſeized by the King's Officers at *Maidſtone*; inſomuch that he was forced to borrow Horſes to make an end of his Journey: But though he uſed what Perſwaſions he could with the King, to encline Him to be more pitiful to the Clergy, yet it was all to no purpoſe; for looking upon him as the Chief Promoter of this Oppoſition, He treated him with the ſame or rather greater Severity than He did the reſt of the Clergy; for having had all his Goods, Plate, and Cattle ſeized, he was forced to diſmiſs his Family; and even his own Monaſtery of *Chriſt-Church* was forbid to receive Him; ſo that he was fain to board himſelf, attended by one Chaplain and Servant, with an ordinary Pariſh-Prieſt of his Dioceſs.

[1] C. *Nor.* The Monks of *Canterbury* debar'd of their Victuals.

And [1] for the Poor Monks of *Canterbury*, they were in a worſe Condition; for the Sheriff of *Kent* ſhut up the Doors of their Cellars, Kitchen and other Offices, ſo that having nothing to ſubſiſt of their own, they were forced to Live upon their Friends.

[2] *Mezeray Hiſt.*

* *Confœderatio inter Regem & Comitem Flandriæ. Rot. Par.* 25. *Ed.* I. *Part.* 1. *M.* 18.

I ſhall now return to ſome Civil Affairs, which, had it not been to break the Thrid of this Relation of the King's ſevere Proceedings with the Archbiſhop and his Clergy, ſhould have been related ſooner, ſince they happen'd at the beginning of this Year; when the King, being not at all diſcouraged with the Oppoſition of the Clergy, and firmly reſolved to carry on the War againſt *France*, thought fit to enter into a ſtrict Alliance Offenſive and Defenſive, with *Guy* Earl of *Flanders*, who was now highly provoked againſt the King of *France*, ever ſince he had been allured to *Paris* above a Year before, by ſeemingly very kind Letters from that King, where they were all made Priſoners; the Father and Mother were releaſed not long ſince, but the Daughter was ſtill detain'd there, with Deſign to prevent his Marrying her to Prince *Edward*, which would have proved very diſadvantageous to the *French* Intereſt; yet did not this hinder the King from proceeding in this Alliance agreed on towards the latter end of the laſt Year, but was not finiſhed untill the beginning of this, as appears by the League it ſelf, which is ſtill upon *Record in the *Tower*; wherein the King ſets forth by way of Preamble, and Complains, That He being a Peer of *France*, and in Homage to the High and Puiſſant King *Philip*, He had oppreſſed and uſed Him according to his own Will, contrary to Reaſon, Juſtice, and his own Deſert; and therefore becauſe He was ſo ſtrong and Powerful, as not to acknowledge any Superior, by Advice of his Prelates, Earls and Barons, He had made Alliances, and Covenants with his Friends, and particularly with the Earl of *Flanders*, with whom He entered into the following Articles, of which I ſhall only give you the Heads from the ſame Record in the *Tower*.

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The Articles between the King and the Earl of *Flanders*.

The *Firſt* and *Second* import, That a League Offenſive and Defenſive was now concluded between King *Edward* and the Earl of *Flanders*, and their Heirs, againſt the King of *France* and his Heirs and Confederates.

The *Third* is, That neither of thoſe Princes nor their Heirs, ſhould nake any Truce or Ceſſation of Arms with the King of *France*, without he Conſent of each other.

The *Fourth*, That the ſaid Earl might the better ſuſtain the War againſt the King of *France* and his Allies, King *Edward* granted for Him nd his Heirs, to the Earl of *Flanders* and his Heirs, every Year during he War, Sixty thouſand * Livres of *Black Turnois* or of other Current Money, at Two Payments, within the Earldom of *Flanders*; at every Payment Thirty thouſand Livers, the firſt to begin at *Chriſtmaſs* next enſuing, and the Second at the Nativity of St. *John Baptiſt* following.

* Four of theſe Livres made a Pound Sterling; ſo that this was after the value of 15000 l. Sterling.

The *Fifth*, That neither of the Princes ſhould purchaſe any Diſpenſation from the Pope, whereby the preſent Alliance might be Defeated; and if any ſuch were obtained, it ſhould not be made uſe of.

Then for the faithful Performance of this Agreement, King *Edward* Swore to the Earl of *Flanders* by his Proxies, the Lords *Hugh le Deſpenſer*, and *Walter Beuchamp*, Steward of his Houſhold; and urther agreed with the Earl of *Flanders*, That his Son *Edward*, when he was of Age, ſhould agree to and confirm this Form of Alliance and Confederacy; which was Dated at *Ipſwich*, and Sealed with his Seal on he Morrow of *Epiphany*, or the Seventh of *January*, in the Twenty fifth Year of his Reign.

Note, this was, according to our Account, beginning the Year at *Chriſtmaſs*, *A. D.* 1297. but 96, according to this Record, which does not begin the Year until our *Lady-day*; and I ſuppoſe this was Seal'd at *Ipſwich*, becauſe the King accompanied his new Son in Law and Daughter to the Sea-ſide.

Moreover, there were other more private Additional Articles granted y another Inſtrument of the ſame Date, (and entred on the ſame Roll) n which, beſides the Annual Payments already mentioned, King *Edward* vas alſo to give the ſaid Earl Three hundred thouſand Livres *Tornois* f the ſame Species with the former, which were to be paid at Three iſtinct Payments, according to the times therein limited and agreed on; which not being now material, need not to be ſet down.

Ibidem.

It * was alſo further agreed, That *Edward*, the King's eldeſt Son, ſo oon as he came of Age, ſhould Marry *Philippe*, Daughter to the Earl of *landers*, if the Match was not hindred by her Death, or any other ccaſion that might happen; but if ſo, then he ſhould Marry his other Daughter *Iſabel*: Neither was the King or any other to hinder it, or rocure any Abſolution of the Pope to the contrary. This is alſo Dated t the ſame Place, on the ſame day and Year as the former, and was ikewiſe ſworn to by the ſame Procurators abovementioned; becauſe, as the Record ſays, it was not uſual for *Us* (*i. e.* the King's of *England*) to wear in Our own Perſons; and therefore the ſaid * Lord *Beauchamp* to wear on his behalf. But it appears by the ſame Record, that theſe Oaths were

* *Ibidem.*

A further Agreement that Prince *Edward* ſhould Marry the Earl's Daughter.

* Monſieur in the *French* Original.

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were taken at ***Walſingham*** in ***Norfolk*** on *Candlemaſs-Day*, in the Chapel of our Lady (as ſhe was then called) of that Place, to whoſe Image the King had taken a Pilgrimage, to Implore her Protection at this difficult Conjuncture, when He had ſuch Warm Diſputes with the Clergy.

Several Biſhops appointed to Swear to theſe Articles on the King's behalf.

And it there farther appears, That *Anthony* Biſhop of *Durham*, *Walter* Biſhop of *Cheſter*, and the ſaid *Hugh le Deſpencer*, were alſo appointed to Swear on the King's behalf to all the Articles of the Mariage agreed upon between his Son and the Earl of ***Flanders*** his Daughter. This bears Date on the *Tueſday* after *Candlemaſs-Day*. But to return to our *Engliſh* Affairs.

[2] C *W. H.* *H. K.*

The King ſeizes all Mens Wooll and Leather, without paying for them.

The [2] King finding Himſelf diſappointed of any Aſſiſtance from the Laity, as well as the Clergy, was adviſed by certain Evil Counſellors to take ſeveral other Illegal Courſes to raiſe Money: One of which was to command all that had any *Wooll* or *Leather* by them, that they ſhould carry them to certain Towns near the Sea, by a Day appointed, where they ſhould receive ready Money for them by the King's Officers; but when theſe Commodities were brought thither, they Seized all the ***Wooll*** and *Hides*, without paying any Money for them, only gave the Owners *Tallies* to be paid when the King was able; nor were they contented with this, but they alſo exacted *Forty* Shillings upon every Sack of ***Wooll***, as a Cuſtom, (inſtead of a ***Noble***, which was the Antient Duty) and which they made the Owners Pay, tho' they received no Monies for their Commodities.

He alſo exacts Proviſions from each County for his Army.

The [3] King now reſolved upon his Voyage to aſſiſt the Earl of *Flanders*; but not having Money to Pay for Proviſions for the Victualling his *Army* and *Navy*, exacted of each County Two thouſand Quarters of *Wheat*, and as many of *Oats*, beſides large Quantities of *Salted Meats* of all ſorts, and that without Paying any thing for them: By

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which Oppreſſions the Affections of the People were then (as they always will be upon ſuch Occaſions) very much Alienated from the King, ſo that they were ready to receive any Impreſſions that ſhould be made to his Diſadvantage: And indeed theſe violent Proceedings were one main Cauſe of the great Diſcontents that appear'd in that Aſſembly, which met not long after; for the King ſome time before had * Summoned a Parliament, or rather great Council, to be held at *Saliſbury* on *St. Matthias*'s Day, or 25th of ***February***: No Writs are to be found for the Citizens and Burgeſſes; neither were any Iſſued out to the Biſhops, Abbots, and others of the Clergy; ſo this Parliament or Council was held without them, but with very indiferent Succeſs; for when the King there propoſed to his Barons, and other Military Tenants, That He intended to ſend them over to the Relief of his Forces in *Gaſcoigne*, they readily agreed to it, provided, That the King would go over with them in Perſon.

* *Rot. Pat.* 25 *Ed.* I. *M. Dorſ.*

The Parliament at *Saliſbury* held without the Clergy, but without any good effect.

The great Men of the Kingdom refuſe to attend the King into *Flanders*, with a great Diſpute between Him and them.

* *Col.* 2493.

But *Walſingham* and *Knyghton* relate it ſomewhat otherwiſe: The former only in general, That at this Council the King asked the Great Men of the Kingdom to go over with Him into *Gaſcoigne*; which they refuſing to do, a great Difference aroſe between Him and them: Yet the * latter is more particular in his Relation, and ſays, That when each of the Great Men or Barons of the Kingdom began to Excuſe themſelves from this Voyage, the King grew ſo very Angry with them, that He plainly told them, *They either ſhould go, or elſe He would gi*

them

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their Lands to thoſe that would: At which Words many of them being provoked, a great Difference aroſe among them. Then the Earl of *Norfolk*, Marſhal, and the Earl of *Hereford*, Conſtable, of *England*, excuſed themſelves, ſaying, Their Offices obliged them by their Tenure only to attend the King when He went abroad in Perſon, which they were ready to do. [4] But when the King again urged the Earl Marſhal to go without Him, he replied, *Sir, I am ready to attend Your Perſon in the Front of the Army, as I am bound by Hereditary Right:* To which the King reply'd, *But you ſhall go with Others, and that without Me:* The Earl return'd, *I am not obliged to it, neither, Sir, will I go over without You:* The King thereupon (being put into a violent Paſſion) broke out into theſe Words, *By-God, Sir Earl, You ſhall either go or hang:* To which he ſaucily replied, by the ſame Oath, *Sir King, I will neither go, nor will I hang*; and ſo he departed without taking any leave, and the Parliament was thereupon preſently broke up in Diſorder.

[4] Ch. Abing. C. W. H.

The Marſhal and Conſtable likewiſe refuſe it.

Whereupon the Parliament broke up in diſorder.

The Chronicle of *Norwich* is alſo very particular in the Account of the Tranſactions of this Parliament, wherein, it ſays, The Earl of *Norfolk*, Marſhal, and the Earl of *Hereford*, Conſtable, interpoſed themſelves, on the behalf of the *Community*, or General Body of the Realm; alledging, That neither they themſelves were obliged to perform their Offices at this time, nor were the King's Tenants *in Capite* bound by their Tenures to go over with the King, or perform any Service beyond Sea in that Expedition, for the following Reaſons.

The Reaſons of the Conſtable and Marſhal why they were not obliged to attend upon the King.

Firſt, Becauſe it ſeems to the whole *Community*, that the Notice given by the King's Writs for this Expedition was not ſufficient, ſince they do not aſſign any Place whither they were to go, ſo as they might know how to make due Proviſion for this Voyage.

Secondly, Becauſe it is commonly reported, That the King deſign'd to paſs over into *Flanders*; and if ſo, it ſeems to the whole *Community*, that they Owe no Service to that Country; becauſe, neither they themſelves, nor their Anceſtors or Predeceſſors, ever perform'd any Military Service there.

There were likewiſe other Reaſons then given againſt this Expedition; which ſince they relate to the late Illegal Taxes, and other Unjuſt Prizes or Takings of the Subjects Goods againſt Law, and are more largely mention'd in the Remonſtrance of their Grievances, which was ſent to the King a little before his Departure beyond Sea, I therefore forbear ſetting them down here. But notwithſtanding this ill Correſpondence between the King and theſe Great Men at this Aſſembly, it ſeems they agreed well enough how to proceed with the Clergy: For the * Anonimous Chronicle in the *Bodleian* Library relates, That the King, and his Barons and Knights there aſſembled, paſſed an *Ordinance*, That if the Clergy did not make their Peace with the King within a certain time then limited by the ſaid Barons and Knights, *viz.* before *Eaſter*, they ſhould loſe all that was already ſeiz'd by the King; and it ſhould not be Lawful for any one from thenceforth to have any common Dealings with them: Upon which, a great many of them began to make their Peace with Him.

* Inter Laud. K. 84.

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[5] *H. K. Col.* 2493.

The two Earls joining with other Barons, &c. raiſe Men, and hinder the King's Officers from taking the Wool and Leather in ſeveral Counties

[1] *M. W.*

Preſently after the breaking up of this Aſſembly, [5] the two Earls above-named having drawn over to their Party a great many of the other Earls, as well as Barons and Military Tenants, they encreaſed to the number of Fifteen hundred Horſe; ſo that the King was forced for the preſent to Diſſemble his Reſentments, and to let them alone: And when they return'd into their own Countries, they would not permit the King's Officers to take any *Wool*, *Leather*, or *Provisions*, contrary to Law, upon pain of their Lives. For [1] theſe Noblemen were ſo incens'd at theſe and other Oppreſſions, that they reſolved to hold a ſeparate Aſſembly or Parliament in the Foreſt of *Wyre* in the Marches of *Wales*, to conſider how to prevent thoſe Extortions.

* *Contin. Hiſt.* p. 55.

I have been the more particular in relating theſe Tranſactions that happened in this Great Aſſembly at *Salisbury*, becauſe they ſet forth the Original of the Differences between the King and thoſe Great Officers his *Conſtable* and *Marſhal*; as alſo of the Diſcontents and Grievances of the reſt of the Nobility: Dr. * *Brady* Erroneouſly making all theſe to have proceeded from a Treaſonable Combination between the Archbiſhop of *Canterbury* and thoſe Noblemen. I ſhall now return to the Hiſtory, and intermix ſome Eccleſiaſtical Affairs of great moment.

MS. Land. Anon.

The Archbiſhop of *Canterbury* hearing of theſe ſevere Proceedings at the Council at *Salisbury*, went thither to the King, having firſt order'd another Convocation of the Clergy to be held upon *Mid-Lent Sunday*; and in the mean while publiſh'd a Sentence of *Excommunication* againſt all the Violators of Eccleſiaſtical Liberty, and againſt ſuch as in Contempt of the Pope's Conſtitution, ſhould ſeek to preſerve themſelves: In Oppoſition to which, the King publiſhed his *Prohibition*, dated *Feb.* 27. Upon the 7th of *March* the Archbiſhop came to *Salisbury*, and found the King at Maſs in the Cathedral: He received him with great Reſpect, and the next Day gave him a private Audience, with leave to ſay what he would. The Archbiſhop ſpake without any Interruption; and the King heard him patiently; and in Anſwer, told him, That if the Pope Himſelf, had (as the Archbiſhop) Temporal Poſſeſſions in *England*, He thought He might Lawfully take of them, for the Defence of his Realm and the Church of *England*: Adding, That this was a Cauſe in which He could dare to Die, ſince He thought He did nothing Unlawful in it, ſo great was the Neceſſity that then lay upon Himſelf and the Kingdom.

The Archbiſhop replied, That he did not ſee the Neceſſity was ſo great, as to Excuſe them from the danger of the Pope's *Conſtitution*, if they ſhould give his Majeſty any thing without his Licence; and then propos'd, That the Matter ſhould be laid before Him, and his Anſwer expected to it, which the King accepted of; and they thereupon agreed, That in the mean while they would on both ſides conſider what was ſafeſt to be done: But becauſe the Archbiſhop would come to no Concluſion before the Meeting of his *Synod*, it was farther reſolv'd, That He ſhould ſend ſome of his Council to it, to deliberate with the Prelates and Clergy what Courſe would be beſt to take. In the mean time, the Archbiſhop deſir'd the King to ſuſpend his Rigour againſt the Clergy, which He promiſed to do.

[2] *M. W.*

The Archbiſhop of *Canterbury* met the Biſhops and Clergy the 26th of *March* in the [2] Convocation or Synod held at St. *Paul*'s Church, to conſult what was further to be done to compoſe their late Differences

with

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with the King ; but it was all to no purpoſe ; for the Archbiſhop himſelf, and the major part of the Biſhops and Clergy, did not think it ſafe for them to grant the King any Aid without the Pope's Conſent, tho' two Lawyers, and two Fryars Preachers, came into the Aſſembly, (I ſuppoſe ſent thither by the King's Order) who argued, and endeavoured to prove, That the Clergy, in time of War, notwithſtanding the Pope's *Prohibition*, might lawfully Aſſiſt the King ; but it ſeems their Speeches had no Effect upon them ; ſo that the Aſſembly broke up, without coming to any other Concluſion, [3] than that the poorer ſort of the Inferiour Clergy, making great Complaints of their being like to be quite ruined, by reaſon that the King's Officers had ſeized upon all they had, the Archbiſhop and the reſt of the Biſhops conſented to connive at thoſe, who out of meer neceſſity ſhould comply with the King's Demands, and procure his *Protection* by Payment of a Fifth part of their Goods, according to the late Taxation of the Biſhops of *Winheſter* and *Lincoln*; which had that good effect, That moſt of the Clergy of the Province of *Canterbury*, except it were ſome of the more Rich and Obſtinate, made their Compoſitions, and paid their Fines accordngly: But I ſuppoſe that which made them the more Compliant, was, That before the Meeting of this Aſſembly of the Clergy, the King had granted a * *Commiſſion* under his Great Seal to *Hugh le Deſpenſer*, and others of his Council, whom the ſaid *Hugh* ſhould think fit to nominate, who were thereby impower'd to attend the Synod on the Day of their Meeting, and ſerve them with the following *Prohibition*, which ſince it is very extraordinary, and the firſt of its kind, I ſhall here ſet down *verbatim*.

The Archbiſhop of *Cant.* holds another Synod to conſider what was farther to be done in this Exigency, but it breaks up without coming to any Concluſion.

[3] *C. Nor. Chron. de Dunſtaple.*

The King ſends the Synod a Prohibition.

* *Rot. Pat.* 25 *E* I. *P.* 1 *M.* 9.

[4] EDward, *By the Grace of* God, *King of* England, *&c. To the Honourable Fathers in God, the Archbiſhops, Biſhops, and other Prelates, and to all thoſe of the Clergy, who at* Mid-Lent *next coming, are to meet at* London, *Greeting : We forbid you all, and every one of you, upon as much as you can forfeit to Us, That you, or any of you, do Ordain, or Cauſe to be Ordain'd, or Aſſent to any Ordinance in that Aſſembly, that may turn to the Prejudice, or Grievance of Us, or any of Our Miniſters, or thoſe that are in Our Peace, or Allegiance, and in Our Protection, or Adherents, or any of them.* Given at *Stirmiſter*, the 21ſt Day of *March*, in the 25th Year of Our Reign.

[4] *Ibidem. Vid.* Dr. Brady's *Appendix*, N. 23.

The Form of it very extraordinary.

And [5] they were alſo at the ſame time forbidden to publiſh any Sentence of *Excommunication* againſt the King, his Officers, or thoſe that had obtained his Protection; wherefore, the Archbiſhop, finding there was no more now to be done, diſmiſſed the Synod with this dubious Sentence, *Salvet unuſquiſque animam ſuam : Let every Man ſave his own Soul.*

[5] *M. W.*

They are alſo forbidden to publiſh any Sentence of Excommunication.

Alſo about this time, after the breaking up of this Synod, the King, to ſhew his particular Devotion to *Edward* the *Confeſſor*, offered to the *Crown*, *Scepter*, and *Throne*, of the late King of *Scotland*, at that Saint's Shrine.

Not long after which, being on Progreſs into the Weſt of *England*, to view the Sea Coaſts, and to haſten his Naval Preparations, the King began now to remit his former Severity : For there hearing that great num-

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The King iſſues out Writs to ſet thoſe Prieſts at Liberty that had been impriſoned for Publiſhing the Sentence of Excommunication.

† *Rot. Clauſ.* 25 E. I. *M.* 18. 19.

bers of Rectors, Vicars, Prieſts and Clerks, had been lately impriſoned for Publiſhing the Archbiſhop's Sentence of *Excommunication* notwithſtanding the King's *Prohibition* to the contrary, as alſo for ſeveral other Miſdemeanors againſt Him; He iſſued divers † Writs, ſtill upon Record, directed to the Sheriffs of the ſeveral Counties of *Devonſhire* and *Cornwall*, commanding them to ſet at Liberty thoſe Prieſts and Chaplains therein named, for Publiſhing the Pope's Letter or Bull (containing the Sentence abovementioned.) Theſe Writs bear Date at *Plimpton* in *Devonſhire* the Five and twentieth of *April*; from whence it ſeems it appears, that the King began to grow weary of his Severity to the Clergy, and was willing to ſhew them ſome Favour.

* *Ch.* 25 E. I. *M.* 18. *de Servitio* & *Navibus de Haſtings*, *Vid.* Dr. B's. *Ap.* N 26.

He alſo iſſued out his Writs to the *Cinque-Ports* to provide the Service due to him.

But it is time to ſpeak of Matters of greater Moment. Whilſt the King continued at the Place laſt mentioned, being now reſolved to undertake his Voyage to *Fland rs* with all poſſible Expedition, He directed his * Writs or Warants to the Barons and Good Men of his Ports of *Haſtings*, *Feverſham*, *Sandwich*, *Hithe*, *Wincehelſey*, *Romenhale*, *Dover* and *Rye*; commanding them to have the whole Service of their ſeveral Ports that was due to Him, ready Armed and Equipped at *Winchelſea*, on the morrow of St. *John* the *Baptiſt* next coming, to go whither He ſhould Command them; and He required them further, That beſides their Service they ſhould fit out and arm all other Ships of Forty Tun Burthen or above, to be ready at the ſame Day and Place, to go with their other Ships into his Service; *but that He would not hav this to be drawn into Example for the future.*

† *Rot. Clauſ.* 25. *Ed.* I. *M.* 19. *Dorſ.*

As alſo to the Bayliffs and Inhabitants of other Ports, to ſet out Ships.

* *Ibm. M.* 19. 20.

On the ſame Day, and at the ſame Place, He directs his † Warants to the Bayliffs and Good Men of *Yarmouth*, and to the Mayors and Bayliffs of all Ports in *England*, the Occaſion being extraordinary, to arm and ſet out all the Ships (of Forty Tuns and above) of their ſeveral Ports, ſo as they might be at *Winchelſea* on the morrow of St. *John Baptiſt*.

The King alſo at the ſame time ſent out his Warants and Orders of the ſame Date to the Warden of the *Cinque-Ports*, and the Sheriffs of all Counties in which there were Sea-Ports, to repair to them, and take care the Ships ſhould be Armed and Equipped and ready at *Winchelſea*, at the time He had Commanded.

Theſe Records, though of no great Importance in themſelves, yet may be of ſome uſe to ſhew the Antiquity of the King's Prerogative, in requiring the Inhabitants of the *Cinque-Ports*, and other great Sea-Ports of *England*, to ſet out ſo many Ships of War upon any Invaſion or great and neceſſary Expedition abroad, yet without making it an Example for the future; but can by no means be a Precedent for what it was long after made uſe of, to make out the King's Prerogative to levy *Ship-Money* all over *England*.

* *Rot. Clauſ.* 25 *Ed.* I. *M.* 17. *in Chedul.*

All the Sheriffs of *England* are wrote to, to warn the Tenants *in Capite* to attend the King into *Flanders*.

* And ſince He alſo reſolved to raiſe a powerful Army to attend Him in this Expedition, * He wrote to all the Sheriffs of *England*, and to *Reginald de Grey*, Juſtitiary of *Cheſter*, to give notice to all thoſe in their ſeveral Bayliwicks or Counties, that had twenty Pounds *per Annum* or above, as well within Liberties as without, whether they held of Him *in Capite* or not, to provide themſelves with Horſe and Arms, and to be ready to go with his own Royal Perſon for the Defence of

themſelves

hemſelves and the whole Kingdom, whenſoever He ſhould ſend for hem. This is likewiſe dated at *Plympton*.

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And ten days after this, the King being now upon His Return out f the *Weſt*, He reinforced his former Warant by another * Writ, directed o the ſame Parties as the former; commanding them to Summon the id *Military* Tenants, as are mentioned in the former Writs, to be with Him at *London*, provided with Horſe and Arms as they ought to be, ight days after St. *John Baptiſt*, to paſs in Perſon beyond Sea, *&c.* This bears Date at *Loders* in *Dorſetſhire* the Fifteenth of *May*.

* *Rot. Cl.* 25. *E.* I. *M.* 15. *Vid. Dr. B's. Ap. N.* 27.

He likewiſe at the ſame time directed his † Precepts to the ſame Perſons, to Summon the Archbiſhops, Biſhops, Abbots, Priors, and ther Eccleſiaſtical Perſons, and alſo Widows, and other Women, within their Counties, that held of Him *in Capite* by Military Service, r Serjeanty, or of Wards in his Hands, or Tuition, to be at the ame time and Place, with their whole Service of Horſe and Arms, o paſs as aboveſaid.

† *Ibm.*
All Eccleſiaſtical Tenants are likewiſe Summoned.

The like * Writs He alſo ſent to *Edmund* Earl of *Cornwall*, and to *Roger de Bigod*, Earl of *Norfolk* and Marſhal of *England*; and to all ther Perſons therein named, being about an hundred and twenty wo, all Tenants *in Capite*.

* *Ibm.*
Writs of Summons ſent to all the great Tenants in *Capite*.
As alſo to all others of inferior degree.

But beſides theſe Writs laſt mentioned, the King alſo reinforced his ormer Writs to the Sheriffs of *England*, and Juſtitiary of *Cheſter*, commanding them to execute his former Writs of Summons, and to certify nder their Seals the Names of all ſuch as had Twenty Pounds *per Annum*, or above, of whomſoever they held it, in their ſeveral Bayliwicks r Counties. This bears Date at *Portſmouth* the Twenty-fourth of *May*, when the King reſolved to paſs over into *Flanders*.

Notwithſtanding all this Care, moſt of the Noble and Military Men of *England* did not obey this Summons; but the King was forced to put off his Expedition for ſome time longer, by reaſon of a great Rebellion of the *Scots*, which began in *May* on this Occaſion. [1] *Hugh de Creſſingham*, a Clergyman, having been appointed the King's Treaſurer in *Scotland*, executed his Office with great Pride and Covetouſneſs, o that he became extreamly hated by the People; to whom we muſt lſo joyn *William de Ormesby*, the King's Juſtitiary there, that had ealt very ſeverely with the *Scots*, Out-lawing and Baniſhing all thoſe who had refuſed to Swear Fealty to King *Edward*; which provoked hem to that degree, That theſe *Out-laws*, being now become very Numerous, conſpired together, and choſe one *William Wallys* their Captain; who (having been Out-law'd for killing an *Engliſh* Man) was a Man of great perſonal Courage, and excited them to take up Arms, as they immediately did; and falling upon the *Engliſh* on the ſudden, killed all they met without diſtinction, and drove the King's uſtitiary and other Officers out of the Kingdom. But that which gave the *Scots* better Opportunity to execute their Malice, was, That [2] the Earl of *Surrey*, whom the King had left his Lieutenant there, ot finding the Air of *Scotland* to agree with him, was then retired into the North-parts of *England* for his health, without leaving a ſufficient Force behind him to keep that Nation in Subjection; ſo that before ny Army could be raiſed, and ſent againſt them, divers of the Biſhops and Noblemen ſiding with *Wallys*, had formed themſelves into a Body, and

[1] *H. K. Col.* 2513.
The Expedition put off; by reaſon of a Rebellion of the *Scots*, with the occaſion of it.

The *Scots* under the Conduct of *Wallys* give the *Engliſh* a gre Defeat.

[2] C. *W. H.*

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and carried all before them, unleſs ſome Gariſons which were ſtill held out by the *Engliſh*.

[3] *H. K. Col.* 2515. The King orders the Earl of *Surrey* to march againſt the *Scots*.

So [3] ſoon as the King had notice of this Rebellion, He was much ſurpriſed at it; but becauſe He was now engaged to go over in Perſon to aſſiſt the Earl of *Flanders*, He immediately Commanded the Earl of *Surrey*, his Lieutenant, to raiſe the Militia on the North of *Trent*, and therewith to march into *Scotland*, to reduce that Country to his Obedience.

[4] *Id. Ib. T. W.* Upon his Approach the *Scotiſh* Commanders ſeem deſirous of a Treaty.

Then [4] the Earl having raiſed a ſufficient Force in the North parts (being himſelf not yet very well in health) he ſent his Nephew the Lord *Henry Piercy* before him into *Scotland*, who marching with his Army as far as *Aire*, heard the *Scots* were encamped at *Irewin*, about four Miles off, under the Command of the Biſhop of *Glaſco*, with the Lord Steward of *Scotland*, *William Douglas*, *Andrew Murrey*, and *William Wallys*, the Chief Promoter of this War. Theſe finding themſelves inferior in Forces to the *Engliſh*, began to be afraid, and ſeemed deſirous to make Peace with them, upon condition they might have their Lives, Limbs and Eſtates ſecured to them, and that all things might be pardoned and forgot; which Conditions appeared ſo reaſonable, that the Lord *Piercy* eaſily agreed to them; and the Articles being put into Writing, were ſent to the King to be confirm'd; and He being deſirous to ſee an end of this troubleſome Affair, that his Voyage in *Flanders* might not be retarded, confirmed them accordingly.

The Articles of Peace drawn.

[5] *Ibid.* *William Wallys* defies the Earl of *Surrey*.

Then [5] the Earl of *Surrey* went preſently into *Scotland*, to ſee theſe things put in execution; which however the *Scots* never meant to perform. For though they were to give Hoſtages for their future Obedience, yet they ſtill defer'd it until *William Wallys* with his *Scotiſh* Men had marched off from this dangerous Paſs; and taking Advantage of the Earl of *Surrey*'s Remiſsneſs, reinforced their Army, and then bidding the *Engliſh* General Defiance, renewed the War, and refuſed to lay down their Arms until all their Antient Laws, Cuſtoms and Privileges ſhould be confirmed to them by the King; inſomuch that the Biſhop of *Glaſco* and the Lord *William Douglaſs* being aſhamed of theſe Delays, leſt they might be thought Traytors in joyning with their Country-men, yielded themſelves Priſoners to the Earl of *Surrey*. ✗

[1] *H. K. ib.* *Wallys* Plunders the Biſhop of *Glaſco*'s Houſe.

The *Scots* [1] thus making frivolous Excuſes and Delays, trifled away the time until the latter end of the Summer; when *Wallys*, to be revenged on the Biſhop of *Glaſco* for leaving him, fell upon the Biſhop's houſe and plundered it of all the Goods, and carried away his Family Priſoners. But for the reſt of *Wallys*'s Actions, I ſhall ſpeak more of in due time.

The different Accounts of Hiſtorians concerning this *Wallys*.

I muſt here obſerve the great Partiality of the *Engliſh*, as well as the *Scotiſh* Hiſtorians, in their Accounts of theſe Tranſactions; the former making this *Wallys* no better than a common Thief, or High-way-man, whereas the other repreſent him (as he really was) a Man of Quality, Son to a Knight of the ſame Name, who being of a Publick Spirit, reſolved to lay hold on the firſt Opportunity to reſtore his Country-men to their Antient Liberties; and to this end excited and joyned with the Noblemen of *Scotland* to take up Arms, as hath been already related: So likewiſe the *Scotiſh* Hiſtorians conceal their Countrymen's ſubmitting themſelves as I have mentioned before; and
on

✗ And not only these two, but also Robert Bruce Earl of Carrick (who some Years after made himself King of Scotland) together with Steward, or Seneschal of Scotland & John his Brother, as also Sr. William Douglas above mentioned came in and submitted themselves to Sir Henry Piercy & Sir Robert Clifford, chief Commanders of the Kings Army in Scotland, as appears by the original Instrument of their Submission being in French under their Seals, bearing Date the 9th Day of July this year, & is preserved in the Exchequer vid: R–'s Coll: p. 774. where you will also find an Obligation of the Bishop of Glascow and James Stuart who became bound for their Lord Robert Bruce, till he should give his Daughter Margaret as Hostage for his Fidelity:

And not long after the Earl of Atholl and divers other Noblemen of Scotland were deliver'd out of Prison, upon several Bishops, Earls and great Men of England undertaking on their Behalf, that they should go over with the King & serve him against the King of France as appears by the Instrument it self entred on the Rolls. vid: R–'s Coll: p. 775.

on the other hand the *Engliſh* give but a ſlight Account of the great Defeats they then received. But to return to *England*.

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[2] *John Everſden* relates, That the King, on the Octaves of St. *John Baptiſt*, held a Parliament at *Lincoln*; where the former Differences between Him and the Earls and Barons were again renewed: But that muſt needs be a miſtake; for it appears by certain * Writs, dated at *London* the 24th of *May*, That the King Summoned all the Military Tenants of *England* to meet Him there the Sunday after the Octaves of St. *John Baptiſt*, which is almoſt the very time when this Parliament muſt have met at *Lincoln*; and therefore all that this Author mentions concerning this Parliament is a Miſtake; and indeed he is the only one that ſays any thing concerning this Meeting: But this is certain, That on the Octaves aforeſaid, or Eighth of *July*, the greateſt part of the *Militia* or Tenants *in Capite* of *England* met the King at *London* according to His Summons, in order to attend Him into *Flanders*. In this Aſſembly of Military Tenants, the Earl of *Norfolk*, then Marſhal, and the Earl of *Hereford*, Conſtable, being required to do their Duties in muſtering the Army, excuſed themſelves, and requeſted Him to appoint ſome others of his Houſhold to do that Service, and ſo retired to their reſpective Dwellings: But of this Tranſaction you will have a more particular Account in that Declaration, which the King not long after iſſued concerning it; but He was not for all that diſcouraged from his intended Expedition, but on the Five and twentieth of *July* * wrote again to all his Sea-Ports, to ſend their Ships to *Winchelſea* with all the ſpeed they could.

[2] *C. I. E. ad hunc An.*

The King is ſaid to have held a Parliament at *Lincoln*; but it is a miſtake.

* Printed in *Dr. B's. Append. N.* 27, 28.

M. W.

The King meets the Militia of *England*, when the Conſtable and Marſhal refuſe to muſter them.

* *Rot. Clauſ.* 25 *Ed. I. M.* 9. *Dorſ.*

The King being thus at Variance with theſe Two Great Officers of the Kingdom, it no doubt made Him the more deſirous, before He went away, to be reconciled to the Archbiſhop of *Canterbury*; wherefore He now wrote to all Sheriffs of Counties in a * Writ for that purpoſe, to reſtore to the Archbiſhops and Biſhops all their Lay-Fees, with the Goods and Chattels found upon them, and in Particular to the Archbiſhop of *Canterbury* all his Lay-Fees, together with his Oxen, Carts, or Waggons, and all other his Goods and Chattels, being in the ſame State they were then in when they were ſeized. This bears Date at *Weſtminſter*, the Eleventh of *July*.

The King deſires to be reconcil'd to the Archbiſhop and Biſhops.

* *Rot. Clauſ.* 25 *Ed. I. M.* 21. *pro Arch. Cant. de Laic. Feod. reſtituend. Vid. Dr. B's. Append. N.* 29.

And iſſues out a Writ to reſtore their Goods.

And that He might extend his further Favour to all the reſt of the Clergy, that had ſubmitted and were reconciled, He not long after gave a General * *Protection* to all thoſe that had not received it before, and wrote to the Sheriffs of *London*, and others, ſetting forth, That at the Requeſt and Prayer of the Archbiſhop of *Canterbury*, and other Biſhops and Prelates of his Kingdom on behalf of the Clergy, they ſhould maintain and defend all the Clergy in their Bailiwicks, their Tenants, Lands, Goods, Rents, and all other their Poſſeſſions, not permitting them to receive any Injury or Moleſtation, in their Perſons or otherwiſe, though they had not actually taken out his Letters of *Protection*. Witneſs the King at St. *Pauls*, *London*, the Thirty firſt of *July*.

* *Rot. Clauſ.* 25 *Ed. I. M.* 9. *Vid. Dr. B's. Append. N.* 30.

He further Grants a General Protection to all the reſt of the Clergy.

The Reaſon of theſe his Proceedings was (as *Walter Hemingford*'s Manuſcript Chronicle, and *Henry de Knyghton* expreſly tell us) becauſe ſeveral of the Great Men of *England* being now met at *London*, in order to go over with the King, ſome of them ſeemed not well ſatisfied, but plainly told Him, that it would not be convenient for Him to go over, until He had firſt reconcil'd Himſelf to his Spiritual Father the

The reaſon of theſe Proceedings.

Archbiſhop of *Canterbury*, and his Other Great Men, who had lately oppos'd Him; whereupon the King coming more to Himſelf, and ſeeing that this was a juſt Requeſt, and according to Reaſon, He immediately ſent for the Archbiſhop, and laying aſide all former Reſentments, received him again into Favour, committing the Prince his Son to his Care and Conduct, the Lord *Reginald de Gray* being joined with him, to be his Chief Councellors during the King's Abſence.

Ad hunc An.

The King asks Pardon of the People for what He had done contrary to Law; with his Speech before his Departure.

This is alſo confirm'd by *Matt. Weſtminſter*, who relates this matter more at large, *viz.* That the ſaid Archbiſhop having about the beginning of *July* recover'd the King's Favour, and having his Temporalties reſtor'd, accompanied Him to the Great Hall of the Pallace of *Weſtminſter*; where before the Prince his Son, the Archbiſhop, and the Earl of *Warwick*, He asked Pardon of all the People that ſtood round about Him, with Tears, Saying, *That He had Govern'd them, not ſo well as became their King: And for that part of their Eſtates, which they had either given Him, or which his Miniſters had extorted from them, He had only taken it to this end, that they quietly enjoying the Reſidue, He might more Powerfully ſubdue all thoſe that thirſted after the Blood of the* Engliſh: Further adding theſe Words; *Behold, I am ready to expoſe my Perſon for your ſakes; and I only deſire that in my Abſence you would look upon Me as if I were preſent, and if I return, I will reſtore whatever has been taken away; but if I do never come back again, you may Crown My Son King.* Upon this the Archbiſhop burſting out into Tears, engaged for the King, That all theſe Things ſhould be faithfully perform'd; and all the People there preſent holding up their hands, vowed their Fidelity to Him: In which Point the former Author is more exact, and ſays, That all the Great Men, and People there preſent, promiſed an entire Fidelity to Him and his Son; and then the King took his Leave of them, and deſired their Prayers. Whereupon ſome Prayed for Him, *whilſt others curſed Him in their Hearts* (as my Author truly obſerves) and which is very natural when the People are under an Apprehenſion that the Princes deal not ſincerely, but comply meerly to ſerve a preſent Turn.

T. W. ad An. 1298.

The King being thus reconciled to the Archbiſhop on the laſt day of *July*, and having received all the reſt of rhe Clergy into his Protection, on the firſt of *Auguſt* held a Great Council or Parliament (as *Walſingham* calls it) at *London*; but what was done there ſeems not of any great Conſequence; only our Author ſays, That He again openly received the Archbiſhop into Favour, and then Commanded all the Great or Noble Men there preſent, to ſwear Fealty to Prince *Edward* his Son, and to recognize him for right Heir of the Kingdom. The King alſo there again excus'd Himſelf for his late illegal Exactions, imputing them to the Neceſſities of the preſent War. Our Author alſo makes the Two Earls, the Conſtable and Marſhal, to have before withdrawn themſelves from this Aſſembly, refuſing to attend Him into *Flanders*. But notwithſtanding that *Walſingham* calls this Meeting a Parliament, yet it was certainly no more then a Great Council of his Earls and Barons; for there are no Writs of Summons to be found on the Rolls for any Parliament at this time, and indeed it was needleſs, for it appears by the ſame *Rolls, that the King's Son held a Parliament on the Morrow after *Michaelmaſs*-day following.

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* *Rot. Clauſ.* 25. *Ed.* I. *M.* 6. *Dorſ.*

It is time now to intermix ſome Eccleſiaſtical Affairs with ſo much of Military and Civil; and therefore I ſhall obſerve, That though the King's preſent Uſage of the Clergy was very favourable, yet it did not meet with a ſuitable Return; for at the Feaſt of St. *Laurence*, or Tenth of *Auguſt*, the Archbiſhop held another Synod of all the Clergy at *London*, to treat again about granting the King an Aid, which He had ſo often required of them; but He now met with no better an Anſwer than before, they ſtill alledging, *That they durſt not do it without the Pope's Licence*, which the King had not yet obtained, nor deſir'd, as I can find; and they were ſo far imbolden'd (I ſuppoſe by the late Differences between the King and the Marſhal and Conſtable) that they ordered the Sentence of *Excommunication* to be publiſhed in all Cathedrals and other Places of Note, againſt all ſuch as had taken any Goods belonging to Clergymen; and further declared, That whatever Prelate or Eccleſiaſtical Perſon ſhould contribute any thing to a Layman by way of Talliage, or under any other Name or Title, ſhould be liable to all the Penalties in the Pope's late Bull.

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I E. C. N. The Archbiſhop holds a Synod at *London*, about granting the King an Aid, but is again refuſed.

[5] Then at the breaking up of this Aſſembly, the Archbiſhop, Biſhops, and the reſt of the Clergy deputed the Biſhops of *Exeter* and *Rocheſter* to wait on the King, to propoſe certain Articles to Him, on their and the Clergy's behalf.

[5] *Id. ib.* The Archbiſhop and Biſhops depute ſome to go to the King, and propoſe ſome Articles on the Clergy's behalf; with his Anſwers to them.

The *Firſt* was to excuſe themſelves, that they could not now grant Him any Aid out of their Revenues. To this the King Anſwered, That ſince they either could not, or would not do it, He had been forced (being in ſuch great Straits for Money) to take ſome of their Goods by his Royal Authority; yet it ſhould be done with that Moderation, as that they ſhould have no cauſe to complain of Oppreſſion.

The *Second* Requeſt was, That He would give them leave to ſend to the Pope for his Licence to grant his Majeſty an Aid. But this the King did not approve of at that time.

The *Third* was, That He would give them leave to publiſh the late Sentence of *Excommunication* againſt all Invaders or Takers of Eccleſiaſtical Goods. This the King expreſly forbad them to do, at their Peril; and before they went away, cauſed his Letters of *Prohibition* to be delivered to the Biſhops there preſent, and ordered the like to be ſent to the Archbiſhop and the reſt of them that were abſent; but theſe not being then ſent, I ſhall give you a further Account of them hereafter.

[1] The King having given them theſe Anſwers with great mildneſs, took his Leave of them, and began his Journey towards the Sea-ſide: But notwithſtanding the King's *Prohibition*, the Archbiſhop did not forbear to denounce the abovementioned Sentence of *Excommunication* in the Cathedral Church of *Canterbury*; yet with an exception to the King and his Sons: But however this did not allay his Reſentments againſt this Proceeding, eſpecially at ſo unſeaſonable a Time.

[1] *Id. ib.* The Archbiſhop renews the Sentence of Excommunication.

[2] x Then the King having left *London*, went to *Winchelſea*, there to take Shipping for *Flanders*; but the Earls of *Norfolk* and ~~*Suffolk*~~ did not go to take their Leaves of His Majeſty, but abſented themſelves with those

[2] M. W. H. K. *Col.* 2511. The King goes to the Sea-ſide, but the Conſtable and Marſhal do not take their Leaves of Him.

x note that before his departure he offred the Chair in which the King of Scotland were crowned together with the Crown of Scot and scep[illegible] at the Shrine of St Edward the Confessor in the Abbey church of Westminster where the Chair is to be seen at this day. this the extracts out of william de Rishangers [illegible] this in Leylands collectan vol. II. p 460.

Hereford

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The King beſtows their Offices upon others.

The Declaration thoſe Earls thereupon made.

thoſe of their Party, until their Petitions for the eaſe of their Country ſhould be redreſſed in Parliament; becauſe the King, for their not complying with his Demands, had already beſtowed the Execution of their Offices upon Others, which they took very ill; but however thoſe Earls declared, they ſought not their own Intereſt, but that of the whole Kingdom; and farther told thoſe Mediators that went between the King and them, That it was not themſelves alone, but the whole Nation which was oppreſſed above-meaſure with unjuſt Exactions and other Taxes, and that they were not dealt withall according to the Liberties of *Magna Charta*; but when they perceived the King's Mind unmoveable at that time, they again diſpatched other Meſſengers to Him, being then either at *Winchelſea*, or *Odymer*, a Town near it, to beſeech Him, That He would Amend and Reform certain Articles they then ſent Him; proteſting, That if He would pleaſe to correct them, and alſo confirm the Charter of Liberties, they would all be ready to follow Him, even to Death it ſelf. The Declaration being Written in the *French* Tongue, is here thus Tranſlated *verbatim*.

The ſaid Remonſtrance at large.

*In the *French Remonſtrances*.

[3] *H. de Knighton Coll.* 2511. *ib.* & Tho. Walſing. *ad hunc An.*

'Theſe [3] are the * *Remonſtrances* which the Archbiſhops, Biſhops, 'Abbots, Priors, Earls and Barons, with the whole Communalty of 'the Kingdom declare to our Lord the King, and humbly praying, 'That, as ſuch, He would redreſs and amend them for his Own Honour, 'and the Good of his People.

'In the *firſt* Place, it ſeems to the whole *Communalty* of the Realm, 'That the Summons which was ſent them, by the Writ of our Lord 'the King, was not ſufficient, becauſe there was no certain Place therein 'ſpecified, whereunto they were to come; for according to that, they 'were to make Proviſions, and ought likewiſe to Adviſe whether 'they were obliged to perform this Service or not; becauſe it is commonly 'reported, That our Lord the King will paſs into *Flanders*, and 'the whole *Communalty* do believe, that they ought not to perform 'any ſuch Service, for that neither They, their Predeceſſors, nor Anceſtors, 'ever did any Service in that Country; and if ſuch Service were due, 'either there or any where elſe, yet they have not Power to do it, ſince 'they are already ſo much grieved with divers Talliages, Aids and 'Seiſures, to Wit, of Corn, Oats, Malt, Woolls, Oxen, Cows and 'Salted Fleſh, without any Money paid for them, that they can ſcarce 'bear any more; and that there are many that cannot get their Livings, 'nor Till their Grounds; ſo that the whole *Communalty* of the Nation 'find themſelves very ſenſibly grieved that they are not Govern'd 'according to the Laws and Uſages of the Kingdom, by which their 'Anceſtors were uſed to be Govern'd, and that they have not their '*Franchiſes* which they were wont to have, but are willfully diſpoſſeſſed 'of them; by reaſon of which they find themſelves intolerably 'oppreſſed.

'And farther the Clerks and Lay-Perſons feel themſelves grieved, 'becauſe they uſed to be Govern'd according to the Articles contained 'in *Magna Charta*, the which are now wholly ſlighted, to the great 'Damage of the People. Wherefore they pray our Lord the King, That 'He will amend theſe things, for his Own Honour, and the Benefit of 'his People.

* Beſides this, the *Communalty* of the Land find themſelves very much grieved at the Aſſize, or Law of *Foreſts*, which is not obſerved as it uſed to be; neither is the *Charter of Foreſts* of late obſerved, but Attachments are made at Pleaſure, contrary to Law, and otherwiſe than it ought to be.

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* *Ibidem.*

† Furthermore, the whole *Communalty* find themſelves extreamly grieved with the Cuſtom upon *Wool*, which is too hard, 40 *s.* a Sack being taken upon *Wool* * whole or entire, and upon *Wool* ready *Carded* Marks; ſo that the Cuſtom that is paid of the Wool of *England*, is near half of the value of the Land from which it ariſes.

† *Ibidem.*

* *De lana fracta.*

And becauſe the *Communalty* of the Land deſire the Honour and Safety of our Lord the King, as they ought, it does not ſeem good to them that He paſs over into *Flanders*, unleſs He could be more aſſured for Himſelf and People of the *Flemings*; and alſo becauſe the People of *Scotland*, who had already began to Rebel whilſt He was here in *England*, would not be afraid to do worſe when they were once aſſured that He was gone beyond Sea.

Ibm.

The [4] aforeſaid Earls having ſent theſe Petitions to the King by ſpecial Meſſengers, He received them at *Odymer*, being then preparing to go beyond Sea; And his Anſwer to them, was, That He had not then a full Council with Him, part of them remaining at *London*, and the reſt being gone already into *Flanders*; and without them He could not make any Satisfactory Anſwer to their Demands: And then He bid them tell thoſe that ſent them, That He ſhould have been much better pleaſed if they would have gone with Him; but ſince they would not, He deſired they would do no prejudice to Him nor his Kingdom in his Abſence; and He hoped that if by God's favour He ſhould return they would Peaceably receive Him into his Kingdom.

[4] *T. W.*

The Remonſtrance deliver'd to the King, with his Anſwer to it.

This Declaration is without any Date; but we may eaſily find, by the following Anſwer the King made to it, That it was but a few Days before his Departure, ſince whilſt He continued in *England*, He iſſued out another Declaration, which is upon Record in *French*, and was ſent to all Sheriffs to be publiſhed, containing the Cauſes of the Controverſy between the King and the Conſtable and Marſhal, and the Reaſons of their refuſing to do their Duty, their Withdrawing from Court, and their Denial to return when ſent to; as alſo his Appology for taking ſo many Aids from his People, contrary to Law, to this effect, *viz.*

*' Whereas the King always deſires the Peace, Quiet and good Eſtate of his People and Kingdom, after his Voyage which He is now making, *&c.* and that all Occaſion, by which the ſaid Peace and Quiet may be diſturbed, ſhall be wholy taken away; becauſe at this time there may be ſuch Reports raiſed amongſt the People, as may cauſe them to behave themſelves otherwiſe toward their Sovereign Lord than they ought, eſpecially ſince the Earl of *Hereford* and Earl *Marſhal* have lately withdrawn themſelves from Him, or for other Matters; Therefore, for that He would have the Affairs of his Realm uniform and quiet, He makes known, and would that all ſhould know the Truth of what follows.

* *Rot. Pat.* 25. *Ed.* I. *P.* 2. *M.* 7. *Vid. Dr. B's. Append. N.* 31. where it is Printed in *French.*

The King's Anſwer, containing a Narrative of all the Proceedings.

'Lately, when a great part of the Military Men of *England*, ſome upon Requeſt, others by Summons of the King, came to *London*, His Majeſty being willing to provide for their Diſcharge and the ſettling of their Expences, and

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‘ that they might know what they were to perform, ſent to the ſaid Earls, ‘ (as Conſtable and Marſhal of *England*) to attend Him for that purpoſe. ‘ The Earl of *Hereford* came, but Monſieur *John Segrave* excuſed the ‘ Earl *Marſhal*, That by reaſon of Sickneſs he could not come, and ‘ therefore had ſent him in his ſtead: Then preſently by their Aſſent, ‘ they were ordered to make Proclamation in the City of *London*, That ‘ all thoſe that were come thither, either by Summons or Requeſt, ‘ ſhould on the Morrow appear before the *Conſtable* and *Marſhal* to be ‘ enrolled, in order that they might know in what manner and how ‘ many of them ſhould or would Serve the King in that Voyage beyond Sea. The ſaid Earls then told the King they would perform the ‘ Order, as they had received it in Writing; but the ſame day toward ‘ the Evening, they ſent the King a Meſſage in Writing, by Sir *John* ‘ *Eſturmis*, Knight, in this Form; *For that, Dear Sir, You Commanded the* ‘ *Marſhal by the Conſtable, and by Order in Writing, That he ſhould cauſe it to* ‘ *be publiſhed in the City, that all ſuch as were come by Your Majeſty's Summons or Requeſt, ſhould be on the Morrow by one of the Clock before the Conſtable* ‘ *and Marſhal at St.* Pauls, *and that they ſhould enroll ſo many Horſe and Foot,* ‘ *and then inform You of it: Your ſaid* Conſtable *and* Marſhal *do now pray* ‘ *You to Command ſome other of Your Houſhold to do it; for that, Sir, You* ‘ *know well, that ſome are come upon Requeſt, and not Summons; yet if they* ‘ *do this they ſhould enter upon Duty, and do Service: Wherefore they pray the King to Command ſome others in their Places.*

‘ Upon receipt of this Meſſage, and Counſel thus taken, the King ‘ thinking they might have done it unadviſedly, ſent Monſieur *Geoffrey de* ‘ *Geneville*, Monſieur *Thomas de Berkley*, Monſieur *John Tregoz*, Conſtable ‘ of the *Tower*, and *Guardian* of *London*, *Roger Brabazon*, and Monſieur ‘ *William de Bereſford*, to Adviſe them better, and that they might ſo ‘ order things, as ſhould not turn to the prejudice of the King ‘ nor of their own Eſtate; and if they would not be otherwiſe adviſed, ‘ that then they ſhould ask them, If they would avow the Letter ſent, ‘ and the Words contained in it: Which they owning, the King, being ‘ acquainted with it, and adviſing with his Council, put in the Place ‘ of the Earl of *Hereford*, Conſtable, Monſieur *Thomas de Berkley*; and ‘ in the Place of the Earl *Marſhal*, Monſieur *Geoffrey de Geneville*, as they ‘ deſired: Whereupon they withdrew themſelves from the King and ‘ Court; and ſoon after the Archbiſhop of *Canterbury*, and many other ‘ Biſhops, came to the King, beſeeching Him, that they might ſpeak ‘ with the Earls, which the King conſented to; whereupon they ſent to ‘ them to know, where they might come and ſpeak with them; in Return to which Meſſage, they let them know by Letters, That they ‘ ſhould be at *Waltham* the Friday on the Morrow of St. *James*: Accordingly they went thither; but the Earls came not, but ſent ‘ Monſieur *Robert Fitz-Roger* and Monſieur *John de Segrave*, Knights, who ‘ ſaid, the Earls could not then come, for ſome Reaſons: On Sunday ‘ following, the Biſhops and Two Knights came to the King at St. *Alban*'s; and at their Requeſts the Knights had Letters of Safe-Conduct ‘ given them for the Earls to come to ſtay with and return from the ‘ King; yet they never came, and now 'tis given out, That the Earls ‘ offered to the King certain Articles for the common Profit of the ‘ People, and that He utterly refuſed them: Of which the King knows ‘ nothing; for they never propounded, nor cauſed to be propounded, any

‘ thing

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thing to Him, nor doth He know why they are retired; amongſt which Articles, 'tis reported, there were certain Grievances, which the King underſtands well, as the Aids that He often demanded of the People, by reaſon of his Wars in *Gaſcoigne*, *Wales*, *Scotland*, and other Places, which could not be maintain'd, or his Kingdom defended, without the Aſſiſtance of his People; whereof He thinks often, that He ſhould ſo much grieve and burthen them, and Prays they would have Him excuſed; and if it pleaſe God, to give Him leave to return from his Voyage, He would have all Men know, That according to his great Deſire, and the Will of God, and to the Satisfaction of his People, He will amend all things whatever, as He ought; and if He doth not return, He will order his Heir to do it as well as if He had Return'd Himſelf: For He knows well, that no Man is ſo much bound to the Kingdom, or to love the People, as He Himſelf.

'But that on the other ſide there is great Neceſſity for his going to Aſſiſt his Allie the Earl of *Flanders*; and his going over is of that immediate Conſequence, by reaſon of the Danger his Friends beyond Sea are in, That if He ſhould loſe them, the Kingdom might be in great Jeopardy: *And therefore they* (the People) *ſhould have a Confirmation of the Great Charter of the Liberties of* England, *and of the Charter of the Foreſt*, *if they* would grant Him an Aid or Gift, ſuch as was neceſſary for Him at this time; and the rather, for that upon his going over, a laſting Peace might enſue; and if He had refuſed thoſe Articles, or any thing elſe in Hatred and Deſtruction of his People, contrary to the Common profit of the Realm, or that He had done otherwiſe againſt the ſaid Earls than is here expreſſed, He deſires no Man to believe Him; for theſe are the true Steps and Proceedings, that have been followed even to this very time: Therefore He puts them in Mind, what Dangers and Wars may ariſe from Rumours, Stories and Reports, raiſed between the King and his People, *&c.* Concluding, that this Declaration is publiſhed with a Deſire for all his good People to Pray that his Voyage might be proſperous, and have a good Effect, to the Honour of God, of Himſelf, of them and his Kingdom, and that a Durable Peace might follow. This was Given at *Odymer* (near *Winchelſea*) the Twelfth day of *Auguſt*; being but Eight days before his Embarking for *Flanders*.

Dr. *Brady* places this Record a little before the late Declaration, made by the Biſhops, Earls and Barons, of their Grievances; but I muſt beg his Pardon, if I am not of his Mind; for had the King then iſſued out, or ſent them any ſuch Declaration as this now recited, it is very probable, that they would have taken Notice of it, and returned ſome Anſwer thereunto, ſince it ſo highly reflects upon the late Carriage of the ſaid *Conſtable* and *Marſhal*, and juſtifies the King in his illegal impoſing the Aids abovementioned. It is therefore moſt likely, that the King, not being then willing to grant the abovementioned Requeſts, Politickly ſet forth this Declaration to juſtify (or at leaſt to Colour) his Proceedings, and to pacify the People in his Abſence.

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* Nor was the King content with this, but to prevent any Attempts that might be made of the like Nat
Writs directed to all the Sheriffs of England, reciting, that whereas he had heard certain evil Reports
Discord might arise between himself, and his Prelates, Earls Barons, & other great Men, tending to the
the Realm, and Disturbance of the publick Peace; therefore he commands the said Sheriffs dili
and find out the said Disturbers of the Peace, who spread those Reports above mentioned; or should
der the Execution of his Commands, or should issue out or publish any Sentence of Excommunication
ministers or Subjects, or any that are aiding to them in the Execution of his Commands, or against any
Holy Church who have put themselves under his Protection to save & defend themselves & their Churches, ~~and~~ against all others, who by their artifices shall act any thing whereby the Peace of the Kingdom may be disturbed, or the Execution of his Commands any ways hindered; and further commands the said Sheriffs to apprehend all such as should be found any ways culpable of the Premisses, and to keep them close Prisoners till they had received his further Commands. this is entered on the same Roll, [Rot: pat: 25 Ed: I. p. 1. m. 12]

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Rot. Clauſ 25. Ed. I. M. 8. Dorſ. Prohibitio Regis contra Excommunicationem. Vid. Dr. B's. Ap. N. 32.

The King ſends a Prohibition to the Archbiſhops, not to publiſh the ſaid Sentence.

And paſſes over into *Flanders* with a powerful Army.

[5] C. W. H. H. K.

He Lands at *Sluice*, goes to *Bruges*, and from thence to *Gaunt*.

One of the laſt things I can find the King to have done before his Departure, was, That He ſent *Letters to the Archbiſhops and Biſhops, forbidding them to publiſh all ~~other~~ Sentences of *Excommunication* againſt his Officers, for taking the Grain and other Goods of the Clergy; ſince that would tend to the great Prejudice of his Crown, the Scandal of his People, and (as it might happen) to the Deſtruction of the Church and Subverſion of the Kingdom; and therefore Commanded them, by the Oath of Fidelity in which they were bound to Him, not to publiſh any ſuch Sentence againſt the ſaid Officers, whether Clerks or Laicks.* This bears Date at *Winchelſea*, about Two days before the King's going beyond Sea: For it appears by the Cloſe-Roll of this Year, that the King paſſed into *Flanders* on the Twenty Second of *Auguſt*; though *Matt. Weſtminſter* ſays, it was the day following, on the Vigil or Eve of St. *Bartholomew*: But which day of the Two it was, is not very material; only thus much is certain, [5] That He carried over with Him a Potent Army, conſiſting of Fifteen thouſand Horſe and Fifty thouſand choice Foot, of which Thirty thouſand were *Welſhmen*. So ſoon as the King landed at *Swyne* (now *Sluice*) in *Flanders*, He went from thence to *Bruges*, which Town He intended to have fortified, if the People would have permitted Him; but finding them inclinable to give it up to the *French*, He thought it not very ſafe for Him to ſtay there; and therefore, at the Earl of *Flander's* Invitation, He marched with his Army to *Gaunt*, where He Quartered all that Winter, yet performed little or no Action, only ſome part of his Army went out and ſpoiled that part of the Country that had Surrender'd to the *French*, and Plundered the Town of *Dam*, and killed Two hundred of the *French* that lay there in Gariſon, contrary to the Articles; at which the King being terribly provoked, He ordered the Ring-leaders of that Cruelty to be executed immediately.

[1] Id. Ib.

The King of *France*, upon the King's arrival, retreats.

[3] T. W.

The King is diſſappointed of the Aſſiſtance He expected from the Emperor.

[4] Id. M. W.

The Diſcontented Earls and Barons, immediately upon the King's departure, forbad the Treaſurer and Barons of the *Exchequer*, to Levy the late Tax.

(2) * For the King had this Summer wrote several Letters to him to hasten his March with his Army to the Assistance of the sd Earl, as appears by the Letters ent: on the Roll [Rot: Pat: 25 Ed: I. p. m. 7. Rot: all: m. 12, 13.] the reason of which Failure you will presently find.

And indeed his going over proved very ſeaſonable for the Earl of *Flanders*: [1] For the King of *France* had now taken great part of his Country; but upon the News of his Arrival, He thought fit to retreat as far as *Courtray*: But Our *Edward* was utterly defeated of the Aſſiſtance (2) He expected from the Emperor *Adolph*, which He much relied on: * [3] But this Diſappointment was occaſioned by the Pope's having lately wrote to ſeveral Princes of *Germany*, to engage them in a War with the Emperor, That ſo they might hinder Him by all means poſſible from making any upon *France*: And thus all things remain'd till the Year following. But we ſhall now look back into *England*, and ſee what was done there during the King's Abſence.

1. [4] On the very day of his Departure, the diſcontented Earls and Barons came to the Exchequer and forbad the Treaſurer and Barons thereof, to cauſe the Sheriff to Levy the Eighth Peny of the Laity, lately granted; telling them, That they never agreed to it, *and that Taxes could neither be impoſed nor exacted without their Aſſent.* * And *Walter Hemingford* farther adds, That they prevailed with the Citizens of *London* (as their good Friends and Confederates) to ſtand by them, to defend and Recover their Liberties of the Great Charter. Then the Earls and Barons, to ſhew a Good Example, cauſed it to be publickly proclaim'd, That none of their Servants ſhould preſume to take any thing, though never ſo ſmall, from their Owners, without Paying for it, upon pain of loſing their Right Hands, nay their very Heads, if the Cauſe required it;

(3) But as to this particular circumstance concerning the Earls Marechal & of Hereford coming into the Exchequer for the Ends above mentioned, appears by a Letter of the Treasurer & Barons of the Exchequer, wch was then sent to ye King in those words. Sr. on Thursday before the Feast of St. Bartholomew at the Hour of three, the Earl ~~[illegible]~~ Marechal, and Earl of Hereford with my Lord Robert Fitz Roger, Sr. Alleyn
John de Segrave, Sr. Henry de Tyeys, Sr. John Lovel, and many other Baronets and Bacholers [i.e.
came to the Bar of your Exchequer, and the Earl of Hereford said, that he was charged to spe
of the Earl Mareschal, and others who were there, & for the whole Communalty of the Realm as well
that they and the said Communalty felt themselves grieved in two things; one of which Grievances
certain Articles, which they had already remonstrated to the King,
related to certain things done by us the Barons and Officers of the Exchequer without the
particularly the levying the Utime (i.e. ye 8th Penny upon moveable Goods) and the taking
that in the writs issued for levying the Utime, it was contained that the Earls, Barons, Knights

had granted the said Utime, as they and their ancestors had done in former Times; whereas the sd was not granted by them, nor by the sd Communalty, and they further said, it would put every man in that as to be taxed at Will; and yt if ye said Ntime shd be so levyed, it would turn to the Disinherison of them their Heirs; and it was said openly by all the ~~Past~~ rest afterwards, that such Taillaige & taking of Wools unsufferable, neither would they in any manner suffer it, so they pray'd us that these things might be redressed, and departed without staying for an Answer. ~~and therefore, Sir, we desire to know your Pleasure on this Matter, so we~~ ~~Sir, our Lord, a happy and long Life and increase of your Honours, written at Westminster the Thursday~~

~~the King by Robert Ywelin~~

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it; which being done, they all of them return'd Home in Peace, without doing Injury to any Man. But to return to the Affairs of *Scotland.* * The King being now ready to go over beyond Sea thought fit to recall the Earl of Surrey and appoint Bryan Fitz Allen Guardian of Scotland in his Stead as appears [Rot. Scot: 25 Ed: I. m. 8] by the [5] Commission on the H. K. T. W. Rolls, being dated at Odimer the 14 August, but before he could go thither to take Possession of his command, an accident fell out which broke all the King's measures, and hindered the new Lieutenant from ever going thither at all, which was thus &c.

The Scots reinforce their Army under the Conduct of *William Wallys.*

[5] It was ~~now~~ the latter end of *August*, when the *Scots* taking advantage of the weak Conduct of the *Engliſh*, for the Earl of *Surrey* Lieutenant of *Scotland* had been very remiſs in preſſing thoſe People to deliver up their Hoſtages as they had agreed, which gave them time to Rally and Reinforce their Army under the Command of *William Wallys*, who had now drawn his Forces near *Sterling*, where the *Engliſh* then lay; againſt whom the Earl abovemention'd marching with all his Army, that conſiſted of above Forty thouſand Men, and getting to the River *Forthe*, on the other ſide of which the *Scots* lay encamped on a Hill, the *Engliſh* Generals, contrary to the Advice of a wiſe and Valiant *Scotiſh* Knight called *Richard Lundy*, would needs paſs their Army over this River near *Sterling* (to fall upon the *Scots*) by a weak and narrow Bridge, where only two Men could go on Breaſt: So early in the Morning, after a great Part of the *Engliſh* Forces had paſſed over it, led by *Hugh de Creſſingham* (the King's Treaſurer for *Scotland*) the Bridge happened to break, either by the weight of thoſe that followed, or elſe through the Treachery of a *Scotiſh* Carpenter, who had a little before been employ'd to mend it, and inſtead of that, had on purpoſe half cut through the main Beams of it: But upon the breaking of the Bridge, when the *Scots* perceived the Van of their Enemies cut off from the Rear, they took this Opportunity immediatly to fall upon the *Engliſh* that were on their ſide, and putting them to flight, killed or drowned a great many of them to the number of near Five thouſand, as they endeavoured to repaſs that River, together with *Hugh Creſſingham* their Leader; who though he was a Clergyman in Orders, and Rector of divers *Churches*, had contrary to his Function marched into the Field compleatly Armed. This unhappy defeat happened the Eleventh of *September* being Friday.

The *Scots* put the *Engliſh* Army to the Rout at paſſing a Bridge and kill 5000 Men.

[1] *Id. Ib.* C. W. H.

When [1] the Earl of *Surrey* (who was now come into the Field and ſtood on the other ſide of the River) ſaw this unfortunate Accident, he immediatly fled, with the Remainder of his Army, to *Berwick*; where he ſtay'd not long, but leaving Sir *Marmaduke Twenge* a Gallant Knight, Governor of it, and promiſing him a ſpeedy Aſſiſtance, he return'd into the South of *England* to give the Prince an Account of his ill Fortune: But the *Engliſh* not long after deſerted the Place, becauſe it had not been ſo well fortified as it ought to have been, by building a new Wall, through the Covetouſneſs of *Creſſingham* the late Treaſurer; therefore ſo ſoon as the *Engliſh* Army was gone, *Wallys* eaſily took that Place, with all the Towns in *Scotland* that were in the Poſſeſſion of the *Engliſh*, whom he either killed or drove out of the Kingdom; but as for the Caſtles of *Edinburgh* and *Roxburgh* they utterly diſmantled them, becauſe they thought they could not keep them, as alſo that they might not be any more Harbors to the *Engliſh*; they alſo deſtroyed *Haddington*, and moſt Towns of Note in the South of *Scotland*, for the ſame Reaſons.

The Earl of *Surrey* flies to *Berwick*, which is alſo deſerted.

Wallys kills or drives all the *Engliſh* out of *Scotland*.

But before I conclude this ſad Relation, I think it neceſſary to let you know that the * Anonymous Chronicle (ſo often cited) imputes the loſs of this Battel near *Sterling* to a miſunderſtanding between the Earl of *Surrey* the Kings Lieutenant, and this *Hugh Creſſingham*, who was joyned

* *in Bib. Coton.*

The occaſion of the Loſs of the late Battel.

The King likewise sent the Prince ~~another~~ privy seal of the same Date to the Chancellour commanding him by the Advice of the Barons of the Exchequer to issue forth such Letters as should be expedient for the taxing of the said Ntime through the whole Realm, so that it might not be for the Prejudice or Disinherison of the People or their Heirs, nor be drawn into for the Time to come, vid: Record: in Turre Trin: 34 Ed: I. Rot: 28th. see it published original French in Maddox's History of the Exchequer Chap. 22. p. 614. given you this late Record to let you see, that notwithstanding the Remonstrance of the and Noblemen above mention'd, the King was resolved to have the said Tax & Imposition levyed for this Time only, but that being contrary to Law it should not be drawn into ple for the future.

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in Commiſſion with him; for the former ſtaying too long in the Caſtle of *Sterling*, exerciſing ſome new raiſed Men, or (as others relate) overſleeping himſelf that Morning, and not coming into the Field ſo ſoon as he ought to have done, it made *Creſſingham* paſs over the River at this Place, in order to fight the *Scots*, before the Earl could come up to joyn him with his Forces, and was a main Cauſe of the Loſs of the greateſt Part of his Army: The Earl himſelf made a ſhift to eſcape with a few of his Men to *Berwick* (as you have heard;) but as for *Creſſingham*, the *Scots* hated him ſo mortally, for his Covetouſneſs and Cruelty, that finding his dead Body after the Battel, they flead it, and made Girts and other Furniture for their Horſes with his Skin.

Creſſingham being ſlain, the *Scots* flea his dead Body.

[2] *H. K. Coll.* 2519. The *Scots* invade *Northumberland*, ſpoil all the Countrey, and deſtroy the Inhabitants.

[2] Nor did the *Scots* under their Commander *William Wallys* reſt contented with this Victory; but falling upon *Northumberland* at the beginning of this Winter, they lay'd all the Countries waſt between the Rivers of *Tine* and *Derwent*; however they could not take the City of *Carliſle*, though they had Summoned it; for the *Scots* not being provided with Engines to batter it, were fain to let it alone unattempted. But they turn'd aſide through the Foreſt of *Inglewood*, as far as *Cockermouth*, near the River *Derwent*, and deſtroyed all the Country before them, not ſparing either Age or Sex; and they intended to have done the ſame in the Biſhoprick of *Durham*, had they not been informed by their *Scouts* (though untruly) that the Country was well provided with Forces to reſiſt them; and therefore having done what miſchief they could, they return'd home.

[3] *Id. Ib* The Gariſon Sallies out of *New-caſtle*, and put a Stop to the *Scots*.

But they met with worſe Succeſs in *Northumberland*; [3] for not long after they marched toward *New-Caſtle*, intending to beſiege that Place; but the Gariſon hearing of it, put themſelves into a poſture of Defence, reſolving to Fight them if a good Opportunity offered; and for that purpoſe ſallied out of the Town, yet durſt not march too far, becauſe they were much inferior in Number to their Enemies: However, the *Scots* ſeeing their Reſolution, did not care to engage with them, but contented themſelves with dividing the ſpoil they had already taken, and return'd into *Scotland*.

[4] *Id. ib.* The Gariſon of *Carliſle* make an Incurſion into *Anandale*.

In revenge of theſe Hoſtilities, [4] a little before *Chriſtmaſs* the Townſmen and Gariſon of *Carliſle* made an Incurſion into *Anandale*, where they had a ſharp Diſpute with the Inhabitants of that Vale, but at laſt having put them to the Rout, killed a great many of their Men, and burnt about ten Villages, they return'd home on *Chriſtmaſs-Eve* with ſeveral Priſoners, and a conſiderable Booty. This was the Sum of the War during this Winter.

[5] *Id Col.* 2522. Upon this ill News the Prince, Guardian of the Kingdom, calls a great Council or Parliament.

But it is now time to return to *England*, and ſee what paſſed there in the mean time. So [5] ſoon as the Prince, whom the King had left Guardian of the Kingdom, had heard the ill News of the late Defeat of the *Engliſh* Army, the Councellors that the King had left to adviſe him, perceiving the great Danger the Kingdom was in, perſwaded him to be reconciled to the Two Earls, the *Conſtable* and *Marſhal*, as alſo to call a great Council of the Lords, Biſhops and Abbots; in complyance with which Advice, he on the Ninth of *September* iſſued out Writs to the Archbiſhops, Biſhops, Earls, Barons, &c. to meet on the Morrow after St. *Michael* at *London*, to conſult with him and thoſe of his Council concerning the urgent and arduous Affairs of the Kingdom. But though at the end of the Writ of Summons directed

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o the Archbiſhop of *Canterbury*, there appear no more Names entred pon the Roll, than the Archbiſhop himſelf and Six other Biſhops, with wenty three Abbots and Priors, and only the Earls of *Hereford* and *orfolk* with Eight Barons; and though no Writs are now extant that ere ſent to the *Commons*, yet that this was a Common Council or arliament of the whole Kingdom, and not a particular Council of iſhops, Abbots and great Lords, will appear from the following eſtimony of Two unqueſtionable Manuſcript Authors of that time, s alſo from the great Tax which the Clergy, Lords and Commons, ranted to the King at this Parliament when they met.

That this was a Parliament, notwithſtanding no Writs are extant for Summoning the *Commons*.

~~But~~ In the interim, [5] a little before this Parliament could meet, he Earls of *Hereford* and *Norfolk*, with the other Diſcontented Earls and arons of their Party, held a Council at *Northampton*, to conſult about he Means how the late Grievances might be redreſſed; ſo that when he Parliament met at *London*, to conſider of making up all Breaches etween the King and his People, the Earls and Barons abovementioned could not, without ſome difficulty, be brought to appear at *London*, until it was agreed, by the common Conſent of the Prince and his ouncil, that the *Great Charters* ſhould be confirm'd, and divers other rticles that were added to it ſhould be granted; and then they readily met the reſt of the Eſtates of the Kingdom in Parliament, whom ur [1] Author thus reckons up, *viz.* the Archbiſhop of *Canterbury*, ith the Prelates and Clergy, the Earls and Barons, and the *Knights of hires*, and the *Repreſentatives* of the *Cities* and *Boroughs*. ×

[5] C. J. Everſden. The diſcontented Earls and Barons hold a Council at *Northampton*, and at laſt agree to come to *London*.

[1] C. Norwic. The Eſtates that met at this Parliament.

× And ye King now to sweeten all things against the ensuing Parliament, issued out certain Writts to all the Sheriffs in England, giving them notice, that notwithstanding the King for ye urgent necessity of his Kingdom, had for ye good & safety thereof leavyed an eighth Part of the Goods of all Laymen throughout the Kingdom, yet, that he now granted & confirmed for himself & his Heirs the great Charter of ye Liberties of England, together with the Charter of Forests, & was also ready to grant to all and singular Persons of the said Kingdom his Letters Patents, that the said eighth Part shall not tend to the Prejudice, servitude, or Disinheritance of any Person, or be drawn into Custom or Example for the future, and further commands them to cause to be elected out of each County two Knights with full Power from ye Community of ye same, to appear before his beloved son Edward his Lieutenant in England, so that they appear at London on the Octaves after Michaelmas at furthest, there to receive ye said Charters of Confirmation, for & on the behalf of the said Community, and to do what else shall be thought convenient to be ordained by the said Prince and his Council. This bears Date at St. Pauls the 15th. Day of December this year and the Reader may take notice, that these Writs were also Writts of Summons for ye Knights of hires to appear in Parliament, altho' thro' the straitness of ye Time they had not forty Days notice f it; and this further appears by the Return of the Writs, with the Names of the several Knights, & ir Manucaptors endorsed by the Sheriffs on the backsides of these Writs: & that these Writs are not nly found in a loose Bundle in the Tower, but are also entred on the Rolls & published in R— oll: p. 790.

But though the Diſcontented Earls and Barons were at laſt perſwaded o obey the Prince's Summons, yet did not they think it ſafe to apear unarmed, but were attended with five hundred Horſe, beſides a reat many choſen Foot; nor would they enter the City before they ad Liberty to place their own Guards at all the Gates; and then y the mediation of the venerable Father, *Robert* Archbiſhop of *Canterbury*, there was an Agreement made between the King and them, n Condition He would confirm the *Charter* of *Foreſt* and the *Great harter*, with ſome other Articles added to it, which are now entred in ur *Statute-Books*, under the Title *de Tallagio non concedendo*, being the ame with that in *Knyghton* and *Walſingham*, and which is Printed in ir *Edward Coke*'s Second *Inſtit.* though he miſplaces it in the hirty fourth Year of this King, but is to be found upon the Statute Roll 25 *Ed.* I. *M.* 38. with this *Memorandum* at the end of it, That his Charter or Confirmation was ſealed in *Flanders*, with the King's reat Seal, at *Gaunt*, the Fifth day of *November*, in the Twenty fifth ear of his Reign.

[2] H. K. Col. 2523. The diſcontented Lords come thither with a great Retinue.

The Statute *de Tallagio non concedendo*, firſt paſſed. *Fol.* 532.

The Effect [3] of which Statute is, That the King ſhould for the uture impoſe no Talliage, Aid or Tax on his Kingdom without the onſent of the * *Great Men* thereof; and who theſe were, I refer You o the Statute it ſelf, ſet down at large at the end of this Reign. And t the ſame time there was alſo a Pardon paſſed before the Prince nd his Council, and ſealed with their own Seals, ‘for *Humphry de Bohun* Earl of *Hereford* and *Eſſex*, *Roger Bigod* Earl of *Norfolk* and *Marſhal* of *England*, the Lord *John de Ferrars*, with all other Earls, Barons, Knights and Eſqs; and all thoſe who had been of their Society and Confederacy; as alſo to all ſuch *Military* Tenants as having Twenty Pounds in Lands *per Annum*, had fail'd to go over with ‘the

[3] H. K. Col. 2523. The Effect of this Statute.

* *Magnatorum.*

A General Pardon alſo paſſed with it; and the Effect thereof.

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‘ the King into *Flanders*: And it alſo remits to them all Rancor and ‘ Ill-Will, which the King might have concealed by reaſon thereof, and ‘ Pardons them all Tranſgreſſions done againſt him to the paſſing of ‘ this Charter; and then concludes with a Clauſe, That the Archbiſhops ‘ and Biſhops of *England* ſhould twice in the Year denounce Sentence ‘ of *Excommunication* againſt all thoſe that ſhould preſume to tranſgreſs ‘ them.

This Pardon and the Statute abovementioned both confirmed at *Gaunt* by the King.

* *Rot. Stat.* 25 *E.* I. *M.* 28.

This Pardon (of which I have only here given you an Abridgment) was twice paſſed, once before the Prince, dated the Tenth of *October*, and is that which is cited by our Hiſtorians in *Latin*; but the other (which is alſo entred on the Statute * Roll in the *Tower*) being in *French*, bears date at *Gaunt* the ſame day with the Statute *de Tallagio non concedendo*; of which laſt I need ſay no more here, ſince the Reader may find it at large at the end of this King's Reign. But to proceed to the reſt of this Relation concerning the Pardon.

[4] *H. K.* 2524. The Prince promiſes to procure his Father's Confirmation of this Pardon.

When [4] Prince *Edward* had by his Letters Patents Pardoned the ſaid Earls and all their Adherents, he promiſed alſo to procure his Father's Confirmation of it; and the King's Councellors who were then preſent engaged alſo to ſee the ſame performed. Then the Archbiſhop of Canterbury, and the Archbiſhop elect of *York*, with other Biſhops, the Earls of *Cornwal*, *Surrey* and *Oxford*, as alſo the Lords, *John Gifford*, *Henry de Piercy*, with divers other Clerks and Laics, all ſwore, for the greater Security of the Matter, That they would preſerve the ſaid Earls, with their Adherents, ſafe and indempnified againſt their Lord the King.

[5] *Id Ib.* The ſaid Earls agree to go over into *Flanders*, or elſe to march againſt the *Scots*.

And it [5] was alſo further agreed, That if they ſhould receive ſuch a favourable Anſwer from the King, by the Feaſt of St. *Nicholas* (being the Sixth of *December* next enſuing,) as ſhould confirm all that had been done now, then the ſaid Earls ſhould either go over to the King into *Flanders*, or elſe march againſt his Enemies in *Scotland*. Things being thus ſettled and concluded on, expreſs Meſſengers were ſent to the King with theſe Charters; his Secretaries alſo wrote to Him, that if He deſired to preſerve his Honour with his Eſtate and Kingdom, He ſhould ſend back thoſe Inſtruments under his *Great Seal*: Which Letters when the King had received, He was in a great Strait, (being unwilling to grant ſo much at once) but after three days Conſideration, thought it beſt for Him to do it; and ſo, that He might retain the Hearts and Affections of his Subjects, He conſented to confirm all thoſe *Charters* which had been ſent Him over; which He then did by his *Charter* in *French*, bearing date the ſame day with the *Statute* and *Charter* abovementioned, and which, being never before Printed, you ſhall find in the *Appendix* faithfully tranſcribed from *Walter Hemingford*'s Manuſcript Chronicle, and compar'd with the Roll in the *Tower*.

The King confirms both the Statute and Pardon, though with ſome difficulty.

[1] *Id. Ib.*

Which are again confirmed in the next Parliament, wherein a great Tax is given.

Theſe [1] Charters being ſent over, were received with great Satisfaction, all Men rejoicing to ſee this happy Day of Unity and Peace between the King and his People: But the Manuſcript Chronicle of *Norwich* relates, That the aforeſaid *Charters* and *Statutes* were then again confirmed, in either the ſame, or another Parliament, that met at St. *Edmundsbury* for that Purpoſe; in which the *Great Men* and *Commons* gave the *Ninth* part of their Goods; But the Archbiſhop of *Canterterbury*, with the Clergy of that Province, a *Tenth*; and the Archbiſhop and Clergy of *York*, only a *Fifth* part of their Goods, be-

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cauſe they were moſt expoſed to the Incurſion of the *Scots*: Yet this is further to be noted, That the *Wool* which had been already taken from the Clergy and Laity was to be reckoned as part of the ſaid Tax. And at the ſame time, this Parliament took off all illegal and exceſſive Cuſtoms upon *Wool* and *Leather*, which had been impoſed by the King.

[2] *Id. ib.*

I cannot but here obſerve, [3] That the *Tenths* were now given by the Clergy without the Pope's Licence; yet our Monkiſh Writers have found a *Salvo* for this, and tell us, That though they were not to give the King any Aid to make Foreign Wars or Invaſions, without waiting for the Pope's Licence; yet were they not debar'd, by his late Bull, from granting Aids for the neceſſary Defence of the Kingdom againſt the Common Enemies, the *Scots*, that were then ready to invade it: Which Diſtinction, how reaſonable ſoever it may be in it ſelf, yet what way they could then take upon them to make it, I do not underſtand, ſince the Pope's *Prohibition* is very ſtrict and expreſs, That no Prelate whatſoever, Eccleſiaſtics, *&c.* ſhall Pay or Grant to Pay any Taxes or Impoſitions ſo much as an Half, *&c.* or any part or Portion whatever, of the Revenues of their Church or Goods, to Laymen, under the Name of an Aid, Aſſiſtance, Loan, or Gift, or under any other Pretence or Colour whatſoever, without the Authority of the ſame See. This I obſerve, to ſhew the Reader, That the late Refuſal of the Archbiſhop and Clergy to Aſſiſt the King, was rather out of Wilfulneſs than any real Cauſe.

[3] *Id. ib.* In which alſo the Clergy give a *Tenth*, without the Pope's Leave.

Not long after the King had thus confirm'd the Charters abovementioned, He ſent over particular Letters to the Earls and other Great Men then in *England*, commanding them, That as they valued his Honour, and that of the whole Kingdom, they ſhould, under the Command of the Earl of *Surry*, his General, march into *Scotland*, to repreſs the Inſolence of that Nation: And He prefixed the Octaves of St. *Hillary*, as the day on which He would have them meet at *York*; and that in the mean while, they ſhould prepare themſelves for that Expedition. He alſo at the ſame time, wrote Letters to the Great Men of *Scotland* that had continued firm to his Intereſt, That they ſhould not fail to appear at the Parliament which He intended ſhould then be held at *York*. And thus all things remain'd in the ſame State, both in *England* and *Flanders*, for the reſt of this Winter.

[4] *H. K Col.* 2525. The King Writes to all the Nobility to march forthwith againſt the *Scots*.

I cannot find any Military Matter worth noting, to have been done by the King whilſt He lay at *Gaunt* this Winter, [5] only that the Citizens thereof being diſcontented at the Quartering of his Soldiers that committed many Diſorders, took the Advantage, whilſt He rode out of the City to take the Air, and ran to their Arms; and ſhutting the Gates againſt Him, fell upon the *Engliſh* Gariſon in the Town, and ſlew many of them; but they being at laſt too hard for the Citizens, not only defended themſelves, but ſetting open the Gates, let in the King, who Heading his Men, ſoon quieted that Sedition, though not without great hazard of his Perſon from the Arrows which the Townſmen ſhot at Him: And preſently after *Candlemaſs*, a much worſe Commotion happened between the King's Soldiers and the Townſmen; for [1] theſe watching their Opportunity, ſhut up the Gates, and would not let any more of the *Engliſh* enter the Town; then falling upon thoſe that were in their Quarters, ſlew a great many of them: But when

[5] *C. I. E.* A great Inſurrection in *Gaunt*, againſt the *Engliſh*, which is quell'd by the King's Soldiers.

[1] *Chron. Abing.*

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when the King heard of this Aſſault, He preſently Commanded his Men to their Arms, and was immediately attended by a ſtrong Party; in the mean while, the Foot who were encamped without the Town, hearing the noiſe within, and ſuppoſing not only their Fellow Soldiers, but the King Himſelf to be in Danger, they preſently marched to the City, and ſetting fire to the Gates, entred by force, and routing thoſe they found in the Streets, Plunder'd their Houſes, until at laſt they forced them to yield, and to be at quiet; and had it not been for the Earl of *Flanders*'s Interceſſion, much greater Miſchief might have been done: But the Tumult being over, the King, to give the Townſmen ſome Satisfaction, was pleaſed to cauſe ſeveral of his Men to be Executed by *Martial Law*, for breaking into Houſes, and Plundering them, contrary to his Orders; and alſo Pay'd them a great Sum of Money for the Loſſes they had ſuſtain'd. I have placed theſe Two Actions, being of the ſame nature, together, though the latter of them did not happen until the beginning of the Year following, according to our Account.

The King makes the Townſmen Satisfaction for their loſſes.

But to come to Matters of greater moment: I find no Action between the King's Army and that of *France* this Winter; for His Majeſty being now weary of this War in *Flanders*, into which He had been imprudently drawn by the Perſwaſions of the Earl (who was not able to give Him any conſiderable Aſſiſtance) and alſo finding the War in *Scotland* to have proved very unfortunate, it made Him reſolve to agree to the Propoſal which the Pope had ſome Months before made, and declared by his own Authority, for a Truce during the ſpace of Two Years, under pain of *Excommunication* upon all ſuch as would not ſubmit to it; though ſince the Pope's Power in making this Truce had been **proteſted* againſt by the King of *France* (as denying his Superiority in Temporals) and the King of *England* had not hitherto ſubmitted to it, yet now being weary of the War, [2] He took an Opportunity to uſe the Mediation of *William de Hotton*, a Friar Minor, then Archbiſhop elect of *Dublin*, who being well acquainted with the King of *France*, under pretence of going to the Pope about his own Affairs, had obtain'd that King's Letters of Safe-Conduct, to come ſecretly and to treat with Himſelf and his Council; and the Biſhop ſo well managed this Affair, that at laſt he prevailed with Him to conſent to appoint certain Commiſſioners to treat with Others, to be ſent from the King of *England*, about a Truce; which being agreed to, there met at *Tournay*, for the King of *France*, the Duke of *Burgundy*, the Count of St. *Paul*, the Earl of *Bretaign*, the Lord *de Neſle*, and the Biſhop of *Auxerre*, with ſome others; and for the King of *England*, *Anthony* Biſhop of *Durham*, with divers other Noblemen and Biſhops, whom my Author does not mention; and theſe, after ſome Treaty, agreed upon a Truce for Two Years, *viz.* from the Feaſt of *Epiphany* next enſuing, to the ſame Feaſt again; but with this *Proviſo*, That if, at the Expiration of the ſaid Truce, a perfect Peace were not concluded between the Two Kings, the Money depoſited by them, as a Caution for their true Performance, ſhould be return'd; and that in the mean while, both Princes ſhould ſtand to the Award of the Pope, and ſend their Ambaſſadors to him on purpoſe about this Affair; the effect of which Ambaſſy we ſhall find anon.

The King grows weary of the War in *Flanders*.

The Pope propoſes a Truce between the Kings of *England* and *France*, which the latter proteſts againſt.

**Vid.* this Proteſtation in a Treatiſe, Entituled *Procès des Libertes, d Egliſe Gallicane*, Ch. 7. f. 95.

[2] *H. K.* 2525, 2526. *Chron. Abing.*

The Commiſſioners appointed for the Treaty meet at *Tournay*, and agree upon it, with the Conditions of it.

But that our Hiſtorian is miſtaken, in ſuppoſing this Truce to have een made at firſt for two Years, appears from the * Inſtrument it ſelf, ill preſerved among the Records of the *Tower*, wherein it is only ſtiled *Sufferance*, or Forbearing all Acts of Hoſtility by Sea and Land, beween the King of *England* and his Allies on the one part, and the King f *France* and his Allies on the other, until the Feaſt of *Epiphany*; for e Dutchy of *Aquitain*, and for the Earldom of *Flanders*, and all other arts, until the Octaves of St. *Andrew*, (or the 7th of *December*) dated n the Feaſt of St. *Denis*, (that is the 9th of *October*) in the Year of Grace 1297. in which there are alſo the Names of the *Engliſh* Confederates, that is ſo ſay, The King of *Almain*, or Emperor, the Earl of *Flanders*, the Earl of *Savoy*, the Earl of *Bar*, the Duke of *Brabant*, the Earl of *Holland*, the Earl of *Montbeliard*, with many other great Lords f *Burgoin*, *Aylmain*, *Brabant*, *Holland*, *Gaſcoigne*, and *Arragon*, whoſe Names being now to us unknown, I omit. By this Truce, all Trade nd Commerce was to be exerciſed as before.

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A fuller Account of this Treaty from the Records in the *Tower*.

* *Vid.* Bundle of Writs of Privy Seal in the *Tower*. It is Printed in *Pryn's* 3d Volume of *Papal Uſurp.* P. 757.

This * Inſtrument being encloſed in Letters under the Privy-Seal, dated at *Gaunt* the 15th of *October*, in the 25th Year of his Reign, was ſent to his Son, enjoyning him to ſee it kept in all Points through the Realm; and to that purpoſe, on the 20th of *October*, He ſent it to all Ports in *England* to be Proclaimed, and ſtrictly obſerved in all it's Articles, as appears by the † Writ ſtill upon Record in the *Tower*.* Not long after which, by the ſame Commiſſioners on both ſides, this Truce was prolonged until *Lent* next following: The Inſtrument whereof being Sealed with their Seals, and dated at *Grolingues* Abby near *Courtray* in *Flanders*, *November* 23. 1297. is to be found in the Bundle of Writs above-mentioned.

* *Ibidem.* Printed in *Pryn's* Hiſtory of *PapalUſurp.*

The Truce is Proclaim'd in *England*.

† *Clauſ.* 25 *Ed.* I. *M. Dorſ.* in *Cedula.*

* And the Ratification of the said Truce on the King of France's Part, being almost in the very same Terms with that of King Edward's, bears Date on the Feast of St Dennis An: Dom: 1297. is entered on the Rolls [Rot: Aleman: 25. Ed: I. m. 19.] & is published in R—s Coll. p. 795. 796.

King *Edward* keeping his *Chriſtmaſs* at *Gaunt*, on St. *Innocent*'s Day, (or 28th of *December*) being the 26th Year of his Reign, there came to Him the Maſter of the Order of Preachers, and the General of the Friars-Minors, who had been lately with the King of *France* about the ſame Buſineſs, and beſought, on the Pope's behalf, That both the Kings would ſend their Commiſſioners to *Rome*, with full Powers to treat of Peace; the Pope, promiſing, (not as a Judge, but kind Mediator, and in Prejudice to neither) to endeavour to ſettle Peace and Tranquility in both Nations, and reſtore the former Friendſhip between the two Kings: And becauſe that could not be accompliſhed without a longer Truce, therefore the Pope by theſe Meſſengers publiſhed again a two Years Truce, which he had declared under pain of *Excommunication* and *Interdict* of both the Nations; which tho' it was then refuſed (as hath been already obſerved) yet now both the Kings therein concern'd were not only willing to agree to it, but not long after ſent their Ambaſſadors to *Rome*, and by them referr'd all Differences between them to *Boniface* the VIII. as *Benedict* of *Cajeta*, not as Pope, but as a private Perſon, as will appear by his own Inſtrument or Bull, containing the Terms of the Peace he had made between the two Kings, which you will find more at large hereafter. But it is time to return to the Affairs of *England*.

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T. W.

Whilſt the King is at *Gaunt*, the General of the *Fryars Minors* comes to the King from the Pope, to propoſe a Peace, wherein he offers himſelf to be Mediator.

Which Propoſal is agreed to by both Kings, who ſend their Ambaſſadors to *Rome* about it.

The King having order'd the Prince his Son to Summon a great Council of the Nobility at *York*, (which my Author calls a Parliament, tho' the Commons did not meet there) the Barons, Great Men, and Tenants *in Capite*, met accordingly, on the Octaves of St. *Hilary*, ſo that

[3] *H. K. Col.* 2525.

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A great Council at *York*, where, beſides the Conſtable and Marſhal, there is a vaſt Concourſe of the Nobility; and the great Charter is again Confirm'd, and Sentence of Excommunication Denounced againſt all that ſhould Infringe it.

that there was a great Appearance: For beſides the Conſtable and Marſhal, who were now reſolv'd to act againſt the *Scots*, there were alſo the Earl of *Warren* and *Surrey*, (the King's General) the Earls of *Glocester* and *Arundel*, and many other Earls and Barons, who after ſome Deliberation were all of Opinion, That for the Satisfaction of the common People, the King's late Confirmation of the *Great Charter*, and that of *Foreſts*, ſhould be firſt Read and Publiſhed, together with the Additional Articles abovementioned. This being perform'd, the Biſhop of *Carliſle* was commanded to Denounce (in his *Pontificalibus*) Sentence of *Excommunication* againſt all Violaters thereof, which gave an entire Satisfaction to the People.

[4] *Id. Ib.* A General Muſter of the whole Army appointed at *New-caſtle*, in order to march againſt the *Scots*; where appears a vaſt Force. The *Scots* upon the approach of the *Engliſh* retire further into their Country, having Deſerted *Berwick*. The King ſends Orders to the Earl of *Surrey* not to Fight the *Scots* till he comes over.

[4] But the *Scotiſh* Noblemen (who had been Summon'd thither) neither coming nor ſending any to appear for them, the *Engliſh* Nobility appointed, That within Eight days, there ſhould be a General Muſter of the whole Army at *New-caſtle upon Tine*, that ſo they might march from thence againſt their Enemies: Which being done at the Time and Place appointed, the *Engliſh* Army at this Muſter appeared to be Two thouſand choice Horſe well Armed, but of Light Horſe more than Two thouſand five hundred, and of Footmen, (taking in the *Welſhmen*) above One hundred thouſand. Then the Prince, with all the Noblemen abovementioned, marched againſt the *Scots*; who, ſo ſoon as ever they heard of the Approach of the *Engliſh* on their Borders, raiſed the Siege of *Roxburgh*-Caſtle, where the Biſhop of *Glaſcow* was at that time kept Priſoner, and retired further into the Country. Then the *Engliſh* Commanders, after they had relieved that Caſtle, went on as far as *Kelſo*, and from thence they turn'd aſide to take in *Berwick*, which they found quite deſerted by the *Scots*. But in the beginning of *Lent*, whilſt they ſtayed there to refreſh their Men in order to march again into *Scotland*, they received freſh Orders from the King by an Expreſs, commanding the Earl of *Surrey*, and the reſt of the Great Men with him, not to proceed farther in that Expedition; ſince, having now ſettled his Affairs beyond Sea to his Satisfaction, He intended (God willing) to come over into *England* with all poſſible ſpeed, and would then march with them in Perſon againſt the *Scots*. Upon the Receipt of theſe Letters, the Great Men abovementioned only retain'd about Fifteen hundred ſelect Horſe and Twenty thouſand Foot, ſending all the reſt to their own Homes; and with theſe Forces the Commanders ſtaid at *Berwick*, waiting for the King's Return, being in a Poſture to reſiſt their Enemies.*

*And if we look beyond Sea, it further appears, that both Kings being now weary of the War, in Order to a more sedate Treaty of Peace, prolonged ye said Truce for themselves and their Confederates, from Friday before the Purification of our Lady, until the Feast of Epiphany next ensuing, as appears by a Copy of the King of France's Letter still extant on the Rolls [Rot: Al. 27. Ed: I. m. 9] vid: R—'s Coll: 804, 805. And it further appears from ye same Rolls, that the King by certain Letters directed to the Pope lets his Holiness understand, that he earnestly desir'd, that all Discords and Quarrels between himself and the King of France might be speedily compos'd, and to apply such Remedies thereunto as his Holiness should judge most convenient, that he had sent the Arch-Bishop of Dublin and the Earl of Sa with two other Noblemen to lay that Affair before his Holiness.
And at the same Time the King wrote likewise to the Colledge of Cardinals to further it as mu they could: Both those Letters bear Date at Ghent 1297. but it should be —98 according to ye English Account of that Time, vid: R—'s Coll: p. 808. 809.

[5] M. W. The King having ſettled his Affairs in *Flanders* returns into *England*.

And He [5] in the mean time having concluded the Truce with the King of *France*, and ſettled his Affairs in *Flanders*, took Shipping, and landed at *Sandwich* the 21ſt of *March*, being received by the Nobility, and all ſorts of People that met Him there, with loud Rejoycings and Acclamations.

And to gain the good Will of the People, iſſues out a Commiſſion concerning the value of the Proviſions and Commodities that had been taken up for his Fleet.

Preſently after his Landing, to make good the Promiſe He had made upon his going into *Flanders*, and to Endear Himſelf the more to his People, He iſſued out his Commiſſions to Two Knights, one appointed by the King, and the other by the Inhabitants of the Countries, and one Clerk, with one Religious Perſon to be aſſigned by the Biſhop of the Dioceſs; who were to enquire, by the Oaths of Lawful Men of every County, in what manner, and how much Wool, Wool-fels, Leather, Grain, Beaſts, Fleſh, Fiſh, or other Goods, had been wrongfully and illegally taken from the Clergy and Laity, for Victualling and Setting

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Setting out his Fleet, or for other Matters, [illegible]nce the War with France: But whether the King ever made any su[illegible] Satisfaction to his Subjects, in perſuance of his Enquiry, I no where find. ×

× But I must there observe, that Mat: of Westminster, whose authority I follow in this Relation, is mistaken in making one of ye Knights appointed Commissioner for the Purpose above mentioned to have been chosen by the Counties, for they were both nominated by ye King as appears by this Commission entered on ye Rolls of this year [Rot: pat. 26. E. I. m. 21] bearing date April 4th & in which it is expressly recited, that the King before his Passage into Flanders having a great desire to redress the Grievances of his Subjects, therefore to bring the business to a due Effect, he had appointed the two Persons named in that Commission to make the said Enquiry and to return it up to ye King Vid: R—'s Coll: p. 815.

Immediately upon the King's Arrival, * He iſſued out Writs of Summons o the *Militia* of the Nation, to meet Him at *Carliſle* on *Whitſon*-Eve, with heir Horſe and Arms to go againſt the *Scots*, whoſe Power was now become ormidable, and their Forces Numerous: And beſides this, on the Tenth of *April*, He Summoned all the Earls and Barons, Two Knights of every hire, Two Citizens of every City, and Two Burgeſſes of every *Burgh*, to meet and treat with Him at *York* the *Whitſontide* following, about certain rduous Affairs, that concern'd Him and the whole Kingdom. [1] And arther, He ſent his Summons to all the Great Men of *Scotland* of his Party, That if they continued in their Allegiance to Him, they ſhould ot fail to meet Him there at that Time without any Excuſe; otherwiſe they ſhould be eſteemed as Enemies, and be dealt with accordingly.

* *Rot. Clauſ.* 26 *Ed. I. M.* 5. *Dorſ.*

The King iſſues out Writs for the *Militia* of the Nation, to meet Him at *Carliſle*, to go againſt the *Scots*.

[1] C. *W.* H.

The Parliament being met, the Earls, Conſtable and Marſhal, fearing a Change in the King's Mind concerning the *Charters* of *Liberties* nd the *Perambulations* of *Foreſts*, becauſe they had been confirmed nder the Great Seal whilſt the King was beyond Sea, and not in *England*, plainly told Him, That unleſs He would now Ratify them anew, they hould go no further with Him: Whereupon ſince the King's Affairs required Diſpatch, and that the ſettling of theſe things as they ſhould be, ould take up too much time, therefore the Biſhop of *Durham*, the arls of *Surrey*, *Warwick* and *Gloceſter*, took upon them to Swear on His ehalf, That He ſhould perform what they deſired at his Return from at Expedition; with which Engagement the Earls, Barons, and Great Men being very well ſatisfied, and all Jealouſies for the preſent removed, ey marched againſt the *Scots* with great Courage and Chearfulneſs: ut as for the *Scotiſh* Nobility, they neither came, nor ſent any Excuſe hy they did not obey the King's Summons. But I ſhall now give you e Particulars of this Summer's Expedition.

[2] *Id. ib.*

The Conſtable and Marſhal inſiſt to have the Charters of Liberties, and of Perambulations of Foreſts, confirmed before they would march with Him; whereupon, certain Biſhops and Lords Swear on the King's behalf, That He ſhall do it after his Return.

[3] the King leaving *York*, marched forward, and met the reſt of his rmy that waited his coming at *Berwick*, having ſent the greater part his Forces before a nearer way, which were order'd to join Him at oxborough by *Midſummer*; at which time muſtering his Army, He found e had 3000 choice Horſe, or * Men at Arms, beſides 4000 light armed orſemen; but as for the Foot they made about 80000, moſt of whom ere *Iriſh* or *Welſhmen*: Then the King Advanced by eaſie Marches ith the whole Army, ſpoiling and burning the Country as they went, ntil they came to a Place called *Temple's-Town*, lying near the Sea, here He expected the coming up of his Fleet with Proviſions for s Army; but the Wind being croſs and high, the Fleet could not t to them for ſome time, inſomuch that they were put to great aits for want of Victuals; which the *Scots* underſtanding, they ſtened all they could to come and take them thus unprovided; but e Wind chopping about on the ſudden, the Ships got to them ſonably enough to defeat the Enemies Deſigns.

[3] *Chron. Abing.* H. K.

The King coming to *Roxborough*, muſters his Army.

* *Note*, Men at Arms, always ſignify Armed Cap-a-pé.

The King being come into *Scotland*, is in great want of Proviſions, by reaſon his Fleet came not to Him.

Whilſt the King ſtayed there, it was told Him that many of e *Scots* were in the Caſtle of *Drilington*, and in Two other neighuring Caſtles, which the King had paſſed by, and that they undered the adjoining Country: He thereupon ſent the Biſhop of

[4] *Id.*

He ſends to take in certain Caſtles.

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Durham to beſiege and take in thoſe Caſtles; who finding that of *Dri-lington* to make a ſtouter Reſiſtance than he expected, and that his Men had nothing to eat, but ſuch Pulſe as they gather'd in the Fields, he ſent to the King to know His further Orders: Wherefore ſuppoſing that the Biſhop was now weary of the Siege, He ſent thither a Courageous Knight, called Sir *John Marmaduke*, whom He commanded, *Not to See his Face till thoſe Caſtles were taken*: But in the mean while the *Engliſh* Army receiving Three Ship-loads of Proviſions, they took freſh Courage, and aſſaulting that Caſtle, took it in three days; and preſently after, another Party took in the reſt of thoſe Caſtles.

The *Engliſh* Army recieve ſome Proviſions.

[5] *Id. ib.*

Yet by reaſon of the Fleets not coming, there ariſes a grievous Famine in the Camp, till ſome Ships came in with Proviſions.

Yet notwithſtanding this Succeſs, the reſt of the Ships with Proviſions, being kept back by contrary Winds, could not come up; which cauſed ſo grievous a Famine in the Camp, That the King was about to return to *Edinburgh*, when ſome of them came in with Proviſions (though not the Grand Fleet, which was ſtill kept back;) however the hopes of the *Scots* were thereby diſappointed. Then all things being ready for their Departure, the King left *Temple*'s *town*, and took his way towards a Town called *Fawkirk*, giving Order for his whole Army to follow Him; and after Two days March, approaching near that Place early in the Morning, they ſaw the *Scots* afar off on the ſide of a Hill, drawing up their Men in order of Battel, being placed in Three round Bodies, conſiſting of Lances; and in the Spaces between them were placed their Archers, and ſomewhat behind ſtood all their Horſe; which being much inferior to the *Engliſh*, [1] *William Wallys* their General, aſſiſted by ſome of the *Scotiſh* Nobility, was reſolved to Fight on Foot; but for their better Security, they ſtrengthned the Front of their Army with certain Paliſado's ſtuck in the Ground and tied together with Ropes. Before the Battel, *Wallys* made them a ſhort Speech, of which we have no more than this: *I have brought you to the King; hop* (i. e. *run*) *if you can, or dare*. Then, upon a Signal given by the King, the firſt Battalion boldly attacked the *Scotiſh* Army, whoſe Horſe being few and weak, firſt gave ground, and ran away, leaving the Foot to ſhift for themſelves; and the *Palliſado's* ſoon broken afterwards, the *Engliſh* fell in upon the *Scotch* Foot with that violence, that the Lances, not able to bear the gauling of the *Engliſh* Arrows, firſt gave Ground, and then were utterly put to Flight; in which, and in the Battel it ſelf, *Walſingham* ſays, Sixty thouſand of them were ſlain, which is indeed incredible; but *Everſden* and the *Norwich* Chronicle are more modeſt, and do not reckon above Fifteen thouſand, which I take to be the trueſt Account, though *Nicholas Trivet* reckons them at Twenty thouſand: But of the *Engliſh*, though ſome were ſlain, we do not find how many; yet no Perſon of any Note is mentioned, except *Adrian Le Say*, Maſter of the Knights-Templars, who was killed in the eager perſuit of the Enemy. As for *Wallys*, and the remainder of the *Scotch* Army that eſcaped, they ſaved themſelves by the benefit of the Night, flying to their wonted Retreats, the Woods and Mountains. Sometime after the *Scotch* Forces rallied again, and having burnt the Town of *Sterling*, retired into the North, beyond the *Fryth*, or River that runs under that Place.*

[1] *T. W.*

The King Fights the *Scotiſh* Army, lead by *Wallys*, and gives them an entire Defeat.

The vaſt number of the *Scots* then Slain.

And but very few of the *Engliſh*.

* I must not here omit a passage that plainly shews the invincible Courag of this King, that just before the battle above mentiond, ~~the~~ his being frighted at the sudden shouts of the Soldiers, flung the King was just ~~ready~~ geting up, and when he was fallen, striking at him of his ribs; notwithstanding which accident, and the paine he must dured, he immediately mounted another horse, and did not omit to Army to the battle, in which he plays the part of a valiant general. Hemingii Histor. ad hunc annum. publisd in Lelands Collectan: vol: 385

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But the [2] *Scotiſh* Hiſtorians do extreamly leſſen this Victory, and will not own above Ten Thouſand Men to have been then loſt on their ſide; and they aſcribe this Defeat to a Quarrel that happened among the Generals, who ſhould command in Chief; and that the Lord *John Comyn* envying *Wallys*'s Reputation, withdrew himſelf from the Battel, together with all his *Military* Tenants or *Feudataries:* And as to *William Wallys*, they further relate, That ſo ſoon as he got to *Perthe* he diſmiſſed the Remainder of his Army, and though he never acted any more as a General, yet with a flying Party of his Followers, did not fail to infeſt the *Engliſh* whenever any Opportunity offer'd.

[2] *Hect. Boeth. L.* 16. *Buchan. L.* 9.

The different Account the *Scotiſh* Hiſtorians give of it, and the occaſion of this defeat.

King *Edward* having obtained this great Victory, treated his Priſoners, and all the *Scotiſhmen* He could light on, with due Severity, and then ſent over His Army on the other ſide the *Frythe*, which burnt and laid waſt moſt of the Towns there as far as *Perth*, ſpoiling all the Country round about, and taking the Homages and Fealties of thoſe *Scotiſh* Gentlemen that would come in and ſubmit to Him*:* But whilſt the King deſigned to have marched farther, He was defeated of that Intention, becauſe the Country being utterly waſted, and his Fleet with Proviſions not arriving as was expected, it cauſed ſo great a Scarcity in his Camp, that forced Him to retire through the Foreſt of *Selkirk* toward *England*, taking by the way the Caſtles of *Ayer* and *Loughmaban* in *Anandale*; and from thence He came to *Carliſle*, where the Earls of *Hereford* and *Norfolk*, being diſcontented that the King had done ſeveral things without their Privity, pretended their Horſes and Men were quite tired and worn out, and ſo took their leaves of Him and returned home*:* But as for Himſelf He went to *Durham*, where He held a great Council in the beginning of *September*, in which He beſtowed on ſeveral great Men of *England* and *Scotland* the Eſtates of ſuch *Scotiſh* Noblemen as had late rebelled againſt Him. I ſhall here only obſerve, That for want of a timely ſupply of Proviſions, the King loſt the faireſt Opportunity He ever had yet of totally reducing that Nation, there being no Enemies left in the Field to oppoſe Him. After this He removed to *Tinmuthe*, and from thence to *Cottingham* near *Beverly*, where He kept his *Chriſtmaſs*.

[3] *Chron. Ab.* The King marches further into *Scotland*, and burns and ſpoils the Country.

Yet is at laſt forced to return into *England* for want of Proviſions.

He holds a great Council at *Durham* where He beſtows the Eſtates of the *Scotiſh* Noblemen, his Enemies, upon thoſe that had ſerved him.

But [4] to put all theſe Northern Affairs together, the *Scots*, notwithſtanding their late loſſes, now took advantage of the King's Departure, and again taking heart, raiſed a freſh Army, and choſe the Lord *Comyn* for their Governor; who by Advice of a great Council of the Nobility, ſent Envoys to the Pope and King of *France*, and by their Mediations they ſometime after obtained a Ceſſation of Arms till the Summer following; which, being but ill obſerved by the *Engliſh*, the *Scots* took the firſt Opportunity to break, as you will find under the next Year.

[4] *Buchan. L.* 9. The *Scots* again take heart, raiſe another Army, and ſend Envoys to the Pope and King of *France* to interpoſe for 'em, who obtain a Ceſſation of Arms for a time.

To make an end of this Year with ſomething concerning *England*, I find nothing to have happened here remarkable, but the Death of two great Perſons, *viz. Humphery de Bohun* Earl of *Hereford*, and High Conſtable of *England*, who died ſoon after his Return from the *Scotiſh* Expedition; as did alſo *Guy Beuchamp* Earl of *Warwick*.

The Death of the Earl of *Hereford*.

As to Foreign Affairs this Year, [5] *Adolph* of *Naſſaw*, Emperor or King of the *Romans*, was Depoſed by the Electors and *German* Princes, and

[5] *Mezeray*'s Hiſtory of *France ad hunc An.* The Emperor *Adolph* is depoſed by the Electors, and *Albert* of *Auſtria* choſen in his room, who fights *Adolph*, and kills him in a Battel.

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Albert Duke of *Auſtria* Elected in his Room, who craftily beſtowed great part of the Money, which he had lately received from the King of *France* to corrupt the Princes of the Empire, and by their Suffrages ſo purchaſed, he obtained that Dignity for himſelf. But the Emperor *Adolph* was a Prince of too great a Spirit eaſily to part with his Crown; ſo the two Competitors coming to a pitch'd Battel on the Second of *July* near *Spire*, *Adolph* (though he fought with admirable Bravery, yet) being betrayed by his Commanders, there unhappily loſt his Life; and ſo that Diſpute was put to an End.

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having kept his Christmass at Codingham castle 27 Ed. 1 near Beverley and ~~[illegible]~~ ~~after being~~ returned &

Rot. Clauſ. M. 18. *Dorſ.* [1] *T. W.*

The K. holds a Parl. where he communicates the Articles of the Peace he had made with the K. of *France*.

King *Edward* being return'd out of the *North*, not long after *Chriſtmaſs* * held a Parliament at *London* on the firſt *Sunday* in Lent, [1] where He cauſed to be read before them the Pope's late Inſtrument or Award, which he had made and Publiſhed between the Kings of *France* and *England* the laſt Year, which (ſince it is very long and now become obſolete) I ſhall only give you the Heads of.

Firſt, After a Repetition of the Laſt Truce which had been already agreed upon, it farther recites, That whereas the ſaid Kings had by their Ambaſſadors and Procurators compromiſed unto him *Benedict of Cajeta*, as a Private Perſon (and not as a Pope) to be an Amicable Compoſer and Arbitrator of all Wars, Controverſies, Differences and Cauſes, whatever moved between them; he did therefore award and Pronounce,

Pronuntiatio P Bonifacij. Turre London 25 Ed. I. N. 758

The Articles of the Peace.

I. That there ſhould be a firm and ſtable Peace between the two Kings.

II. That the ceaſing of all Hoſtilities, by the Truce lately made and confirmed between the Two Kings for the Space of Two Years, ſhould be inviolably obſerved.

III. That the King of *England* ſhould Marry *Margaret* the King of *France*'s Siſter, and endow her with Fifteeen thouſand Pounds *Tournois* (*i. e.* 3750 *l. Sterling*) *per Annum.*

IV. That *Iſabel*, the Daughter of the King of *France*, not then Seven Years old, ſhould in convenient time be Married to *Edward* the King of *England*'s Son, who was then Thirteen years of Age, with the Dower of eighteen Thouſand Pounds *Tournois per Annum.*

V. That all Goods on either ſide, Ships eſpecially, taken before the War, and then not embezeled or deſtroyed, ſhould be reſtored; and if deſtroyed and not to be found, then either King to make Satisfaction at the Requeſt of each other.

VI. That all the Lands, Vaſſals and Goods, which the King of *England* had in *France* before the War, which He is to have reſtored to Him by Vertue of this Compromiſe, He ſhould have and enjoy under ſuch Conditions and Security as ſhould be awarded by the Pope.

VII. That all the Lands, Vaſſals and Goods, which the King of *France* was then poſſeſſed of, that were the King of *England*'s before the War, and thoſe the King of *England* was then poſſeſſed of, ſhould be put into the hands and Poſſeſſion of the Pope, and ſo to remain till the Kings themſelves agreed about them, or he ſhould order what was therein to be done, without prejudice to the Lands, Vaſſals and Goods of either of the Kings, as to the Poſſeſſion, Detention or Property of them.

This Sentence or Award was dated at the Pope's Palace in *Rome* on the Twentieth of *June* 1298. *

* The original Instrument of this Award is preserv'd in the Tower, and you may see it at large in R—s Coll: p. 821, to 826. yet notwithstanding this Award of the Pope, (with which the King of France seem'd at first to be very well satisfy'd) ~~with~~, yet upon some Pretences he delay'd restoring the King's Territories in France till the Year ensuing, as you will find hereafter.

These

Anno Dom. MCCXCIX.

These [2] Articles being openly read in Parliament, all the Clergy and Laity gave their Conſent to them. This done, the Earls, Barons and Prelates, demanded the Confirmation of the *Charters* of *Liberties*, and of the *Foreſts*, with the *Deforeſtations* then made. The King thereupon confirmed the former; but refuſed that for *Preambulation* of *Foreſts*, being unwilling to part with ſo much Land out of his *Foreſts* as they demanded; [3] and thereupon to avoid farther Importunity, a great Contention ariſing about it, the King departed privately from *London*; upon which all the Eſtates of Parliament looking on themſelves as ſlighted, return'd home in great Diſcontent and Anger.

[2] *T. W.* After which the Earls, Barons, &c. demand a further confirmation of the Charters he had promiſed to confirm; which the King refuſing, and leaving the Parliament privately, it breaks up in Diſcontent.

Walſingham relates, That in this Parliament the King being then deſired to confirm the Charters as He had Promiſed in *Scotland*, He after ſome delay conſented with a *Salvo Jure Coronæ, i. e. Saving the Rights of His Crown*; upon which the Earls and Barons returned Home, very much diſpleaſed, as they had Reaſon, ſince by Vertue of that Clauſe the King might have avoided all thoſe Charters whenever He pleaſed, by pretending that whatever He did not think fit to obſerve, was contrary to his *Prerogative* or *Rights* of the Crown.

[3] C.Roſſin Bib.Cot. *Walſingham* gives a more probable Account of it.

But at laſt, when He ſaw they would not be otherwiſe ſatisfied, He called another Parliament, to meet at *London* Fifteen days after *Eaſter*, (as appears by a * Record of this Year,) and in that (as *Nicholas Trivet* and *T. Walſingham* relate) the King confirmed the ſaid Charters, without any ſuch Clauſe as before mentioned; and further iſſued out a new Commiſſion to Three Biſhops, Three Earls and as many Barons, to make a freſh *Perambulation* of *Foreſts*, that upon any doubtful matters ariſing they might ſettle and declare them according to Juſtice, Equity, and good Conſcience.

He calls another Parliament, and again confirms them without any Saving Clauſe.

* *Rot. Clauſ.* 27. *Ed.* I. *M.* 18. *Dorſ.*

To give you ſome Account of the Affairs of *Scotland*: In the latter end of this laſt Year, [4] the Lord *John Comyn*, Governor of *Scotland*, having ſent Envoys to the King of *France*, by his Interceſſion and that of *Margaret* his Siſter, now like to be Queen of *England*, he obtained a *Truce* for the *Scots*, then in Arms, for Seven Months: But *Buchanan* tell us it was not well obſerved on the *Engliſh* ſide; for they kept thoſe Ambaſſadors Priſoners, whom the Governor was ſending to Pope *Boniface* on their behalf.

[4] *Buchan. ib.* The *Scots*, by the Mediation of the *French*, obtain another Truce.

Wherefore ſince the *Scots* perceived they could not obtain a Peace, unleſs they would wholy ſubmit themſelves to the Tyranny of the *Engliſh*, rather than they would undergo it, they reſolved to run all Hazards whatſoever; and in the beginning of this Summer they renewed the War, and once more drove the *Engliſh* out of all Towns and Caſtles, except thoſe of *Roxborough* and *Berwick*. *(

Yet they not long after again renew the War.

* But altho' the Scots were left out of the late Peace ~~intended~~ ~~[illegible]~~ between the two Kings, yet it seems they met so good an Interest at the Court of Rome, that not long after the Pope sent a monitory Bull to King Edward, that he should desist from making any further war upon Scotland, that a general Peace being concluded he might the better joyn his Forces with other Christian Princes in making war against the Infidels in the Holy Land, as appears by the Original of this Bull, which is still extant, and is publish'd in R— Coll: p. 827 828. But it seems King Edward took little Notice of it; ~~but~~ for as soon as the said Truce expir'd he again renew'd the War against them.

But to repreſs theſe Inſolencies, and again to reduce *Scotland* to its Obedience, King *Edward* by His * Writs Summoned the *Militia* of the Kingdom to meet Him at *Carliſle* on the Vigil of *Pentecoſt*, to go with Him into *Scotland* againſt his Enemies; and to ſettle ſuch *Engliſh*, as He had given their Lands to, in the quiet Poſſeſſion of them. In the mean time He received a Meſſage from the Pope, which was, That He was ſending his Nuncio to *Monſtrevil* in *Picardy*, where there ſhould be a Treaty to determine all differences that remain'd between Him and *France*, in perſuance of his former Award. This Meſſage was communicated to the Archbiſhop of *Canterbury*, and the other Biſhops, Earls and Barons

The King again Summons his Militia to go againſt the Scots.

* *Brevia Regis. in Turre London*, 27. *Ed.* I.

Anno Dom. MCCXCIX.

The King puts off their meeting for a time.

[4] *Chron. Sti. Alban. in Bib. Cot.*

He holds a great Council at *Weſtminſter*.

rons, who thereupon adviſed Him to remain in the *South* until this Treaty ſhould be over, by reaſon of thoſe Debates that might happen in it, which ſhould require ſpeedy Advice and Reſolution: And therefore He wrote to all the Sheriffs of *England*, to make Proclamation, That the *Militia* ſhould not meet at *Carliſle* until the firſt of *Auguſt*. This bears Date at *Stabeneth* (now *Stepney*) the Seventh Day of *May* this Year. In the mean while the King [4] held a great Council of his Nobility at *Weſtminſter*, concerning the *Scotiſh* Expedition, and went about *Midſummer* to St. *Albans*, to implore the Aſſiſtance of that Saint in His intended War againſt the *Scots*; and from thence the King ſent his Writ or Letter, directed to the Archbiſhop of *Canterbury*, deſiring him to give order to his Suffragans that publick Prayers ſhould be made in all their Churches for the ſame purpoſe; and ſince many of the Nobility and People were ſtill diſſatisfied, that the *Perambulation* and ſetting out the Bounds of the *Foreſts* were not finiſhed ſo faſt as they deſired, the King ſent out * Writs to the Sheriffs of all Counties, to proclaim, and give notice, That the Commiſſioners for the ſaid *Perambulation* ſhould meet at *Northampton* at *Michaelmaſs* next, with full Power to proceed in that Buſineſs without Delay. This Record bears Date at *Lewis* the Five and twentieth of *June*.

* *Brevia in Turre.* 27 *Ed.* I. Printed in *Pryn*'s 3d Vol. *f.* 809.

He gives notice, That the Commiſſioners for the Perambulation of Foreſts, ſhould meet at *Northampton*. *Brevia Parl.* Printed in *Pryn*, *f.* 810.

And ſets out a Proclamation, to give Reaſons why theſe Perambulations had not been done ſooner.

But this not being thought ſufficient, ſince it was reported and noiſed abroad, That the King did not intend to obſerve *Magna Charta*, nor the *Charter* of *Foreſts*, nor that He would ever ſuffer the *Perambulations* to be made, and their Boundaries ſet out; therefore the ſame day He iſſued forth another Proclamation, which was to give the Cauſes and Reaſons why theſe *Perambulations*, &c could not be made ſooner, and to let the World know, That He had been too rudely Treated, and not in due manner deſired to do theſe things; and that thoſe who raiſed theſe Reports, were malicious People, who deſigned only to foment Differences between Him and his Subjects, and to diſturb the Peace of the Nation: Dated the ſame Day, and at the ſame Place with the former Writ. But this Trouble the King might have avoided, by cauſing the Commiſſioners to have diſpatched this Buſineſs ſooner; and it was well if this Declaration now met with the Effect for which the King deſign'd it.

Nothing elſe happening conſiderable this Summer, I ſhall therefore give you an Account of ſome Matters relating to Foreign Affairs.

* *Rot. Alman.* 27 *Ed* I. *M.* 11 *intus.*

The Kings of *England* and *France* agree to deliver up each others Dominions, according to the Pope's Award.

The Execution of the Pope's *Award*, or Sentence between the Two Kings, was ſtill delayed, neither of them being forward to deliver their Poſſeſſions, *&c.* in *Gaſcoigne*, into his hands, according to his late Award. But King *Edward* reſolving to make Peace if He could, * ſent the Biſhop of *Vicenza* to the King of *France*, before whom, with the Conſent of the King of *England*'s Commiſſioners, it was agreed, That both the Kings ſhould voluntarily perform that Article; and King *Edward* thereupon Authorized ſeveral Commiſſioners to deliver the Poſſeſſion of his Lands, Vaſſals and Goods, into the hands of the Biſhop, who was to receive them in the Name of the Pope, as a private Perſon, and as *Benedict* of *Cajeta*. This Inſtrument bears Date at *Weſtminſter*, the Twenty ſecond of *April*, 1299. the Seven and twentieth Year of *Edward* I. and in *May* following, Prince *Edward* made the Earl of *Lincoln* his Proxy, to contract the Eſpouſals with *Iſabel* the King of *France*'s that this Agreement did not then produce a firm and lasting Peace between the two Kings appears, for, that about Midsummer following the said Bishop, being the Pope's Nuncio, coming to reul and there meeting with the Ambassadors of both Princes, who then agreed to all such Articles as id Nuncio should award, & they thereupon again confirm'd the former Sentence made by the Pope as vate Person concerning the Marriages of both the said Princesses; and it was then agreed and provided Dowrie or Jointure each of them were to enjoy; and it was further agreed that if either of the Marriages did not take Effect thro any Failure of ye King of England, or his Son the Prince, that then e present or future Right, that they had or might Claim to any Territories in France sh:d thereby become forfeited to the King of France & yt all ye Subjects & Vassals of ye said Territories should be absolved of all Homage, Fealty or any obligation whatsoever to ye sd King or his Son; so yt thereupon all the Subjects & Communities of ye Towns thereof shall swear Allegiance to ye King of France and his Successors as their lawful Lord & Sovereign & ye Procurator of ye King of France agreed on his behalf, yt he sh.d perform all things contained in ye said Award relating to his said Daughter and Sister, and if ye former shall not be deliv.d to be married to the Lord Edward, Son to ye King of England within four months after she becomes of years fit for marriage, she being demanded by ye King of England or his Son, ye King of France does thereby engage to forfeit the Sum of 100000 Livres in Gold to ye sd King of England or his Son; then follow ye Names of certain Earls & Barons of both Kingdoms who were to take an Oath on their Masters behalf, yt ye sd Marriages should be faithfully & duly performed according to the Popes Sentence.

rance's Daughter, as appears upon the ſame Roll, though they were ot then performed, nor long after this time.(1)

Anno Dom. MCCXCIX.

While the Biſhop of *Vicenza* was in *France*, he ſollicited for the Reaſe of *John Baliol*, late King of *Scots*, by the King of *France*'s Mediaon to the Pope, who gave it in Charge to the Biſhop his Legate, to ove King *Edward*'s Ambaſſadors upon it; they granting his Requeſt, the King's Conſent, obtained his Liberty, and he was * delivered to e Biſhop at *Whitſand* in *France*, by *Robert de Bourgherſh* Knight, onſtable of *Dover* Caſtle, the King's Proxy, upon Saturday before *St. Mary Magdalen*'s Day (or Twentieth of *July*) upon Condition, That e Pope might direct and order what he pleaſed, only as to his erſon and the Eſtate he had in *England*, as King *Edward* might ave done, if He had been Perſonally with Him in *England*, ſaving Him and his Heirs, Kings of *England*, the Kingdom of *Scotland*, the eople and Inhabitants, and all the Appurtenances to that Kingdom: being alſo there read, and rehearſed before his Delivery, and in his own Preſence, and in that of the Biſhop of *Vicenza*, That he ad committed many Inhuman Treſpaſſes and Treaſons againſt his overeign Prince King *Edward*, contrary to his Homage and Fealty, &c. d that the Pope ſhould not ordain nor direct any thing in the ingdom of *Scotland* concerning the People or Inhabitants, or any ing appertaining to the ſame Kingdom, on behalf of *John Baliol*, his Heirs, &c. And upon theſe Terms, the Biſhop, in Name of, and the Pope's Proxy, received him from the King's Commiſſioner on the id Saturday abovementioned, *A. D.* 1299. and 27th of *Edward* I. ertainly at this time the Pope underſtood not that *Scotland* was his igniory, though he claimed it the Year after. Then follow some Conditions of less Moment, as for ye releasing of all Prisoners taken ~~[illegible]~~ on either Side & particularly for ye Delivery of John Balliol late King of Scots, who was to be delivered to the sd Legate who was also to see ye Articles of this Agreement ratifyed by both Kings with other particulars needless to be here recited & for wch I refer ye Reader to the Original Instrument preserved in ye Tower, or to the Copy thereof published in R-'s Coll: pp. 848 to 844. ~~and~~ it bears date at Monstreul ye Friday before Midsummer An: D: 1299.

The late King of Scots is ſet at Liberty; with the Conditions of it.

* Brevia 26 27 Ed. I. in Tur. Printed in Pryn. ib. 779. and Dr. B's. Append. N. 36.

Yet it is moſt likely, That this was procured by *John Baliol*'s own ollicitation, ſince He was willing to go any where, rather than into his own Country, He having voluntarily, and of his own Accord, (without the Privity of King *Edward*) in an *Inſtrument drawn up by publick Notary, the Year before, renounced his Right to *Scotland*, d reſolved never to come there again, or to have any more to do with it; becauſe (as He ſaid) He had found ſuch Malice, Fraud, Treaſon, and Deceit in the *Scots*, That they had deſigned to Poyſon Him. This likewiſe appears by an Inſtrument upon Record, drawn up in the Preſence of *Anthony* Biſhop of *Durham*, whom He there Deſires, make King *Edward* acquainted with the Premiſſes. (2) see below

* Printed in Dr. B's. Append. N. 37. and in Pryn's 3d Vol. f. 665.

Baliol renounced his Right to Scotland, before his Diſcharge.

After this, in [5] the beginning of *September*, the Lady *Margaret*, Siſter to the King of *France*, was Conducted to *England*, by the uke of *Burgundy* and Earl of *Bretaign*, to whom King *Edward* was Married on the Twelfth of this Month, in the Cathedral Church of *Canterbury*, by the Archbiſhop. The Wedding was kept with great Splendour, and much Foreign Nobility were at this Solemnity: But though the King's Expectations were very great from this Match, et neither His own nor the Nation's were at all anſwered by it, y more (as I may ſay) than they have been by ſome other Matches, at have been ſince made, between our Kings and other Ladies of the oyal Family of *France*.

[5] T. W.

The King is Married to the King of France's Siſter. But I cannot but here observe yt King Edward's Territories now in France remained still in ye Pope's Hands by way of Sequestration, nor is there any Time mentioned in those Articles for their Restitution: nor were they wholy restored till about four years after as you will find in due Time.

The Mirth and Jollity of this Wedding being over, [1] the King eld a Parliament at *York* on *Martin-maſs* (or Eleventh of *November*)

[1] * Ibm.

The King holds a Par-

liament, in order to carry on the War againſt *Scotland*, which is put off for a Time; and the reaſon of it.

(2) and not long after all Matters of Dispute between the two Kings being to ow ended; they thereupon confirmed and ratifyed under both their Great Seals, the foresaid reement made at Monstreul, & King Edward confirmed the his Part on ye 14th Day of July d King Philip did the like on the Day of the Invention of Holy Cross or the Day of August this year as appears by the original Instrument still extant, which are published in s Coll: p. 846. to 853.

Anno Dom. MCCXCIX.

[2] C. W. H.

[3] *Chron. Lan.* The Nobility are diſcontented, that the great Charter was not duly obſerv'd.

to adviſe how He might beſt carry on the *Scotiſh* War: And when was broke up, the King, in order to perſue his Deſign, went as far *Berwick* with his Army, intending to Relieve *Sterling* Caſtle, whic was at that time beſieged by the *Scots*. But the Noblemen who we then with the King, informing Him, [2] That beſides the want of Forrag the Boggy and low Grounds were impaſſible in this Winter Seaſo He alter'd his Reſolution, and ſo ſent to the Beſieged, being in wa of Victuals, bidding them Surrender the Caſtle upon Condition th their Lives and Limbs ſhould be ſafe; and ſo this Expedition ende But another Reaſon of it's being put off, is alſo given by our [3] Autho who relates, That the Nobility being diſcontented, found fault that th Charters had not been duly obſerved ſince they were confirm'd; where upon they taking their Leaves, and withdrawing themſelves into Engla the King was forced to give over all farther Action for that Seaſo After which He remain'd at *Berwick* till *Chriſtmaſs* was over, whi the Queen ſtayed at *Windſor*; but He did nothing more in thoſe Par all that Winter. Nor do I find any thing elſe conſiderable to have hap pen'd this Year, except the Deceaſe of *Henry de Newark*, Archbiſho of *York*, a Prelate no ways Remarkable, either for any great Vert or Vice. He was Succeeded by *Nicholas de Corbridge*, a moſt Learne Divine, and General Scholar.

The Deceaſe of *Henry de Newark*, Archbiſhop of *York*.

Anno Dom. MCCC.

The King returns from *Scotland*, and reſtores the Liberties of the City. *Fabian's Chron. ad hunc An.*

* *Rot. Clauſ.* 28. *Ed.* I. *M.* 17. *Dorſ.*

He holds a Parliament at *Weſtminſter*, with the Statutes there made.

The King having kept his *Chriſtmaſs* at *Berwick*, and delivered th Government of *Scotland* to *John de St. John*, and others joined in Com miſſion with Him, returned into *England* about *Candlemaſs*; and comi to *Wincheſter*, He ſent for the Citizens of *London*, and then reſtor their Liberties, after they had been kept Twelve Years in his Hand But before He left *Scotland*, He iſſued out his * Writs, Dated at Berwi on the Nine and twentieth of *December*, for the calling a Parliamen to meet Him at *Weſtminſter* on the Second Sunday in *Lent*; in whi all the Eſtates being aſſembled, the *Great Charter* of the *Liberties* *England*, and that of *Foreſts*, with the Statute of *Wincheſter*, at th Requeſt and Interceſſion of the Archbiſhop of *Canterbury*, the Ea Marſhal and all the Barons, were renew'd and confirm'd, and new Statute made for the better explaining them, called *Articuli ſup* *Chartas*, or Articles upon the Charters, which are Printed among th Statutes at Large, and in *Coke*'s Second *Inſtitutes*. *f.* 537.

[5] *Chron. St. Alban. in Bib. Cotton.*

The King did all He could, with the Biſhops and Noblemen, to avoid paſſing theſe Statutes; but could not prevail.

But though our Printed Hiſtorians do not mention it, yet a [5] Ma nuſcript Author of that time relates, concerning this Tranſaction, Th the King was at firſt loth to grant this Requeſt of the Archbiſho and Barons, and therefore to avoid it, tryed to work upon each of th Lords apart, ſome by fair Words and Promiſes, and others by Preſen to put off this Buſineſs 'till the next Parliament after *Michaelmaſs*; a therefore now deſired no more Aid of them, than a 20th part their Goods; and through theſe ſubtile Methods He prevailed wi greater part of them: Yet notwithſtanding this, the Biſhops, and ma of the moſt conſiderable Noblemen, ſtill perſiſted in their firſt Dema of having the Charters Confirm'd, and that the Biſhops and Earls ſhou alſo put their Seals to them; at which Propoſals the King, much offe ded, asked them, If they took Him for a *Deceiver*? Whereup the Lords deſiſted for a few days from their Petition; yet at laſt th King being prevail'd on, by the Perſwaſions of ſome that were no abo

Anno Dom. MCCC.

out Him, went into *Weſtminſter* Hall, and there confirm'd the greater harter, with the *Articles* upon it, which He cauſed to be read before l there preſent, and then ordered his Great Seal to be put to it; d Speaking in *Engliſh*, commanded the Archbiſhop, if he knew e ſaid Articles to be Defective in any Point, That he ſhould declare , and they ſhould be preſently amended: And then He permitted the rchbiſhop and Biſhops to denounce all thoſe *Excommunicated* that ould preſume to break or infringe the ſaid Charters, or any thing herein contain'd. This Prudent Act was very Seaſonable, and quieted e Angry Minds of the Nobility, eſpecially the Earl of *Warwick*, d the Lord *Walter Beuchamp*, Steward of the King's Houſhold, ho were like to have gone into their Countries to have raiſed orces to compel the King, had He not voluntarily agreed to do .

The Archbiſhop denounces Sentence of *Excommunication*, againſt all thoſe that ſhould infringe the great Charters, which quiets the Minds of the diſcontented Noblemen.

Not long after His Majeſty, the better to obtain the good Will of is People, [1] prohibited all thoſe Foreign baſe Coins called *Crocards* nd *Pollards*, that were of a * mixed Mettle, from being any longer urrent; which proved a great Eaſe and Satisfaction to his Subjects, ho had loſt much by them. I have no more to add concerning theſe rticles on the Charters, but that it being provided by the † Statute it lf, That for the better Obſervation thereof, in all Caſes where ere was no Remedy at Common Law, there were Three Knights to e choſen in every County, Summarily to hear and determine, from day o day, all Matters concerning ſuch as had offended againſt the ſaid harters, (the King's Miniſters not excepted) without allowing any elays otherwiſe allowable by the *Common* Law: And theſe likewiſe ad Power to puniſh Offenders, by Impriſonment, Ranſom and merciament, according as the Fault required.

[1] C. W. H. T. W.

The King calls in the baſe Money and *Pollards*. call'd *Crocards*.

* *Note*, they contain'd a little Silver, but much more Copper.

† *Vid.* the Stat. at large, *ad hunc An.*

Commiſſioners appointed to hear and determine all Complaints concerning the breach of the great Charters.

To the ſame purpoſe the King likewiſe Iſſued his * Writs to the heriffs, Coroners and Commons of all the Counties in *England*, to huſe *Three Knights* to be at *York* on the Morrow of Aſcention, to eceive his Inſtructions accordingly: Witneſs the King at *Weſtminſter*, he Seven and twentieth of *March*, in the Eight and twentieth Year of is Reign. He alſo ſent out other Writs to all the Sheriffs in *England*, y which He Commanded them to read the ſaid Charters, and Publiſh hem Four times in the Year, *viz.* on the firſt County-days after *aſter*, St. *John Baptiſt*, *Michaelmaſs* and *Chriſtmaſs*; and as much as n them lay to ſee them firmly holden and kept in all their Articles. Witneſs the King at *Weſtminſter*, the Eight and twentieth of *March* he ſame Year.

* *Rot. Clauſ.* 28 *Ed.* I. *M.* 11. *Dorſ.*

Writs iſſued out to chuſe three Knights of each County, to receive the Sheriffs Inſtructions.

Then within leſs than Three Weeks after, (to the end that the People night be more ready for his Service, and willing to Aſſiſt Him with ubſidies upon occaſion) He directed his † Writs to all the Sheriffs f *England*, reciting, That whereas He had by his ſpecial Grace nd Favour granted the *Articles* upon the *Charters*, ſo much to their dvantage, He Commanded them to proclaim them in the County-Court, and in all Burghs and Mercate Towns within their Counties r *Bayliwicks*, and to cauſe them to be firmly obſerved, and performed. Witneſs the King at St. *Albans*, the Five and twentieth of *pril*.

† *Ib. M.* 7 *Dorſ.*

The Articles upon the Charters, are commanded to be Proclaimed in every County.

Anno Dom. MCCC.

* *Ib. M.* 8 *Dorſ.* Other Writs iſſued out to the Commiſſioners of *Perambulations* of *Foreſts*, to receive the King's Inſtructions about them.

‡ *Contin. Hiſt. Eng. p.* 68.

And to ſatisfie the Minds of the People, He had, about a Fortnigh before, directed his * Writs to ſeveral Commiſſioners in all Counties, where there were Foreſts, to make *Perambulations*, and to receive In-ſtructions about them on the morrow of the Feaſt of *Aſcenſion*; with a Charge that through their neglect they might not remain undone. Witneſs the King at *Weſtminſter*, the Firſt of *April*.

Dr. † *Brady*, from a Clauſe in the foregoing Writ, reciting, That the King had granted the Charters abovementioned out of his ſpecial Grac and *Favour* (which Words are put in different Characters) would fain inſinuate, as if the Nation had no other Right to theſe Charters than the King's meer Favour and Grace; and therefore thus proceeds in his Relation concerning this Affair: *Yet all theſe Writs and Commiſſions did no ſatisfy the Earls, Barons, and Others; for they ſtill murmured, and pretended that the* Perambulations *of Foreſts would not be really made, or duly performed.* Wherefore *Walſingham* relates, That the King held another Parliamen at *Stamford*, to which the Earls and Barons came with great Force, and with Intent, as 'twas ſaid, to *Extort* the full Execution of the Charte of the *Foreſt*, then delayed; to whoſe Will the King condeſcended, and granted what they demanded.

But the Doctor places this great Council under a wrong Year: And tho' the word *Extort* is here made uſe of by the *Monkiſh* Writer, yet is it not to be taken in ſuch a Senſe, as if they had no Right to demand a freſh Confirmation and due Execution of thoſe Charters, ſince they were but the ſame his Father, Grandfather, and Himſelf, had ſo often Sworn to obſerve, and had been ſo well paid for; and had not the Execution of them been put off from time to time, it had been very great folly in the Nobility and People of the Kingdom ſo eagerly to have inſiſted upon the Performance of his Grant.

Co 2*d. Iſtit. Artic. ſup. Chartas. p* 569.

About this time He alſo ſent the Statute of *Wincheſter* to be agai Proclaimed, with Command to all the Sheriffs in *England*, as it had been Confirmed and Renewed, (in the 17th Article upon the Charters) that they ſhould ſee it firmly obſerved and kept, in al and ſingular its Articles. Witneſs the King at *Stamford*, the Second of *May*.

* *Rot. Pat.* 28 *Ed. I. M* 14. Printed in *Pryn*'s 3d Vol. *p* 884. The King at the Requeſt of the Biſhops Earls, &c. Iſſues out another Commiſſion for the *Perambulation* of *Foreſts*.

Then Eight Days after, the King being at St. *Edmund*'s *Bury* *, at the Requeſt of the Prelates, Earls, Barons, and others there preſent, and to quiet their Minds, He the ſecond time renewed his Commiſſion to *Three Knights*, and others, to be Elected in each County, to ſee the Articles of the *Great Charter*, the *Charter* of the *Foreſt*, and Statute of *Weſtminſter*, well obſerved; and to puniſh all Offences againſt them, not puniſhable by the Common Law of the Realm; and this by ſpeedy Juſtice, and quick Proceedings upon Complaints from day to day, without allowance of ſuch Delays as the Common Law admitted; yet with a *Saving* to the Common Law, that it might not thereby receive Prejudice, or any Plea to be holden before theſe Commiſſioners, that might be determined by it. Witneſs the King at St. *Edmund*'s *Bury*, *Decimo die Maii*, *A. R.* 28.

Other Writs to the Sheriffs to be Aſſiſtant to the Commiſſioners.

There are likewiſe Two other Writs upon the ſame Roll and Membrane, dated the ſame Day and at the ſame Place, to the Sheriffs of every County, to be Aſſiſtant to theſe Commiſſioners, ſo often as they ſhould give them Notice, and to impower them to Swear them in a full *County-Court*, well and faithfully to Execute their Office.

When

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When the King had thus ſettled and compoſed the diſcontented Spi-its of his Nobility and People, by theſe Gracious Conceſſions, having lready Summon'd all his Earls, Barons, and Military Tenants to meet Him at *York* on *Midſummer-Day*, He there held another Parliament, or Council; [2] where his intended Expedition againſt the *Scots* was at rſt oppoſed by ſome of the *Earls* and *Barons*, who pretended that hey were not Bound by their Tenures to attend Him thither; but they ere ſoon Confuted, and put to Silence, from divers unqueſtionable Teſtimonies extracted from the Chronicles of *Marianus Scotus*, *William* of *Malmesbury*, and *Roger Hoveden*: And being now ſatisfied that they ought o attend the King in this Expedition, He immediately marched with powerful Army into *Scotland*; and about the beginning of *July*, when He ame in ſight of the *Scotiſh* Army, and found they declined Fighting, and etreated into the Country, He quietly encamped in *Anandale*, and here Beſieged and took the Caſtle of *Loghmaban* without any oppoſition: Then advancing farther, He did the like by the ſtrong Caſtle of *Caerverock*, which after ſome Reſiſtance, was taken by a Mine, and ſur-endred to the King's Mercy; into which He preſently put a ſtrong Gari-on. From thence He marched into *Galloway*, where the Biſhop of that Dioceſs came, to the King, on the behalf of the *Scots*, to Treat of Peace; ut without any effect. Then a few days after, there came to him the arl of *Bouquhan* and the Lord *Comyn* of *Badenagh*, and Treated with the ing; but it ſoon broke of, becauſe of the unreaſonable Demands of e *Scotiſh* Nobility; who required, That He ſhould permit *John Baliol*, d his Son, peaceably to Reign over them; and that He ſhould again eſtore them to their Eſtates, which He had already beſtowed on di-ers *Engliſh* Noblemen; declaring, That if He would not agree to this, ey would Defend themſelves to the utmoſt; and ſo upon his not ranting their Deſires, they parted in great Wrath.

He Summons all His Military Tenants to meet Him at *York*.

[2] C. J. E.

Where ſome at firſt oppoſe his Expedition into *Scotland*. *Chron. Anon. in Bib. Cotton. Claud. D. 6.*

He Marches into *Scotland*, and takes divers Caſtles, whereupon the *Scots* ſend to treat of a Peace, but without any Effect, their Demands being unreaſonable.

Then the King marched forward to the River *Swyney*, where He ſtaid me Days, till He could bring up Proviſions for his Forces from the hips. Here the *Scots* again appear'd encamped on the other ſide e River, to ſtop his Paſſage: Whereupon He ſent over ſome Ar-hers, who beat back the *Scots* with their Arrows; Yet the King fear-g ſome Ambuſh by reaſon of their ſo ſpeedy Retreat, ſent the Earl of *Warren* to recal and bring back thoſe that were paſſed over; but they eing the Earl coming towards them, imagin'd he had been come to eir Relief, and again vigourouſly aſſaulted the *Scots*, who were then rawn up not far off. During their Engagement, another part of e King's Army, ſeeing the danger of their Countrymen, likewiſe aſſed the River to their Aſſiſtance, and were followed by Prince *Edward* ith his whole Battalion; which the King obſerving, and ſeeing the anger of an Ambuſh was over, order'd a Charge to be Sounded, and reſently paſſed the River Himſelf with the reſt of his Forces; which ſo on as the *Scots* obſerved, they fled to their Bogs and Mountains; how-er many were killed in the Perſuit. And here the King had given em an entire Defeat, if the *Welſh* Foot, who were moſt uſed to ſuch ugh and difficult Places, had done their Duty; but yet, the *gliſh* obtain'd an undiſputed Victory.

[3] *Id. Ib.*

The King marches farther into *Scotland*, and gains the Paſs over the River *Swyney*.

After which, the King marched with his Army to the Siege of *Ster-g*-Caſtle, which held out Three Months, notwithſtanding all the

The King takes *Sterling* Caſtle after a long Seige.

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King's Forces could do, and the Aſſault of divers Battering Engines rear'd with infinite Charge and Labour; yet the Governor *William Olivant*, was at laſt forced to Surrender it for want of Victuals, tho' upon advantageous Articles, which were not well kept with him.

[4] *In Bib. Bodl.* The manner how it was reduced.

But the [4] *Eveſham* Chronicle (which *Fabian* follows) relates, That the King then fright'ned the Beſieged into a Surrender, by cauſing two pair of large Gallows to be erected before it; and commanded Proclamation to be made in the hearing of thoſe within, That if they did not yield up the Caſtle by a certain Day therein prefix'd, they ſhould be all hanged without Mercy: Whereupon, the *Scots* conſidering the Strength of the King's Forces, and their own Weakneſs, thought beſt to Surrender that Caſtle to Him, before the time was quite elapſed of their being received to Mercy.

The King is notwithſtanding forced to return home for want of Money and Proviſions, as alſo for other Reaſons.

[5] *In Bib. Cotton.*

After theſe Succeſſes, the King deſigned to have marched farther into the *Northern* Parts, and to have reduced the whole Kingdom to his Obedience, but He was fain to return homewards for want of Money and Forage, and a ſufficient number of Foot; to all which, the nameleſs [5] Chronicle already cited, adds, That the Earls, and Barons, being weary of theſe Delays, and having loſt their Horſes, and ſpent all their Money in this Service, deſired leave to go home: At which, the King being much perplex'd, held a great Council of War with the Noblemen about Him, who were all of Opinion, That the Summer being far ſpent, He ſhould for the preſent diſmiſs the greater part of his Army; which the King agreeing to, that He might do the beſt He could to ſecure that Country, put good Gariſons into the Caſtles He had gained, and immediately returned home. But He had alſo a good Pretence for this Reſolution, by reaſon of the Pope's unexpected interpoſing himſelf on behalf of the *Scotiſh* Nation; to underſtand which, I muſt let the Reader know,

[1] *T. W.* The *Scots* prevail upon the Pope to take their Part; with their Complaints to him.

That about the beginning of this Year, [1] the *Scots* believing all things Saleable at *Rome*, had ſent their Envoys thither, and richly preſented Pope *Boniface*, moving him for his Judgment and Aſſiſtance againſt the *Engliſh*, making lamentable Complaints, and repreſenting to him the afflicted State of their Country, and the Uſurpation of the King of *England* upon them, and his moſt Tyrannical Proceedings with them, contrary to all Right and Equity; proteſting, they never knew of any Sovereignty He had over them, but that they were a free Kingdom of themſelves, and as ſuch He had dealt with them at firſt upon the Death of their laſt King *Alexander*, both in the Treaty of the Marriage for his Son *Edward* with *Margaret* the *Heireſs* of *Scotland*, and alſo after her Deceaſe, for the Deciſion of the Title to the Crown; wherein He ſought by their Conſents to be made Arbitrator, as indeed He was, howſoever afterward they were conſtrained to give way to his Will; yet what ever they yielded unto, was only becauſe they were otherwiſe unable to reſiſt; as alſo ſeveral other things needleſs to be here repeated.

Whereupon the Pope orders the Archbiſhop to go to the King with his Bull in their Favour.

Upon the Receipt of which Letters, the Pope ſo far complied with their Deſires, That he ſent over a Nuncio into *England*, and appointed the Archbiſhop of *Canterbury* his extraordinary Legate, ordering him to go with the Pope's Brief or Letter, and deliver it with all ſpeed to the King, which was to this Effect:

Firſt,

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Firſt, '[2] His Holineſs laid Claim to the Sovereignty of the Kingdom of '*Scotland*, as belonging to the Church of *Rome* by a full and perfect 'Right; and then Requires and Exhorts the King, in the Name of God, 'to Diſcharge out of Priſon, and Reſtore to their former Liberty, all 'Biſhops, Clerks, and other Eccleſiaſtical Perſons; and to remove all 'his Officers, whom by Force and Fear He had appointed to govern 'that Nation under Him; and willed Him, if He pretended any Right 'to the Kingdom of *Scotland*, or any part of it, not to omit ſending 'to him Commiſſioners fully inſtructed, within ſix Months after the 'Receipt of his Letters, He being ready to do Him Juſtice, as his Be'loved Son, and inviolably to obſerve his Right, if He had any; Refer'ring and Reſerving to the Cognizance and Determination of the *Ro'man* See, all Queſtions, Strifes and Controverſies whatſoever, between 'the ſaid King and the Kingdom of *Scotland*, and the Prelates, Clerks, 'and Secular Perſons thereof, which then had been, were, or might be, 'for the future: Decreeing it void, if any thing ſhould be attempted to 'the contrary. This was dated at *Anagnia*, the 5th of the Calends of *July*, or the 27th of *June*, *A. D.* 1300. * The Original of this Brief is still preserv'd in ye Tower, & is publish'd in R—s Coll: p. 844, 845.

[2] *Id. Ib.*

The Effect of it.

The Pope takes the Appeal of the *Scots*, and declares he will hear the Differences between them and the King.

What the Archbiſhop did in perſuance of this Bull, appears in * *Matt. Weſtminſter*, who has given us a full Relation of it from this Prelate's own Letter, or Report to the Pope of all his Proceedings in this Affair; where he declares, That he was very well pleaſed with the Employment his Holineſs had entruſted him with; and to ſhew his ready Obedience to his Commands, lets him know, That he made what haſt he could to attend the King at that time in *Scotland*, and came to Him the 25th of *Auguſt*, being then at Dinner in his Camp near the Abbey of *Dazquer*. He appointed him the next Day for the Delivery of the Pope's Letters and Meſſage, which was done accordingly; and the Letters preſented to the King, before Prince *Edward* his Son, the Earls, Barons, and a great many Knights of his Army, who cauſing them publickly to be read, were attentively heard by them all: Then the Archbiſhop (as himſelf in his Letter to the Pope relates) perſuaded the King, by all Ways and Means he could think of, to Obey and Comply with every thing contain'd in the Brief; which done, he withdrew by the King's Command, whilſt He conſulted with his Great Men; and being called in again had this Anſwer: *That having received the Pope's Admonition, concerning the State of the Kingdom of* Scotland, *it was the Cuſtom of* England, *That in ſuch weighty Affairs, all whom theſe Matters concern'd ought to be Adviſed with; and the preſent Buſineſs of* Scotland *having relation to the State and Right of the Kingdom of* England, *there were many Prelates, Earls, Barons, and Great Men, not then with Him in the Army, concern'd in it, without whoſe Advice He could not Anſwer fully: Therefore that He intended, as ſoon as He could, to Conſult and Deliberate with the abſent, as well as preſent, Great Men, and by their common and joynt Determination, ſend his Holineſs an Anſwer by Meſſengers of his Own.*

* *Ad hunc Annum.*

The Archbiſhop readily obeys the Pope's Orders, and goes into *Scotland* to the King, and delivers the *Brief*.

The King conſults with his great Men, and returns the Archbiſhop a prudent and gallant Anſwer.

This is the Archbiſhop's own Account in * his Letter to the Pope of this Tranſaction with the King; but *Walſingham*, (as alſo ſome Manuſcript Chronicles of that time) ſay, The King return'd the Pope a much

* *Matt. Weſt. ut ſupra.*

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Other Writers make the King to return the Pope a bolder Anſwer.

much bolder Anſwer to this Meſſage, by the Archbiſhop, *viz.* That *He would for no cauſe whatever ceaſe to defend his Right againſt the* Scots *both by Words and Actions.* Yet this is certain, That the King, for the Reaſons already given, as alſo that He might not be thought obſtinate in oppoſing the Pope's Commands, immediately (being near the end of *Auguſt*) made a Truce with the *Scots* till *Whitſontide* following; and then returned into *England* about the beginning of *September.* *

* Which is confirmd by a Record in French enter'd on ye Rolls of this year [Rot: pat 28. E. I. m. 3.] wherein ye King declares that the said Truce was granted to the People of Scotland at the Intercession of ye King of France, this Declaration bears Date at Dumfreez ye 30th. of October, vid: R—s Coll: p. 368 369.

* *Rot. Clauſ.* 28. *Ed.* I. *M.* 3. *Dorſ.* Printed in *Pryn's* 3d Vol. *p.* 884.

The King Summons divers learned Clerks to attend him at the Parliament at *Lincoln*, and for what Purpoſe.

* *Ib.*

He writes likewiſe to the Chancellors of both Univerſities, for the moſt knowing Men in the Civil-Law.

Ib. Printed in *Pryn, p.* 885.

The King, that He might be the better prepared to return the Pope an Anſwer to his late Letters, ſo ſoon as He came to *Roſe*-Caſtle in *Cumberland*, ſent out his * Writs of Summons, bearing date the Six and twentieth of *September*, directed to certain of His own Clerks, and to ſeveral Deans of Cathedral Churches, as alſo to Archdeacons, Officials, and others that had the beſt Reputation for Antiquaries and Lawyers in thoſe times, to come to the Parliament at *Lincoln*, for that He would have ſpecial Conference and Treaty with them and Others of His Council, concerning the Right and Dominion He and His Anceſtors had over the Kingdom of *Scotland*; and to the ſame purpoſe He * Wrote to the Chancellors of both Univerſities, to ſend to this Parliament the moſt experienced and knowing Men in the Civil Law, who were alſo ſent accordingly: And further He directed His Writs to ſeveral Deans and Chapters, and Abbots, and Priors, and their Convents (being the chiefeſt of the Nation) to ſearch their *Archives*, and ſend to this Parliament Extracts from all ſuch Chronicles in which was to be found any thing concerning his Sovereignty over the Kingdom of *Scotland*, or that might make good his Title to it: And what theſe Perſons ſo Summoned did in perſuance of theſe Writs, you will find hereafter.

The main Ends of this Parliament at *Lincoln*.

* *Rot. Clauſ.* 28. *Ed.* I. *M.* 9. *Dorſ.*

But though this might be one End of the King's Summoning this Parliament at *Lincoln*, yet it was not the chief Deſign of that Meeting, but rather to put an end to the the long depending Differences about the *Foreſts*, and for receiving the Returns of the *Perambulations* of them, and hearing and determining all juſt Claims and Exceptions concerning them, which appears by the Kings * Writ dated the ſame Six and twentieth of *September*, at *Roſe*-Caſtle in *Cumberland*: But the Writ being very extraordinary (though it be ſomewhat long) I ſhall here give you the Subſtance of it.

The Subſtance of the Writ of Summons to this Parliament.

After a Recital, 'That the King had granted the Charter of the '*Foreſt*, and had aſſigned Commiſſioners, in every County where there 'were *Foreſts*, to make *Perambulations*, and to report them to Himſelf 'before any Execution was done thereon, that His Own Oath, the 'Right of the Crown, his Reaſons and Claims, as well as thoſe of 'all Others might be ſaved; and though the ſaid Commiſſioners had 'already returned to Him what they had done, yet becauſe the Prelates, Earls, Barons, and Great Men of the Kingdom, in whoſe 'Preſence He would have his Own and the Reaſons of all others 'propoſed and heard, were not then preſent with Him; ſince 'there were Others who were bound with Himſelf to obſerve and 'maintain the Laws and Rights of his Crown; and farther, that 'thoſe who ought to propound their Reaſons concerning this 'Matter, had no notice of it, without whoſe Advice, a good End 'could not be put to it: Therefore becauſe this Buſineſs might 'be diſpatched without Delay, He was willing to have a Con-

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Anno Dom. MCCC.

‘ ſerence and Treaty with the Prelates, Earls, Barons, and Great Men aforeſaid, and others of the *Community* of the Kingdom, concerning this Affair, and other Arduous Matters touching Himſelf and the State of the Kingdom; He therefore commanded and firmly enjoyn'd him the ſaid Sheriff of *Cumberland*, to cauſe to appear before the King at his Parliament at *Lincoln*, on the Octaves of St. *Hillary* next coming, Two Knights of his County, *viz. Thoſe who came for the Community of the Country by his Precept to the laſt Parliament, and alſo the ſame Citizens and the ſame Burgeſſes, for all the Cities and Burroughs within his Bailiwyck; and if any of them were Dead, or infirm,* then to cauſe others to be choſen, and come in their ſtead, ſo that they might be preſent at the Day and Place aforeſaid, with full Power to hear and do what ſhould be then ordained for the Common Profit of the Kingdom.

Then the Writ concludes with a Clauſe of allowing the Knights and Citizens reaſonable Expences in coming to, ſtaying at, and returning from the Parliament; and with a farther Command to the Sheriffs, to make Proclamation in their Counties, That all thoſe who would put in any Exceptions againſt the ſaid *Perambulations*, ſhould appear before Him, and exhibit them in Parliament. Witneſs the King at the * *Roſe* the Six and twentieth of *September*, in the Eight and twentieth Year of his Reign. The like Writs were ſent to all other Counties of *England*, beſides *Cheſhire* and the Biſhoprick of *Durham*.

* *i. e.* the Caſtle ſo called.

This Writ Dr. *Brady* hath miſplaced in the laſt Vol. of his Hiſtory, putting it before the King's Expedition into *Scotland* this Summer, whereas it was not iſſued until the Autumn after his Return: And ſince the Doctor, in his Introduction to the Hiſtory of *England*, hath drawn ſome Arguments from this Writ, to prove that the King might antiently have cauſed what Members He pleaſed to be return'd to Parliament, having I hope, fully anſwered thoſe Reaſons in my ~~Introduction~~ Appendix, I need ſay nothing farther to it; yet I have thought fit to Print the foregoing Writ *Verbatim* from the Record in the *Tower*, for the Reader's better Satisfaction, as you will find in the *Appendix*. p. 214. 215.

P. 69.

This is the Subſtance of the Writ of Summons in *Engliſh*, wherein the Reaſons are given why the *Perambulations* could not be received and conſidered ſooner: And the Writs to the Biſhops, Earls, and Barons, were in the ſame Form and Words, as to the Reaſons of it, as thoſe to the *Commons*.

*The King then wrote alſo to the Commiſſioners, that had made the ſaid *Perambulations*, to be at this Parliament, and bring with them thoſe *Perambulations*, and all things that concern'd them.

* *Ibm.*

But I ſhall defer the ſaying more of this great Parliament, till the beginning of the next Year, and conclude this with ſome Foreign Affairs. [4] King *Edward* having now quite Deſerted the Earl of *Flanders*, and left him to ſhift for himſelf, he was reduced by the King of *France* to that Extremity, That he was forced to ſurrender himſelf and his Two Sons to *Charles* Count of *Valois*; and theſe Young Princes being brought to *Paris*, were ſent from thence and kept cloſe Priſoners at *Compeigne*.

[4] *T. W.* The Earl of *Flanders* being reduced to great Extremity, is forced to ſurrender himſelf and Sons to the King of *France*.

I muſt not here omit one thing conſiderable that happened alſo in *England*, *viz.* That upon the Death of *Edmund* Earl of *Cornwall* without Iſſue, on the Firſt of *October* this Year, That great Earldom fell to the King.

as for foreign Affairs, I find little worth noting to have been transacted this year, more than
ing Edward finding the Pope remiss in putting an End to the Differences that remained between the King
nd & himself concerning the Restitution of Gascoigne, he then sent over the Bishop of Winchester, & some other
adors to Rome there to treat and conclude all Points necessary for a full & perfect Peace & Concord: as appears by
s Letter to the Pope bearing Date ye 15th of April this year, as also by other Letters directed Amadeus Earl
y, & Henry Earl of Lincoln, & others there mentioned, who were added to the former Ambassadors, because
d been present at divers former Treaties, & were well instructed in all Points relating to this: this bears
Rose Castle ye 26. of September, & is entred on the Roll [Rot: alman 28. E. I. m. 8.] and published in
: p. 864. to 866.

As

Ann. Dom. MCCC.

H. K. M. W. Pope *Boniface* ordains the firſt Jubilé.

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As for Eccleſiaſtical Affairs; [5] Pope *Boniface* this Year ordain'd the firſt *Jubilé*, wherein all Pilgrims that came to *Rome*, were to receive a Plenary Indulgence and Remiſſion of their Sins. This was appointed to be once in a Hundred Years; but by divers ſucceeding Popes, it was afterwards altered to Fifty, and then to Five and twenty Years, as it remains at this Day.

Anno Dom. MCCCI.

[1] *Ch. St. Albani. in Bib. Cotton.* The King meets the Eſtates in the Parliament at *Lincoln* and the Speech that was then made to them by the King's Secretary, on his behalf.

He deſires an Aid from them, who thereupon ſet forth their Greivances.

The [1] King kept his *Chriſtmaſs* at *Northampton*, with his Queen and Children, being attended with a numerous Appearance of his Nobility and Biſhops. Then after Three Weeks there ſpent in this Feſtival Solemnity, the King removed to *Lincoln*, where He met the Archbiſhops, Biſhops, Earls, Barons and Commons in Parliament, according to his late Summons. At the opening of this Aſſembly, *Roger de Brabaſon*, the King's Chief Clerk or Secretary and Privy Councellor, made them an excellent Speech on the King's behalf, to this effect. 'His Majeſty has 'ordered me to let you underſtand, That whatever He hath done in his 'late Wars, hath been perform'd by your joint Conſent and Allowance; 'but that lately, by reaſon of the ſudden Incurſion of the *Scots*, and 'the Malicious Contrivances of the *French*, the King had been put to 'ſuch extraordinary Expences, that being quite deſtitute of Money, He 'therefore deſired a Pecuniary-Aid of them, to wit, a *Fifteenth* of their 'Temporal Eſtates. Whereupon the Nobility and Commons began to murmur, both by reaſon of the late frequent Payments of *Tenths* and *Fifteenths*, as alſo becauſe they had been ſo often diſappointed of the long expected *Perambulation* of *Foreſts*: They alſo complain'd of the wrongful and violent Oppreſſions that had been generally committed by the King's Officers, and required that the Ancient Liberties contain'd in *Magna Charta* ſhould be better obſerved, and that the *Deforeſtations*, which the King had ſo often promiſed, ſhould be now concluded and ſet out.

[2] *Id ib. Ch. Roſ.* The King at laſt gives a Gracious Anſwer to their Complaints. *Rot. Preambulationis Foreſtar.* 29 *Ed.* I. *in Turre. A. D.* 1301. The Bounds of Foreſts now ſettled.

Theſe [2] and divers other Articles they earneſtly deſired of the King; who delayed his Anſwer for ſome days, but finding they would not deſiſt, nor would upon any other Terms aſſiſt Him in his Neceſſities, He at laſt ſent them this Gracious Anſwer, *That He was ready to Grant and Confirm whatever they could in reaſon ask or deſire.* Then the * *Perambulations* of the *Foreſts*, (the main Buſineſs for which this Parliament was called, according to the Purport of the preceeding-Writ) were exhibited therein; and the King heard and confirmed them with this Clauſe; *That whatever by theſe laſt* Perambulations *was* Deforeſted, *ſhould remain ſo; and what was then allowed to be* Foreſt, *according to the Metes and Bounds then ſet out, ſhould be ſo for ever.* Theſe Letters Patents, or Confirmations of all the *Perambulations*, bear Date at *Lincoln*, the Fourteenth of *February*, in the Nine and twentieth Year of his Reign.

* *Rot. Clauſ.* 28 *Ed.* I. *M.* 7. 8. *Dorſ.*

† *Rot. Peram. Foreſt.* 29 *Ed.* I. *ut. ſupra.*

The Parliament grant the King a 15th of their Moveables.

* Then the King alſo confirm'd the *Great Charters* of *Liberties* and *Foreſts*, and commanded them to be ſent down and Proclaim'd in all the Counties of *England*; by which Gracious Conceſſions, He ſo far obliged both the Nobility and Commons, † That they readily granted Him a *Fifteenth* part of all their *Moveable* Goods to be paid by the Feaſt of St. *Michael* next enſuing: But the Archbiſhop of *Canterbury* and his Clergy would grant nothing out of their *Temporal* or *Eccleſiaſtical* Revenues, without the Pope's Licence.

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And preſently after this Parliament was riſen, the King iſſued out freſh * Writs to all Sheriffs for the Election of Three Knights, or other ſufficient Freeholders of each County, for the Enquiry into, and Puniſhing all Offences againſt the Great Charter and that of Foreſts; and that for the due Performance thereof, they ſhould meet the King at *York* the Morrow after the Feaſt of the Lords Aſcenſion, to perform thoſe things, which He ſhould then enjoin them for the due Obſervation of the ſaid Charters. Dated at *Weſtminſter* the 26th of *March*.

* *Rot. Clauſ.* 25 *Ed.* I. *M.* 7. *Dorſ.*

I muſt here take notice of what is omitted by moſt other Authors, *viz.* That Matters did not go ſo ſmoothly at this Parliament, as is commonly ſuppoſed; for the ſaid [3] Chronicle of St. *Albans* informs us, That the Great Council of the Nobility, being continued (after the Commons were riſen) till towards the latter end of *Lent*, they began to fall upon ſeveral raſh and imprudent Projects and Demands; as, That the Chancellor, Chief-Juſtice, and Treaſurer, ſhould be choſen and appointed by the *Community* of the Kingdom; which ſo far provoked the King, That He return'd them this reſolute Anſwer, *I perceive You would at Your Pleaſures make Your King truckle to You, and bring Him under Subjection. Why have You not asked the Crown of Me alſo; whilſt at the ſame time You look upon That as very fit and neceſſary for your ſelves, which you grudg Me that am Your King: For it is lawful for every one of You, as Maſter of his own Family, to take in, or turn out what Servants he pleaſes; but if I may not appoint my Chancellor, Chief-Juſtice, Juſtitiary, and Treaſurer, I will be no longer Your King; yet if they, or any other Officers ſhall do You any Wrong or Injuſtice, and Complaint be made of it to Me, You ſhall then have ſome Reaſon to Complain if You be not Righted.* This ſo reaſonable Anſwer of the King's, made thoſe aſhamed that were for theſe Alterations, and though ſeveral of them deſired Trouble and Diſturbance, rather than Peace and Quietneſs, yet the Major part of the Nobility ſeeing theſe Deſigns to be vain and frivolous, humbly begged the King's Pardon for their Preſumption.

[3] *In Bib. Coton.*

A great Council of the Nobility fall upon ſeveral Raſh Projects.

The King's reſolute Anſwer to them.

Whereupon they deſiſt from further deſiring them.

Then He being deſirous to obtain the Good-Will of his Nobility, with an affable though Majeſtick Countenance, of his own Accord [4] promiſed faithfully to obſerve all the *Liberties* contain'd in the *Great Charter*. It was alſo then and there agreed, That Four and twenty Knights ſhould be choſen out of the whole Kingdom, who ſhould be obliged upon Oath to diſtinguiſh the New *Foreſts* from the Antient ones, and that all thoſe, that were found to be made *Foreſts* ſince the firſt Coronation of King *Henry* the *Third*, ſhould forthwith be *diſforeſted*. After this, the King cauſed the Sentence of *Excommunication* to be again renewed and denounced againſt all Violators of the ſaid *Great Charters*, which He Himſelf by Means of evil Councellors had too much violated before: Upon which all Jealouſies and Ill-Will being for the preſent removed, the Great Men relying on the King's Word, were contented with what He had done.

[4] *Id. Ib.*

The King's Gracious Promiſe to maintain all their *Liberties*.

24 Knights are appointed to diſtinguiſh the new Foreſts from the old ones, and the former to be diſforeſted.

After the Tranſacting and Settling theſe Great Affairs, the King not being willing to make any direct Anſwer to the Pope's late *Brief*, wherein He required Him to ſubmit all his Differences about the Kingdom of *Scotland* to his *Holineſs*'s Judgment, and to ſend Meſſengers for that purpoſe to Him; therefore the King, to avoid and

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The King orders the Pope's late Brief to be read before the Earls and Barons.

* *F.* 885.

They order a bold Letter to be writ in Anſwer to it.

The Subſtance thereof.

† See divers Copies of this Letter in *M. W. T. W.* and *Dugdale*'s Summons to Parliament, being Tranſcribed from the Original Record in the *Exchequer*.

extricate Himſelf out of this Difficulty, ordered the ſaid *Brief* to be read to the Earls and Barons Aſſembled in ~~Parliament~~: Whereupon there aroſe great Debates amongſt the Lawyers, how, or after what manner this Bull or Letter ſhould be anſwered, as appears by part of an old Parliament-Roll in the *Tower*, of the Nine and twentieth of this King, truly Printed in Mr. *Pryn*'s * 3d Volume of *Papal Uſurpations*. The Reſult whereof, upon hearing the whole matter, was, That the Earls and Great Men of the Kingdom forthwith ordered a bold but ſenſible Letter to be Written to the Pope in all their Names, there being then above One hundred preſent, as alſo on the behalf of the *Community* of the whole Kingdom, which was Writen in *Latin*, to this effect.

Firſt, † They begin with a Compliment, wherein they tell his *Holineſs*, ‘That though the Holy *Roman* Church doth (as they firmly hope and believe) always proceed with that Judgment and Caution, as to prejudice None, but to preſerve the Rights of all particular Perſons Inviolable, yet that in a General Parliament now lately held at *Lincoln* by their Serene Lord King *Edward*, He there ſhewed and declared to them a Bill, or Letter, which He had lately received from his *Holineſs*, about certain Matters highly concerning the State of the Kingdom; which being read and underſtood, it was found they contain'd divers things very wonderful and never heard of before.

‘Then they proceed to let Him know, That it was Notorious to theſe parts of the World, that from the very *firſt Original* of the Kingdom of *England*, the Kings thereof, in the times of the *Engliſh-Saxons*, enjoyed the Superior and Direct Dominion of the Kingdom of *Scotland*, and alſo continued in Poſſeſſion of the ſame, during all Succeeding Generations.

‘And further declared, That in Temporals, the Kingdom of *Scotland* by no manner of Right whatever belonged to the Church of *Rome* at any time; That it was an antient Fee or *Feudal Right* of the Crown and Kings of *England*, and that the Kingdom and Kings of *Scotland* have been Subject only to the Kings of *England*, and to no other; and, That the Kings of *England*, concerning their Rights in that Kingdom, or other Temporalities, have never anſwered, nor ought to anſwer, before any Eccleſiaſtick or Secular Judge, by reaſon of their Royal Dignities, and Cuſtom to the contrary in all Ages: And to ſignify to Him, That having diligently conſidered his Letters, it was, and for the future ſhould be the common, unanimous, and unſhaken Reſolution of all and every one of them, That their Lord the King, concerning his Rights in *Scotland*, or other his Temporal Rights, ſhould in no wiſe anſwer Judicially before Him, or ſend Proxies or Commiſſioners to Him; eſpecially when it would manifeſtly tend to the Diſinheritance of the Crown of *England*, and Dignity Royal, and to the notorious Subverſion of the State of the Kingdom, to the Prejudice of their Liberties, Cuſtoms, and Paternal Laws, which by their *Oaths* they were bound to Obſerve and Defend, and which by the help of God they would maintain with their whole Force or Power; nor would they permit the King to do ſuch ſtrange and unheard of things, if He ſhould attempt it. Wherefore they Reverendly and humbly beſeech his *Holineſs*, favourably to permit the King in Peace to poſſeſs his

‘ Rights, Liberties, Cuſtoms and Laws aforeſaid, without Diminution ‘ or Diſturbance. In Witneſs whereof, they put to [1] their Seals (being ‘ One hundred and four in all) for themſelves and the whole *Community* ‘ of the Kingdom. Dated at *Lincoln* the Twelfth of *February, A.D.* 1301. ‘ In the 28th of *Edward* I.

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[1] See alſo a Copy of this Epiſtle with the Seals Appendant, engraven, and Printed at Oxford 1678.

From which notable Monument, we may obſerve what Opinion the Earls and Barons of the Kingdom then had of the King's Superiority and Dominion over *Scotland*, as alſo that the Pope had no Right or Title to any Sovereignty over that Kingdom; therefore had nothing to do to Summon King *Edward* to make his Defence for that Matter, before a foreign Tribunal.

I can find nothing farther done before the breaking up of this Great Council, than that the King, the better to ſatisfy his Nobility and Commons, now iſſued out new Letters-Patents under his Great Seal, for the ſtrict Obſervation of both the *Great Charters*; wherein, reciting his late Grant and Confirmation of them, He thus concludes, *We will and Grant, for Our Selves and Our Heirs, That if any Statutes ſhall be made contrary to the ſaid Charters, or any Article therein contain'd, they ſhall be amended by the* Common Council, *in the manner as they ought, or elſe ſhall be annulled.* This bears Date at *Lincoln*, the Twenty-eighth of *February, A. R.* 29, and is extant in the *Tower* under the Great Seal, which we have Publiſhed and Printed in the *Appendix* to this Volume, becauſe Dr. *Brady* has not thought fit to take any notice of it

This Charter (I ſuppoſe) was made not long after the Diſſolution of this Great Council of the Nobility; which though it continued to ſit and do Buſineſs, as the *Community* or General Body of the Kingdom, as I grant, Dr. *Brady* hath ſufficiently proved in his † *Introduction* to *Engliſh* Hiſtory, yet that they *acted thus not only by their Own Authority, but by the Order and Delegation of the Commons themſelves, I hope I have as ſufficiently made out in my* ~~Introduction~~. Appendix 13.

† P. 153.

But though the Deans of Churches, and other Delegates from the moſt conſiderable Abbies, had now brought Extracts from their ſeveral Chronicles to the late Parliament at *Lincoln*, which being there Reported, had fully ſatisfied the King and Eſtates of the Kingdom, concerning his Claim to the Sovereignty and Dominion over *Scotland*; yet were not theſe Teſtimonies drawn into any Form, until above Two Months after; and then the King, to give all due Reſpect and Satisfaction to the Pope, by the Advice of his Council, caus'd a [2] long Epiſtolary Declaration to be drawn up, directed to Pope *Boniface*, ‘ Setting forth from divers Chronicles of *England*, remaining in ſeveral ‘ Abbies, the Superiority and Dominion of the Antient *Engliſh* Kings ‘ over thoſe of *Scotland*, with the ſeveral Homages which the latter ‘ had at any time made to the former; and it then proceeds to give a ‘ Brief Account (from the Records and Memorials taken of this ‘ Tranſaction) of the Vacancy of the Throne, upon the Death ‘ of *Margaret* late Queen of *Scotland*, and the Diſputes that had ariſen ‘ thereupon, among the ſeveral Competitors to the Crown; which had ‘ been, by the Biſhops, Abbots, Earls, Barons, and other Noblemen ‘ and Commons of that Kingdom, voluntarily refer'd to His Determination, as Supreme Lord, and which had been alſo acknowledged ‘ and ſubmitted to by each of the Competitors to that Crown, and ‘ that in vertue thereof, He had declared *John de Baliol* Lawful King of

[2] The King's Declaration to the Pope, of his Right to the Dominion over *Scotland*. *Vid.* this Declaration in *M. W. ad hunc An.*

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‘ of *Scotland*: And then proceeds to give an Account of the Rebellion
‘ of the ſaid King *John* and all the Eſtates of *Scotland*, and their In-
‘ vaſion of *England*, and Depredations there committed contrary to
‘ their former Oaths of Homage and Fealty: And laſtly ſets forth the
‘ King's Conqueſt of *Scotland*, and the Surrender of the ſaid King *John*
‘ of his whole Right to the Kingdom, and the King's Poſſeſſion of the
‘ ſame by thoſe Titles; and that notwithſtanding their having again done
‘ Homage, and ſwore Fealty to Him, acknowledging Him for their
‘ King and Supreme Lord, they had yet ſeveral Times ſpoiled, waſted,
‘ and Invaded *England*. And ſo concludes with a Caution to the Pope,
‘ That He would pleaſe not to give Credit to the falſe Inſinuations and
‘ Suggeſtions of the *Scots*; and humbly deſires, that His Holineſs would
‘ have a Paternal Care of His Royal Rights and Dignities. This is Da-
‘ ted at *Kemſey*, the Seventeenth Day of May A. D. 1301.

Vid. the late Addit. to *Cambden*'s *Britan.* *p.* 525.

All which plainly ſhews, that tho' this Epiſtle to the Pope be placed before that of the Barons in our Hiſtorians, yet it was written above two Months after, tho' no doubt the Subſtance of it was agree'd on in the late Parliament at *Lincoln*: But as for the Place, from whence this abovesaid Letter is ſaid to bear Date, I know none of that Name, but an Antient Seat or Mannor of the Biſhops of *Worceſter*, where before the Conqueſt, and many Ages after, they had a Place upon the *Severne*, about Three Miles from that City; but it hath been long ſince demoliſhed, ſo that the Ruins are not diſcernable. But to ſay ſomewhat further concerning this Declaration.

As for the Force of theſe Teſtimonies, or Authorities, which then ſatisfied the King and his Great Council of the Juſtice of his Claim to the Sovereignty over *Scotland*, I ſhall ſay nothing to them here, having already written ſufficiently on that Subject in my *Introduction*, to prove, that when they are duly weighed and conſidered, they do not make good the Point for which they are alledged.

[1] *M.W. T.W.*

* *Vid.* Dr. *P*'s *Chron. ad hunc An.*

I find nothing elſe of Moment to have happened before the King's Expedition into *Scotland*; but [1] that He created *Edward* His Eldeſt Son Prince of *Wales* and Earl of *Cheſter*, * and not long after ſent him thither, where he received the Homages of all the Great *Freeholders* of that Principality, with which the *Welſh*-Men were very well pleaſed, he being born at *Carnarvon* in their own Country.

[2] *T. W.* *Chron. de Lan.*

The King makes another Expedition againſt the *Scots*, but with no very good Succeſs.

[3] *C. Abing.* in *Bib. Cantab.*

The late Truce with the *Scots* being ended at *Whitſontide*, [2] the King again renewed the War about Midſummer, and muſtering up his Army, [3] divided it into two ſeveral Bodies, one of which He kept himſelf, and the other He put under the Command of Prince *Edward* his Son, who with other Noblemen enter'd *Scotland* by the Weſtern Borders, whilſt the King ſtay'd ſometime at *Berwick*, and then followed the reſt of his Forces; but the *Scots* would not engage with either of theſe Armies, but fled before them as they had done formerly; only watching their Opportunity, they took ſome Plunder from the *Engliſh*; and the Military Men, who followed the King in this Expedition, loſt abundance of their Horſes, through the Scarcity, of Forrage as well as the Severity of the Weather, which was ſo extream, that many of his Army likewiſe periſhed for want of Victuals; ſo that all the King got in this Expedition was the taking the ſtrong Caſtle of *Caerlaverok* after a long Seige; but the King wiſely conſidering that whatever He had gain'd in Summer

mer He ſtill loſt in the Winter, by Reaſon of His Abſence, He now reſolved to paſs that Seaſon in *Scotland*; wherefore He winter'd at *Linlithgo* and other Places, and by that means humbled the *Scots* more than ever He had done before: Yet could He do no remarkable Exploit againſt them this Winter, for the Reaſons already given.

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He therefore reſolves to Winter in *Scotland*, and renew the War next Spring.

As for Civil Affairs, I find little now done, only this Autumn He appointed his Procurators and Ambaſſadors to the Pope, *Walter* Biſhop of *Litchfield* and *Coventry*, *Amadeus* Earl of *Savoy*, *Otto de Grandiſon* Knight, *Gerard* Archdeacon of *Litchfield*, to deſire his Holineſs ſpeedily to put an end to all Differences between Him and the *French* King, and to compleat the long defer'd Treaty of Peace, according to the Form of his late Sentence or Decree, by Vertue of the Compromiſe made unto Him: But the Pope was not then at leaſure to perform it, nor could the Commiſſioners at that time go. Theſe Procuratory Letters are dated at *Glaſco* the Four and twentieth of *Auguſt*, in the Nine and twentieth Year of his Reign. But this Ambaſſy proved wholy ineffectual as you will ſee by and by under the next Year.*

* *Rot. Pat.* 29. *Ed.* I. *M.* 2. *Int. & Clauſ. eod. An. M.* 2. *Dorſ.*

The King ſends Ambaſſadors to the Pope, to deſire him to finiſh the Treaty of Peace between him and the King of *France*.

*And ye Pope was now grown so indifferent in ye Kings Concerns, that in ye begining of this year, instead of determining the differences between ye two Kings concerning the Territories of Gascoigne, yt he wrote a Letter to ye King to perswade him that he should not let this opportunity slip of recovering ye Holy Land by ~~force~~ of Arms only for the consideration of so small a Territory as was in Dispute, but that he should rather yield it to the King of France for the present, as being a rash young Man, who since is by evil Counsellors and Flatterers was too obstinate & partial in his own Concerns; but then to sweeten the King the Pope concludes with putting him in mind of his six years aid from ye Clergy, wch Pope Nicholas his predecessor had granted the King might raise upon them for three years longer for ye Succour of ye Holy Land, of wch he gave ye King one moiety for his own Occasions, reserving ye other moiety towards ye Burdens & Necessity of ye Church; ye Bull you may see at large in R—s Coll: from p: 868. to 870.

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Whilſt the [4] King thus wintered at *Linlithgo*, He there received Letters from the King of *France*, to deſire Him, that He would grant the *Scots* another Truce until the Feaſt of *All-Saints* next enſuing; to which Requeſt, though much againſt the King's mind, He was forced to yield, becauſe of His late Mariage with that King's Siſter:* So having in Compliance to his deſires concluded a Truce with the *Scots* abovemention'd, and appointed Guardians for that part of the Kingdom which remain'd in his Poſſeſſion, He return'd into *England*.

[4] T. W. C. W. H.

The King receives Letters from the *French* King, to deſire Him to grant the *Scots* another Truce; which He does.

So ſoon as He came to *Durham*, the firſt thing I find He did there, was, to renew his late Ambaſſy to the Pope. For the King finding the Earl of *Savoy* and *Otto de Grandiſon* (who had been Commiſſioned, for that purpoſe, and were beſt acquainted with the Differences between him and the King of *France*,) could not be perſuaded, though I know not for what Reaſon, to undertake that Embaſſy to the *See* of *Rome*; He therefore, by a freſh * Commiſſion, appointed only Two of the four former Ambaſſadors, *viz.* 'The Biſhop and Archdeacon of *Litchfield*, to hear and receive in his Name the Pope's Sentence or Determination, concerning thoſe things that were not already declared and 'determined between the two King's in Vertue of a Compromiſe made 'by both of them to the Pope, as a Private Perſon.

The King upon his return from *Scotland* appoints other Ambaſſadors to the Pope, upon the former Buſineſs; and the reaſon of it.

* *Rot. Clauſ.* 30. *Ed.* I. *M.* 15. *Dorſ.*

This Letter or new Commiſſion was directed to the Pope, to give Him Notice of the Refuſal of the firſt Two Commiſſioners, *viz.* the Earl and Knight; and is dated at *Darlington*, in the *Biſhoprick* of *Durham*, the Fifth of *March*, in the Thirtieth Year of *Edward* I.

Then the King return'd into the South-Parts of *England*, [5] and in *Mid-Lent* following held a Parliament or rather Great Council at *Stamford*. *Nicholas Trivet* ſuppoſes this Aſſembly to have been held at *London*; but all the reſt of our Hiſtorians ſay it was at *Stamford*; but whereever it was held, they all agree in the Tranſactions of it. The Great Men were again much diſturbed that the late *Perambulations* of the *Foreſt* had not been ſo well obſerved as they ought to have been; and [1] when ſome high and threatning Speeches were there made, the King fearing the Diſpleaſure of his Nobility, appeas'd their angry Mind's with gentle Words; and being well adviſed by his Councellors, promiſed that the above-

[5] T. W. C. Nor.

The K. calls a great Council at *Stamford*, where the great Men are much diſturbed, that the bounds of the Foreſts were not obſerved.

[1] *Chron. Abing. ad An.* 1301.

This is also confirmed by an Instrument still extant, in which it is expressed, that it had been lately agreed by ye Plenipotentiaries of both Kings at Angiers, that at the
st of the King of France King Edward had granted ye Scots a Truce until 15 Days after Easter
next ensuing, & which is thereby renew'd till the Feast of St Andrew yt shall be in ye Year 1302.
is further agreed yt during ye sd Truce, & in Order to a firm & lasting Peace, yt all Lands, Territories & Possessions, that
en taken from ye Scots since ye Arrival of ye Envoys of ye King of France to King Edward, or yt shall be taken by him
ye Ratification of this present Treaty, should be put into ye Hands of ye King of France till ye Feast of All Saints yt Year;
condition yt ye said Lands, and Territories should be restor'd to King Edward or his Son, in case ye sd Treaty
ce should take no Effect, with divers other Articles, which for brevity's sake I omit: But which ye Reader may
large in R—s Coll: p. 892. to 894. & may observe that this Instrument was ratifyed by both Kings in Jan:
ensuing, as you may find in the same Coll: p. 895, 896.

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abovementioned *Perambulations* ſhould be forthwith Finiſhed, Settled and Diſpatched, as indeed was done not long after.

From whence we may take notice, That notwithſtanding all the King's fair Promiſes and Orders lately made at *Lincoln*, (as has already been mentioned) they were not obſerved with that Sincerity on the King's part, as the Nobles and Commons of the Kingdom then hoped they ſhould have been; ſo it juſtified the Earls and Barons Jealouſies of the Reality of the King's Intentions. I find nothing elſe to have been tranſacted in this Aſſembly (for I cannot call it a Parliament as ſome of our Hiſtorians do, becauſe indeed it was no ſuch thing, according to the Senſe of our Times) which plainly appears by This, that there is no Summons to be found to the Commons, either on the Patent, or Parliament-Rolls of this Year.

T. W.

The King being now returned to *London*, thought fit to ſend the Earl of *Lincoln*, and the Lord *Hugh le Diſpencer*, his Ambaſſadors to the Pope. Their Buſineſs was to ſet forth the Injuries that had been done to the King and Nation by the *Scots*, and to deſire his Holineſs not to give any farther Ear to the falſe Repreſentations of thoſe Traytors and Murtherers, who had ſo much impos'd upon his Prudence. But the Pope, being ſtill prepoſſeſſed by the *Scots*, not only commanded the King not to moleſt them, but as *Polydore Virgil* relates, he alſo demanded, on the behalf of the late King *Baliol*, a full Reſtitution of all his Eſtate in *England*; which the King was by no means willing to part with.

[2] *Annal. St. Auguſt Cant. ſub hoc Anno.*

The Earl Marſhal makes King *Edward* Heir of all his Eſtate, and delivers up his Marſhal's Rod on certain Conditions.

For want of ſomewhat more conſiderable, I will here inſert a remarkable Story concerning a particular Perſon, as being the firſt that had fallen out of this kind, *viz.* [2] in *April* following, *Roger Bigot*, Earl of *Norfolk*, and Marſhal of *England*, having no Iſſue, and but One Brother, named *John*, whom he did not care for, Conſtituted King *Edward* his Heir of all his Eſtate; delivering alſo unto Him the Marſhal's Rod, upon Condition to have it render'd back to him, provided he ſhould have any Children; as likewiſe to have a thouſand Pounds from the King in preſent, and a thouſand Pounds *per Annum* during his Life.

* *Rot. Clauſ.* 30. *Ed.* I. *M.* 13. *Dorſ.*

This Relation is further Confirm'd and Illuſtrated by a * Record in the *Tower*, by which the ſaid Earl granted, and quiet claimed for himſelf and his Heirs to the King and his Heirs for ever, all his Caſtles, Mannors, Lands, and Tenements in *England* and *Wales*, with their Appurtenances, except the Mannors and Advowſons, therein expreſly mentioned; the Names of which being many, and not now material to be known, I omit. This Charter concludes with a Clauſe, That neither He nor his Heirs, nor any one in his Name, ſhould have any Right or Claim in theſe Eſtates. This Grant was dated at the Abbey of St. *Johns* in *Colcheſter*, the Twelfth of *April* in the Thirtieth of *Edward* I.

He alſo, by another Deed dated at the ſame time and Place, made a Grant to the King of all his Goods and Chattles, in, and upon thoſe Caſtles, Towns and Mannors; except ſuch as are therein excepted.

And further, by another Deed of the ſame Date, He remitted and quiet claimed, for Him and his Heirs, to the King and his Heirs for ever, all the Right, Honour and Authority He had by the Name of

Earl Marſhal in the County of *Norfolk*, and the Marſhalſea of *England*, with every thing thereunto belonging; the Reaſons of which Grants are variouſly reported by our Hiſtorians: For *Matt. Weſtminſter* (though he miſtakes the Year, placing this Tranſaction in the 33d of this King) ſays, That he now cunningly circumvented the Earl-Marſhal, by laying again to his Charge a certain Conſpiracy which the Archbiſhop of *Canterbury* and this Earl, with divers other Earls and Barons, had been engaged in, whilſt the King was in *Flanders*; which Charge the Earl not being able to gain-ſay, he humbly beg'd the King's Pardon, and for the obtaining of it, was forced to make the King Heir to all his Eſtate, and it was that that ſaved him his Life, and alſo obtained for Him a thouſand Pounds *per Annum* for the ſame Term.

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[1] But another Antient and more Credible Authority, *viz.* the * Chronicle of *Abingdon* in the *Cambridge* and *Bodleian* Libraries, gives us a truer Account of this Traſaction; the Sum of which is, That this Earl, having much exhauſted his Eſtate by his taking part with the Barons againſt the King, had borrowed a great Sum of Money from his Younger Brother *John*, a Rich dignified Clergyman, and Rector of many Churches, who now demanded ſpeedy Payment of his Brother, without giving him any time to raiſe it; which ſo extremly provoked him, that he went immediatly to the King, and made over to Him all his Honours and Eſtate, upon Condition that he ſhould reinfeof him of the ſame during Life, and ſhould alſo ſettle a Penſion of a thouſand Marks *per Annum* for the ſaid Term, together with a ſufficient Sum of Money to pay his Debts: All which Conditions being agreed to by the King, He thereupon had the Eſtate convey'd over to Him accordingly.

[1] * *Ad hunc An.* A better Account given of the Reaſon of this Action in the *Abingdon Chronicle.*

I [2] have been the more particular in this Tranſaction, to warn the Reader of Dr. *Brady*'s Miſtakes in his late Hiſtory, ſince He might (as well as I) have ſearched the Manuſcripts here cited, and not blindly have followed the ſingle Authority of *Matt. Weſtminſter*, in aſcribing this Earl's Surrendring his Honour and Eſtate to the King, to a Cauſe ſo unworthy his Generoſity, as his calling him to an Account for an Action done ſo long before, and for which he had already received his Charter of Pardon under the *Great Seal*, and that too confirm'd by an Act of Parliament.

[2] *Cont. Hiſt.* 2d Vol. *p.* 75.

And perhaps [3] it was in imitation of the late Surrender of the Earl Marſhal, that *Humphry de Bohun*, Conſtable, and Earl of *Hereford* (Son and Heir to that *Humphry*, who with the former oppoſed King *Edward* in the Five and twentieth year of his Reign) did alſo this Year grant all his Caſtles, Towns, Mannors, Lands and Tenements, Knights-Fees, Advowſons of Religious Houſes and Churches, Hundreds, Honours, Liberties, and all their Appurtenances in *England* and *Wales*, to the King and his Heirs for ever, without Exception or Reſervation of any thing to himſelf; and all the Right, Honour and Dominion he had as Earl, in the Counties of *Hereford* and *Eſſex*, and to the Conſtableſhip of *England*. This * Grant is dated at *London* the Eighth of *October*, in the Thirtieth of *Edward* I. which Eſtates and Honour, upon his Mariage with *Elizabeth* the Seventh Daughter of this King *Edward*, and Widdow to *John* Earl of *Holland* and *Zealand*, were regranted by the King's † Charter to this Earl about two Years after.

[3] *M. W.* *Humphry de Bohun*, the Conſtable, makes a like Reſignation of his Eſtate to the King upon certain Conditions.

* *Rot. Clauſ.* 30. *Ed.* I. *M.* 5. *Dorſ.*

† *Rot. Clauſ.* 32. *Ed.* II. *M.* 16.

What

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What Reaſon this young Earl had thus to convey his Eſtate and Honour to the King, I cannot find in Sir *William Dugdale's* Baronage, or any other Author.

[4] *T. W. C. Ab. Pat.* 30. *E.* I. *M.* 15.

After [4] the Feaſt of *All-Saints*, the King having ſome time before made the Lord *John de Segrave* Governor of *Berwick*, He now alſo appointed him Guardian of the Kingdom of *Scotland*, notwithſtanding his late ill Succeſs there; and ſent him thither with a conſiderable Army, and freſh Orders to proſecute the War, as ſoon as the Seaſon would permit him, as you will find by and by. *

* I find ye King was the more encouraged in this Proceeding, because ye Pope being now better satisfyed of ye turbulent Temper of ye Scots, sent this Year two Bulls into Scotland ye one to ye Bishop of Glascow blaming him for being the chief Incitor of ye Troubles between ye King of England & ye Scots & commanding them for ye future to study and promote Peace. The other was directed to ye rest of ye Scottish Bishops, being much to ye same Purpose with the former, exhorting & charging them for the future to instruct their People to be quiet, & yt they (ye Bishops) should do their Endeavour to promote Peace, lest otherwise he should be provoked to apply some severer Remedies to this Distemper. These Bulls bear Date at Anagnia in ye 8th year of his Pappacy, as you may find in R—s Coll: p. 904, 905.

[5] *Id. M. W. Mezeray's Hiſt. ad hunc Ann.* The *Flemings* take Arms, and drive the *French* out of *Flanders.* And give them an entire Defeat.

I ſhall now paſs to the Affairs of *Flanders* and *France*. [5] The *Flemmings*, ſince the late Impriſonment of their Earl, having been cruelly oppreſſed with Impoſts and Taxes by their *French* Governor, *James Chaſtillion*, were now reſolved to bear it no longer; but chooſing *Guy* Earl of *Namur*, Son to their Impriſoned Earl, for their Leader, together with *William*, Son to the Count *de Juliers*, they took up Arms, and with one conſent either killed or expelled the *French* Gariſons out of all the Towns of *Flanders*; only *Courtray* remain'd in the hands of the *French*, but was beſieged by the Earl of *Namur*; upon which Revolt the King of *France* raiſed a great Army, and made *Robert* Earl of *Artois* General thereof, who preſently marched with Ten thouſand Horſe, and Forty thouſand Foot to the Releif of *Courtray*. The *Flemmings*, tho' they were ill armed, and had neither Cavalry, nor many Noblemen or Gentry of their Party, yet were not at all affrightn'd, but encamping themſelves as ſtrong as they could, expected the *French* between *Courtray* and *Bruges*, where they falling upon them, a Bloody Fight enſued, in which by a total Rout of the firſt Aggreſſors, the *Flemings* obtain'd a Compleat Victory, with the Slaughter of Twenty thouſand *Frenchmen*, together with the Earl of *Artois* their General, and above Twenty Earls and Great Lords of that Nation. This Battel was fought on the Ninth of *June*, and may ſerve as a laſting Admonition to Generals, not to deſpiſe the Weakneſs of an Enemy; as alſo to Princes, not to deal too Rigorouſly with a Conquer'd People; ſince the deſire of Liberty oftentimes produces greater Courage in the Oppreſſed, than either Emulation or the deſire of Victory can do in thoſe that had before ſubdued them.

[1] *Id. ib.* The King of *France* raiſes another Army againſt them, but does nothing, and for what Reaſon.

This [1] Defeat ſo much provoked the *French* King, that he was reſolved to march in Perſon againſt the *Flemings*, at the Head of an Army of a Hundred Thouſand Men, had he not been informed by his Siſter the Queen of *England*, that if he hazarded another Battel, he would be in danger of being betrayed by his own Subjects: This, and the Great Rains that fell that Autumn, made him retire to *Paris*, after he had marched as far as *Doway*.

[2] *M. W.* King *Edward* ſends Envoys to the *French* Court, to know whether that King would continue the Truce any longer, with his Anſwer to them.

This War, though troubleſome enough to the *French*, would yet have proved much more ſo, had not King *Edward* ſtrictly obſerved the Truce lately made with his Brother of *France*; which being now almoſt expired, He [2] ſent certain Envoys to the *French* Court to receive that King's final Reſolution, and to know whether He pleaſed to have Peace or War. His Anſwer was, *That He could not conſult of ſuch Arduous Matters, but in an Aſſembly of the Twelve Peers*, who being moſt of them then abroad, on publick Affairs, were not expected back till ſome days after: But ſo ſoon as they could be Aſſembled, their Anſwer was, That they could conclude nothing concerning a Peace or Truce, unleſs their Confederates the *Scots* were preſent. Upon which, the Ambaſſadors return'd. Then the King Summoned a Parliament at *Weſtminſter*, wherein the dilatory Anſwers of the *French* were reported, as alſo the late Victory of the *Flemings*; together with a freſh Propoſal from the former, That if the King of *England* would come over in Perſon into *France*, there would be no doubt but the Two King's would make ſuch an Agreement between them, as ſhould be grateful to both Kingdoms. But I do not find they came then to any poſitive Reſolution concerning it; but when the King had Summoned another Parliament at the Feaſt of St. *Edward*, that Propoſal was not approved of; but on the contrary, agreed by the Common Council of the Kingdom, That the King ſhould not go over at the Command or Suggeſtion of the King of *France*.

About the beginning of this Year, the King of *France*, willing to leave the *Scots* out of the Treaty, and conclude a ^ laſting Peace with *England* without them, King *Edward* * thereupon gave his Letters Patents or Commiſſion to *Amadeus* Earl of *Savoy*, *Henry de Lacy* Earl of *Lincoln*, and *Otto de Grandiſon*, or any Two of them, to prolong the Truce between Himſelf and the King of *France*, their Kingdoms and Subjects; and afterwards to ſettle a firm and perpetual Peace between them, their Heirs and Succeſſors, againſt all Perſons, but the Pope and Church of *Rome*. But this Commiſſion, by ſome means or other, proving ineffectual, a Second was granted to the ſame Perſons, (only the Biſhop of *Worceſter* was then added to it,) bearing Date the Second of *March*; by vertue of which, theſe Ambaſſadors, together with the Dukes of *Burgundy*, *Bretaign*, and others for the King of *France*, concluded a firm Peace between the Two Kings and their Realms, (the *Scots* being wholy left out of the Treaty;) and for the Confirmation of which, the King granted his Letters Patents, and Sealed them at St. *John*'s-*Town*, or *Perthe*, in *Scotland*, the Tenth of *June*, *A. D.* 1303. in the Thirty firſt Year of his Reign. All the Procurations, Patents, and other things concerning this Peace, and the Articles themſelves, are in a particular [1] Roll in the *Tower*. *

Upon this Treaty and Peace that followed it, all *Gaſcoigne* was entirely reſtored to King *Edward*, with all its Rights and Liberties, as He poſſeſſed it before the beginning of the War; and all Priſoners on both ſides were releaſed; and the Earl of *Lincoln* was made the King's Lieutenant there.

Not long [2] after, *William Wallys* again heading the *Scots*, took up Arms againſt King *Edward*; to oppoſe whom, in the beginning of *Lent*, the Lord *John de Segrave*, Guardian of *Scotland*, (having Winter'd at *Berwick*) reſolved to march into that Kingdom, and wholy to reduce it to the King's Obedience; but when early in the Morning they came near to *Edinburgh*, the *Engliſh* Generals divided the Army into Two Battalions, whereof the Firſt conſiſting of Three hundred Men at Arms, was Commanded by the Lord *de Segrave* himſelf, and the Second by his Brother, a very Valiant Soldier. Theſe Battalions marched about Four Miles diſtant from each other; but not being aware of an Ambuſcade that the *Scots* had laid for them in the way, they had like all of them to have fallen into it: But when diſcovered, the Lord *Segrave* was adviſed by his Officers to retreat to the next Battalion that was then coming up; but he thinking that to be a

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A Propoſal that King *Edward* ſhould go over into *France*, and there agree all matters in difference.

Which is not approved of by the next Parliament.

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being

* *Vid.* 3d Vol. of *Pryn's Papal Uſurp.* p. 1029.

The King appoints the Earl of *Savoy*, and others his Commiſſioners, to prolong the Truce with *France*, or to make a laſting Peace.

Who treat with thoſe of *France*, and make a firm Peace between the Two Kings, the *Scots* being excluded.

[1] *M. W.*

Upon which all *Gaſcoigne* is entirely reſtored to the King.

[2] *Id.*

T. W. Chron. Abing. ad An. 1302.

The *Scots* again take Arms, and the Lord *Segrave* marches againſt them.

* All which Commissions for several Treaties which at last ended in an absolute Peace ye Reader may see in R—s Coll: p. 905 to 908. 913. And all which are still preserved on the Rolls of this year [Rot: al: 31. E. I. m. 2] the principal Articles are concerning the entire Delivery of all Cities, Towns & Castles, and other Appurtenances therein mentioned, belonging to ye Dutchy of Aquitain which were then in the Possession of ye King of France should be immediately delivered to ye King of England according to ye Form of this present Agreemt. and ye said King was also to meet ye King of France at Amiens by the Feast of the Nativity of our Lady next ensuing to do Homage to ye King ~~[illegible]~~ for the said Dutchy, without any other Conditions than yt ye Procurators of ye sd Treaty shall swear Fealty on ye Soul (yt is on ye behalf) of King Edward, and yt thereupon the said Procurators should receive Letters of Restitution & Investiture of all the said Territories according to ye said Agreement. these being ye principal Heads thereof: as for ye Rest I refer ye Reader to ye Record itself or else ye Copy published in R—s Coll: p. 923, to 926.

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But is through his own raſhneſs defeated.

Diſparagement to his Valour, raſhly declined it; and ſo the *Scots* proving too hard for him, he was taken Priſoner, with about Twenty of his Men, beſides ſeveral others who were killed; and ſo the ſecond Diviſion coming up, were likewiſe routed, and *Robert le Coſter*, a moſt Valiant Officer, who then Served under the King of *England*, was killed. Whilſt this Engagement happened, Sir *Robert Nevill*, (that commanded a Third Diviſion) was at Maſs with his Men (it being the firſt Sunday in *Lent*;) but on a ſudden, hearing that the *Scots* had the better of it, and had taken the General Priſoner, He preſently made haſt to the Aſſiſtance of his Countrymen, where he behaved himſelf ſo gallantly, that he reſcued the Lord *Segrave*, and ſeveral other Priſoners, and ſo procured an honourable Retreat for Our Forces, though not without conſiderable loſs on the *Engliſh* ſide.

[3] *Chron. Cotton.*

A different Account of this or a like Action from the *Cotton* Chronicle.

But the Anonimous Chronicle, ſo often Cited, gives us ſomewhat a different [3] Relation of this, or ſuch another Defeat, which happened on the firſt *Sunday* in *Lent*, at *Roſlyn* in *Lothyan*, and proceeded from the Careleſneſs and ill Diſcipline of *Ralph* the Cofferer, One of the King's Chief Commanders, and Treaſurer for *Scotland*, who ſuffered the Soldiers to ſpend the Night before the Engagement in Drinking and Roaring; and the *Scots* having intelligence of it from their Spies, fell upon the *Engliſh* by Surpriſe; by which means they marching out of their Camp in ſeveral ſmall Detachments, without any good Order or Conduct, great part of the Army was there loſt, together with their Commmander, whom my Author ſays was a Clergyman, fitter to hold a Pen than a Sword.

Though the Author of this Relation tells us the Fight happened on the ſame day with the former, yet ſince he mentions a quite different Commander, and ſince other Circumſtances are in this, which are not in the others, as alſo that the Lord *Segrave* is not at all mentioned; it makes me ſuſpect it was not the ſame Engagement with that before-mentioned, and may be alſo miſplaced in Point of Time.

[4] *T. W.*

The King reſolving to march in Perſon againſt the *Scots*, Summoned his *Militia* to meet Him at *Roxburgh*; in the mean while the *Scots* beſiege the Caſtle of *Sterling*.

[5] *C. Roſ. M, W.*

And force the Gariſon to Surrender.

[4] When the King had received this Ill News, He reſolved, ſo ſoon as poſſible, to march Himſelf againſt the *Scots*, and to that end Summon'd his *Militia* by Proclamation, to meet him at *Roxburgh* on *Whitſunday* following. [5] But in the mean while, the *Scots* laid cloſe Siege to the Caſtle of *Sterling*, and being not able to take it by force, they hoped to do it by Famine: But the Gariſon managed their Store of Proviſions ſo cautiouſly, that the *Scots*, tyred out by the length of the Siege, retired. The Beſieged at laſt were reduced to great want of Proviſions, which made them ſend a Meſſenger to the King, (who was then on his March) to let Him know their ſad Condition, and to deſire ſome ſpeedy Relief. But the Meſſenger proving a Traytor, inſtead of going to the King, went over to the *Scotiſh* Commanders, and acquainted them with the true State of thoſe in the Caſtle: Whereupon the *Scotch*-Men preſently return'd to the Siege, and preſſed the Gariſon ſo hard, that within Three Days they were forced to deliver up the Place to the Lord *John de Soules*, upon Condition to have their Lives ſaved, and to be Conducted to their Lord, the King of *England*. When the *Scots* had got this Place, they new Victualled and Mann'd it with a very ſtrong Gariſon.

Then

[6] King *Edward*, as ſoon as He had entered *Scotland*, thinking it loſs of time then to lay Siege to *Sterling*-Caſtle, reſolved firſt to take in other Places; and He began with the ſtrong Caſtle of *Brihan*, which was Gallantly defended by *Thomas Mayle* the Governor; ſo that notwithſtanding the King battered it with great Stones, it proved to be without any effect. One Day, as the Governour was ſtanding upon the Wall, and watching where a Stone hit againſt it, in Deriſion, he wiped the Place with a Towel that was then in his hand: But ſome Days after, this Preſumption of his was ſufficiently chaſtiſed; for a Stone from an Engine hitting him on the Breaſt, he was taken up Dead; which Accident ſo confounded the *Defendants*, that they quickly ſurrendered the Caſtle to the King. And not long after, ſeizing the Abby of *Dumfermling*, He cauſed it to be Burnt, all except the Church, and ſome Cells for the Monks; becauſe there being then many large Buildings in it, the *Scots* uſed to Fortifie it, and Sallying out from thence ſpoiled the Neighbouring Country.

Upon [1] this, the King finding no Army to oppoſe Him, went by eaſie Marches through the whole Kingdom of *Scotland*, as far as *Cathneſs*; and in his return from the *North*, Beſieged *Sterling*-Caſtle, but without any Succeſs.

Then He ſpent his Winter at the Town of *Dumfermling*: But before the end of the Year, moſt of the *Scotiſh* Noblemen being no longer able to reſiſt Him, and fearing He ſhould again Winter among them as He had done before, ſent Mediators, and humbly craved his Peace and Pardon, and that they might be permitted to Compound for their Eſtates with thoſe to whom they had been given; both which the King granted. *Matt. Weſtminſter* ſays, The Great Men of *Scotland*, as well Earls as Barons, being wholy reduced and overcome, ſubmitted themſelves to the Will of the King of *England*; who admitted them to his Grace and Mercy, impoſing upon them Pecuniary Mulcts or Compoſitions, and appointing them certain Days and Years for the Payment of it. The Articles of which Agreement you will find in the beginning of the next Year. *

* But I cannot here omit a Matter which tho' of no great Moment, yet made a great deal of Noise, viz. yt during ye King's Absence in Scotland certain Monks of the Abbey of Westminster combining with some other Malefactors, yt lived in ye Town, found Means to break into ye King's private Treasury in ye said Abbey, & carried off a great Summe of Money which was there reposited, whereof ye King being informed, was highly incensed and issued out Writs of Enquiry to Ralph de Sandwich and others his Justices, charging them to enquire by ye Oathes of good & sufficient Men of London & Middlesex & Surrey who might best know ye Truth of ye Matter of Fact, & might discover the Malefactors, who if they were discovered & taken should be kept in safe Custody. This Writt bears Date at Linlithgo in Scotland ye 7th Day of June & is entred on ye Rolls of this year — [Rot: Pat: 31. E. I. m. 21] vid: R—s Coll: p. 930, 931.

France not affording us any more Affairs of Moment, we muſt be forced to look back as far as *Italy*; where you are to underſtand, [2] That the Quarrel between Pope *Boniface*, and the King of *France*, was now riſen to that heighth, that the latter having accuſed the former of *Hereſie*, *Schiſm*, *Magick*, and other Enormous Crimes, the Pope in Revenge declared him *Excommunicated* and *Deprived* of his Kingdom; which he offer'd to beſtow on any, whoſoever would Seize it: For the *French* King had juſt before ſent *Nargaret* his Lieutenant-General into *Italy*, to Seize upon the Pope's Perſon, who had then retired, and fortified himſelf in *Anagnia*: But the *French* General, joyning with the *Colonna*'s, (whom the Pope had before Degraded from being *Cardinals*) together with ſome Noblemen of that Country, that were his Enemies, by their means gain'd the People of that City, [3] and ſo without any difficulty entered it: And having forced the Palace, ſeized upon the Pope's Perſon, and plundered him of all his Jewels and Treaſure to a very great value; and not only ſo, but they almoſt Starved him, thinking thereby to have forced him to reſign the Papacy; but notwithſtanding this ſevere Treatment, he was reſolute againſt it. Then Four Days after, the Citizens taking Compaſſion of his *Holineſs*, drove the *French* out

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[6] *Id.*

The King Beſieges the Caſtle of *Brihan*, but in vain.

But at laſt has it Surrendred to him, and by what Accident.

And burns the Abby of *Dumfermling*.

[1] *Id.*

The King Beſieges *Sterling*-Caſtle without any Succeſs.

Moſt of the *Scotiſh* Nobility at laſt Submit to the King upon certain Conditions.

[2] *Mezeray*, *hunc An.*

An Account of the great Quarrel between Pope *Boniface* and the King of *France*.

[3] *T. W.*

The Pope is ſeized and plundered of all his Treaſure by the *French* General and the Colonna's.

And we find further that these Writts of Enquiry had so good an Event, yt it appears by another Writt directed to Roger Brabazon & William Berisford & other Justices, yt whereas Robert Abbot of Westminster & twenty two Monks of that Monastery, together with thirty two Laymen their Confederates, whose Names are there particularly set down, had been accused & committed to Prison for breaking into his sd Treasury, & carrying away ye Summ of 100000 li, & yt they denying ye Fact had petitioned for a speedy Tryal; he therefore appointed ye sd Justices to hear & try ye said Fact, by ye oaths of such Knights & other Evidence of ye Counties of Middlesex & Surrey, by whom ye Truth might be best discovered: the Sheriffs of London & Middlesex were likewise empowered to return ye sd Inquest accordingly. This Writt is likewise entred on ye Rolls Vid: R—s Coll. p. 938. But what was ye Issue of this Tryal I do not find. For all that Mat: of Westminster (who was a Monk of this Abbey) relates of it is no more, than that ye King's Treasury being robbed, only ten Monks of Westminster were imprisoned upon Suspicion & yt People were very apt to believe their Innocence not being then cleared which whether it ever was or not I cannot say.

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He thereupon getting to *Rome*, deceaſed ſoon after.

out of Town, and reſtored him to his Liberty: Who thereupon ſtraight retiring to *Rome*, fell Sick either of his late ill Uſage, or elſe of Vexation for his great Loſſes, and there deceaſed of a Fever the 12th day of *October*; And *Nicholas*, Cardinal of *Oſtia*, a Fryar-Preacher, was Elected in his ſtead, and took the Name of *Benedict* XI. who like a Prudent Prelate, immediately compos'd all the Quarrels of his haughty Predeceſſor with the King of *France*, and not long after Abſolved Him from the *Excommunication*, which He then lay under.

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The firſt thing I find to have been tranſacted in the beginning of this Year, is, The Conditions of Peace which the King made by certain Noblemen appointed as Commiſſioners to Treat and Agree on his behalf with the Chief of the Nobility of *Scotland*, that had been lately in Arms againſt him, but were now deputed by the reſt to make the beſt Terms they could for them and their Eſtates, as appears upon Record in the *Tower*, and here Tranſlated from the *French* Original.

The Terms given to, and accepted by, the Lord *John Comyn*, his Aydants and Aſſiſtants, were as follows:

The Articles of Peace and Agreement between King *Edward* and the *Scotiſh* Noblemen lately in Arms. Printed in *Ryley's Placitæ Parliament.* f. 369, 370.

'Theſe are the Things Agreed on with Monſieur *Richard de Burgh* 'Earl of *Ulſter*, Monſieur *Aymer de Valence* Seigneur *de Montignak*, 'Monſieur *Henry de Piercy*, Knights, and *John Benſtede*, Clerk, on the 'part of our Lord King *Edward*; and *John Comyn* of *Badenagh*, for himſelf and his late Aſſiſtants of *Scotland*, as well thoſe that were out of 'it, as within it: For the Faithful Keeping and Obſerving whereof, 'the ſaid Earl, the Lords *Aymer*, *Henry*, and *John de Benſtede*, in the 'Name of the King, and the ſaid *John Comyn*, Monſieur *Edmund*, '*Comyn de Kilbride*, Monſieur *John de Graham*, Monſieur *John de Vaux*, 'Monſieur *Godfry de Roos*, Monſieur *John de Maxwell* the Elder, Monſieur '*Peter de Prendregyſt*, Monſieur *Walter de Berkeley de Kerdaau*, Monſieur '*Hugh de Erth*, Monſieur *William de Erth*, Monſieur *James de Roos*, 'and Monſieur *Walter de Rothevan*, Knights, for themſelves, and all 'their *Scots*-Aſſiſtants, who would be in the Peace and Faith of the 'King, were Sworn to the Articles following.

Firſt, 'It was agreed, That all manner of People of *Scotland*, who 'came into the Peace of the King with the ſaid *John Comyn*, (except the 'Perſons after named) ſhould be received to the Conditions following, *to wit*, Their Lives and Limbs or Members ſhould be ſaved: 'They alſo to be Free from Impriſonment, and not to be Diſherited, 'except for their Ranſom or Fine, and the Amends for their Faults only 'committed againſt the King.

Secondly, 'Thoſe under Age were to have the ſame Conditions, as to 'the Saving of their Lives and Limbs, and Acquittal from Impriſonment, 'and Diſheritance.

Thirdly, 'For their Ranſom, and all other Things, it ſhould be as 'the King ſhould order in his next Parliament; and the Eſtabliſhment 'of *Scotland* was to be as it ſhould be then and there Ordained.

Fourthly, 'All the ſtrong Holds now in the King's, or his Friend's 'Hands, ſhould Remain ſo, and the Charge of keeping them ſhould be 'Defrayed out of what belonged to the Owners, or in other convenient manner, by thoſe who had the Cuſtody of them, or to whom 'they were delivered.

Fifthly,

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Fifthly, ‘The Priſoners on both ſides were to be ſet Free, except Monſieur *Peter de Morham*, and his Father.

Sixthly, ‘That the Hoſtages for the Payment of the Ranſoms of Priſoners on both ſides ſhould be Releaſed.

‘The Perſons excepted, were *Robert* Biſhop of *Glaſcow*, Monſieur *James* the Steward of *Scotland*, *John Soules*, Monſieur *David de Graham*, Monſieur *Alexander de Lindſey*, Monſieur *Simon Fraſer*, *Thomas du Boys*, and Monſieur *William de Wallys*; concerning all whom it was agreed, That the Biſhop, as to his Body and Temporalties, the Seneſchal, or Steward, and *John Soules*, ſhould have the ſame Conditions with the Commons; (that is, Have their Lives and Limbs ſafe, be free from Impriſonment, and not Diſinherited) but yet with Two Years Baniſhment out of *Scotland*, beyond the River *Trent*: That the Steward's Caſtles ſhould be in the King's Poſſeſſion during his Exile, and he to be at the Charge of keeping them. Concerning Monſieur *David de Graham*, and Monſieur *Alexander de Lindſey*, it was agreed That they ſhould have the ſame Conditions with the former, and be Baniſhed *Scotland* for Half a Year, *David* beyond the River *Tweed*, and *Alexander* beyond *Trent*. As to Monſieur *Simon Fraſer*, and *Thomas du Boys*, it was agreed alſo, That they ſhould have the ſame Conditions, but be Baniſhed the King's Dominions for Three Years, and alſo out of the Dominions of the King of *France*, unleſs in the mean time they could find Favour. But as to *William Wallys*, he was to Submit himſelf wholy to the Mercy of the King.

Further it was agreed, ‘That the Biſhops of St. *Andrews* and *Dunkeldin*, the Earl of *Boughan*, (*i. e. John Comyn*) the Seneſchal, or Steward of *Scotland*, Monſieur *John de Soules*, Monſieur *Ingelram de Humfreville*, and the other Perſons of *Scotland*, who were abroad, and the Confederates of *John Comyn*, ſhould come to the King's Peace within Fifteen Days after *Eaſter* next, every one according to his Quality, at *Dumfermling*, to do Homage, and Swear Fealty to Him.

And be it known, ‘That the aforeſaid Earl of *Ulſter*, and the Lord *Aymer*, *Henry*, and *John Benſtede*, promiſed in Good Faith, to uſe their beſt Endeavours with the King, to Ratifie in all Points this Accord by his Letters Patents, ſo ſoon as *John Comyn*, and others, that ſhould come with him, had done their Homage, and Sworn Fealty in due manner. In witneſs whereof, one Part of the Indenture, which was to remain with the King, was Sealed by *John Comyn*, *Edmund Comyn*, *John de Graham*, *John de Vaux*, and Others; and the other part was Sealed by the Earl of *Ulſter*, *Aymer*, *Henry*, and *John Benſtede*: Dated at *Stratborde* the Ninth Day of *February*, in the Thirty ſecond Year of the King.

The Title of The Record is, *Forma Pacis Scotiæ in Adventu* Johannis *le* Comyn *& aliorum*, *i. e.* The Form of the Peace of *Scotland*, upon the Submiſſion of *John Comyn*, and Others.

Yet notwithſtanding theſe Capitulations, Sir *William Wallys*, and a conſiderable Party of the *Scots*, ſtill refuſed to ſubmit, and held ſeveral ſtrong Places in *Scotland* againſt King *Edward*, which obliged Him ſo ſoon as his Affairs at home would give Him leave, and that the Seaſon of the Year would permit Him, to make another Expedition againſt them:

Yet Sir *Will. Wallys* and divers other *Scots* Men refuſe to ſubmit, and hold ſeveral Places

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[4] *T. W. C. Abing.* The King makes another Expedition against the *Scots*, and renews the Siege of *Sterling*-Caſtle, tho' a long time in vain.

The King encourages his Soldiers by a ſhort Speech.

them: [4] Wherefore leaving *Dumfermling*, He went in Perſon, and renewed the Siege of *Sterling*-Caſtle, which ſtill held out, battering it with Engines, that caſt Stones of Two hundred Pounds weight, with which the Walls were ſo ſhaken, that they fell down in divers Places; yet notwithſtanding the Beſieged defended it gallantly with their warlike Engines, which killed many of the *Engliſh*; and King *Edward* Himſelf was in great danger of his life from ſeveral great Stones and Arrows that were then ſhot at Him. But at laſt a huge Breach being made in the Walls, the King commanded the Ditches to be filled up with Faggots and other Materials, in order to make a General Aſſault: And the Signal being ready to be given, the King, to encourage his Soldiers, made them a ſhort Speech; wherein He ſets forth the Juſtice of his Cauſe, and that the Earls and Barons of *Scotland*, notwithſtanding their ſo often doing Homage and Swearing Fealty to Him as their Supream Lord, yet had ſeveral times Rebelled againſt Him, and He had as often Subdued them; ſo that there being no more Places left untaken, but this Caſtle, which was held out by an inconſiderable Fellow, He hoped they would now make ſo vigorous an Aſſault, as ſhould redound to their Own and the Nation's Honour.

[5] *Ibid.* The Beſieged being afraid of a general Aſſault, offer to Surrender, upon Conditions, which the King will not admit of.

[1] *C. Rof. K. W.* Wherefore they at laſt yield to Mercy.

When [5] the Beſieged found they were juſt going to be Aſſaulted, and knowing there was no hope of Relief, they offer'd to Surrender the Place, upon Condition to have their Lives and Limbs preſerved: But the King would by no means conſent to it, but was reſolved they ſhould wholy ſubmit themſelves to his Mercy; but they could not be brought to that, till they found they were unable to hold out any longer; and then they accepted his Offer, and Surrender'd themſelves, together with the Caſtle, on St. *Margaret*'s Day, or the Twentieth of *July*: And then [1] they all came out of it, Bare-footed, and with Ropes about their Necks, confeſſing themſelves worthy of Death, but with Tears implored the King's Mercy; which ſo prevail'd upon his good Nature, That He gave them all their Lives, but ſent *William Olyfant* the Governour, with above a Hundred Perſons of Quality more, to divers Caſtles of *England*, there to be kept Priſoners. *

[2] *Ibid.* The King having ſettled *Scotland*, leaves the Lord *Segrave* Governor there.

The [2] King having taken this Caſtle, which was the only Place left that could any ways moleſt Him, ſpent the reſt of this Summer in *Scotland* for the Settling the Affairs of that Kingdom; which when He had perform'd, and appointed Governours over the Caſtles, and other ſtrong Places, to ſecure the Peace thereof, and had made the Lord *John Segrave*, again, Guardian or Lieutenant of the whole Kingdom, He return'd into *England* a little before Winter.

[3] *Ch. Abing.* The King removes his Courts from *York* to *Weſtminſter*.

When [3] He came to *York*, He order'd his Courts of *King's Bench* and *Exchequer*, (which had been held there for near Seven Years) to be removed from thence to the Antient place at *Weſtminſter*. Then the King went to *Lincoln*, where He ſpent the greateſt part of the Winter.

[4] *Id. Ib.* The King lays a Talliage upon his Cities and Boroughs of Antient Demeſne.

I find nothing elſe the King did which was conſiderable this Year, [4] but that upon his Return out of *Scotland*, being in great want of Money, He impos'd a *Talliage* of the Sixth Penny, according to a due Valuation of their Goods, upon his *Demeſne* Cities and Boroughs.

Some of our Hiſtorians do alſo date the Writ or Commiſſion of *Trayl-Baſton* from this Year: But I rather incline to follow *Matt. Weſtminſter*, and others, who place it under the next.

* All which Proceedings do more evidently appear by an Instrument made thereof by a publick Notary, at ye Command of King Edward, bearing Date ye 24th of July, at ye said Castle of Sterling, where by ye Governour thereof & twenty five othr Chief Men of that Garrison submitted themselves to ye King's mercy, & it thereby also appears, yt ye Earls Barons, & Communities of ye Burroughs of Scotland, who had been engaged in ye late Rebellion (as it is there call'd) being reduc'd by Force of Arms to a sense of their Duty, divers of them came before the King and acknowledging him for their Supreme & Liege Lord, offer'd to make him satisfaction for what they had done, by assisting him in the Siege of the said Castle, as you may find in the Instrument it self in the Custody of the Chamberlain of ye Exchequer, and is published in R- Coll: p. 950, to 952.

I ſhall

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[5] *M. W.* The Deaths of ſeveral great Perſons.

I ſhall now conclude with the [5] Deaths of ſome Perſons of great Note; as *Thomas de Corbridge*, Archbiſhop of *York*, to whom Succeeded *William de Grenfeld*, Doctor of both Laws; alſo *John de Warren*, Earl of *Surrey*, now deceaſed, who was ſucceeded by his Grand-ſon of the ſame Name: He ſome time after Married *Eleanor* the King's Grand-daughter by her Mother the Counteſs of *Barr*.

[1] *Ib.*

[1] In *Italy*, Pope *Benedict* the Eleventh, having ſat little above a Year, deceaſed at *Peruſiam* on the Seventh of *July*; upon whoſe Death the *Cardinals*, being ſhut up in the Conclave, could not agree about the choice of a new Pope until the Year following.

[2] *C. N. T.* The King of *France* routs the *Flemings*.

As to Foreign Affairs, the [2] King of *France* had this Year much better Succeſs over the *Flemings* than He had the laſt; for He now routed their Forces in a pitch'd Battel, wherein *William* Earl of *Juliers* was ſlain: Whereupon the Two Cities of *Liſle* and *Doway* were not long after Surrender'd to the *French*. And having now very much humbled the *Flemings*, King *Philip*, to reduce them to his own Terms, ſent to his Brother of *England*, to deſire Him to debar them from having any Commerce with *England*, as He had already done by the *Scots*.

And we further find yt ye King did not stand altogether neuter in this war against ye Flemmings, but assisted his Brother of France with twenty ships raised by the Cinque Ports, which were to serve him for four months this summer, as appears by certain Writs, dated ye 9th of April, directed to the Mayors & Bailiffs of ye several Cinque Ports there mentiond, a copy of which is entred on the Rolls [Rot: Claus: 32. E. I. m. 12. d] & is published in Rym: Coll: p. 943. and yt the King also complyed with the King of France's Request of forbiding all Commerce with them, appears by anothr. Writ upon the same Roll, directed to all ye Sheriffs of England & Officers of the Cinque Ports, commanding them to cause to be proclaimd within their several Precincts, yt all merchants of England should immediately withdraw themselves, & their Effects out of Flanders.

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[3] *M. W.* *Chron. Abing.* The King holds a great Council, wherein He iſſued out the Commiſſion of *Trayle-Baſton*. The Original of that Commiſſion.

King *Edward* [3] kept his *Chriſtmaſs* at *Lincoln* with great Joy and Magnificence, for his late Succeſs over the *Scots*, being attended by a conſiderable number of his Earls and Barons; and I ſuppoſe it was in this Council or Parliament, That a new Writ or Commiſſion was iſſued out, which though it was only of *Oyer* and *Terminer*, yet was commonly called *Trayle-baſton*, of which Name I ſhall ſay more by and by; but the occaſion of it was this: The King and his Nobility, finding the Nation very much diſturbed by Thieves, Murtherers, and other diſturbers of the publick Peace, iſſued out this Commiſſion to ſeveral Juſtices appointed in each County for that purpoſe, who were to enquire concerning all Felonies, Breaches of the Peace, and other Offences; as alſo againſt *Intruders* into other Folk's Lands, who for fear were forced to convey them to the *Intruders*; as alſo againſt thoſe, that were hired to beat Men, and would afterwards for a double Reward Cudgel thoſe that had hired them.

[4] *Chron. Abing.* The manner how the Commiſſioners were to proceed.

But to ſpeak of this Writ. Theſe [4] Commiſſioners or Juſtices were to proceed according to their Commiſſion; by which they were appointed to enquire, by a Jury of Twelve Knights and other Lawful Men of the County, concerning the ſaid Offences; who were to return their particular Inquiſitions, with all their Proceedings, under their Seals, to the ſaid Juſtices: By Vertue of which, many Felons and other Offenders were taken; ſome of whom were hanged, and others fined, according to the nature of the Offence; by which means the Kingdom was not only clear'd of Offenders, but the King, by the many Fines and Forfeitures of Offenders, very much encreas'd his Revenues.

The Original of the Word *Trayle-Baſton*, from a Manuſcript Chronicle.

But this way of Proceeding being looked upon as too quick and ſevere, it was in the Reign of *Edward* the *Third* quite laid aſide, and is now grown ſo obſolete, that it is ſcarce known from whence the Word *Trayle-baſton* (which Signifies in old *French*, *draw the Staff*) is derived; but though it is commonly attributed to the Speedineſs of the Proceſs, which was diſpatched almoſt in as little time as a Man could draw, or let fall a Staff, yet this Signification ſeems forced; and I rather Incline to the Authority of the *Eveſham* Chronicle in the

Bodleian

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Boaleian Library, which derives it from a certain Inſtrument, antiently belonging to a Shoemaker, wherewith they uſed to beat their Apprentices, called a *Trayle-baſton*, (but is now out of Uſe) and of which the Author ſays, That the King in his Return out of *Scotland* was told this Story, concerning thoſe who then made it a Trade to take Money to beat other Men. That a certain Wicked Perſon, having hired ſome of thoſe Ruffians to beat another Man, whom he durſt not meddle with himſelf, they met with him, and cudgel'd him very ſeverely; but he happening to know One of them, found out who it was that had hired them; whereupon deſiring them to ſpare him, he promiſed them, if they would beſtow as many more Blows on him that ſet them on Work, he would reward them double, which they agreed to: So, in their Return, they met with the Man that firſt employ'd them, who asking them, Whither they had done as he had order'd them? they anſwered Yes, and that they were to receive as much more for the like Buſineſs; ſo One of them being a *Shoemaker*, crying out *Trayle-baſton*, they all fell upon him, and cudgel'd him twice as much as they did the other. At which Story the King at firſt ſmiling, was reſolved to ſecure his People for the future from ſuch Malefactors; and therefore He appointed certain Officers on purpoſe to Puniſh them, who were ever after called *Commiſſioners* of *Trayle-baſton*.

* The Reader may see a more authentic Copy of this Writ in ye Tower, bearing Date 6th of April [Rot Pat: 33. E. I. p. 1. m. 8. d.] vid: R: Coll: p. 956.

The Subſtance of the Writ, whereby theſe Commiſſioners acted.

I ſhall here, from the above-cited Chronicle of *Abingdon*,* give you the Subſtance of the Writ, by which theſe Commiſſioners acted; and it is directed to Two Gentlemen of *Yorkſhire* therein named, and firſt recites, 'That whereas very many Malefactors and Diſturbers of the Peace 'wander about, committing Murthers, Robberies, and burning of Houſes, 'with other Villanies both by day and night in the ſaid County, 'to the great Danger of the Inhabitants, as alſo of thoſe that paſs 'through the ſame; from which worſe Events may eaſily happen, 'unleſs ſome ſpeedy Remedy be appointed for the ſame; wherefore the 'King, being reſolved to prevent their Malice and Wickedneſs, had 'appointed thoſe Perſons named in the ſame Writ, to enquire by the Oaths 'of certain Lawful Men of the ſame County, concerning ſuch Malefactors, 'their Receivers and Partakers; as alſo concerning thoſe who have made 'any Bargain with them, for Gifts, or Rewards, to beat, wound, or 'evil intreat, or kill any Perſons, at Fairs, Markets, or other Places; 'as alſo concerning thoſe, who being ſworn in Inquiſitions at Aſſizes, 'have for Fear of them forborn to Indict or give their Verdicts againſt 'Malefactors; and to enquire of thoſe that have given them any 'Gifts, and how much and what they are; and who have received, 'as alſo who any ways favour or maintain ſuch Malefactors; and that 'they cauſe them to be arreſted and committed to Priſon by the 'Sheriff of the ſaid County: And then commands them to cauſe ſtrict 'Inquiſitions to be made at certain Times and Places, to be by them 'appointed, concerning all Miſdemeanors; and, if occaſion be, to Raiſe 'the *Poſſe Commitatus*, to Seiſe ſuch Malefactors that ſhall be thus Preſented and Indicted, and Commit them to Priſon; and alſo by the 'Sheriff to ſeiſe the Goods and Chattels of all ſuch as ſhall flee after 'their Indictment, and keep them for the King's uſe: Then gives 'a Power to the Sheriffs, That at certain Days and Places, to 'be appointed by the ſaid Commiſſioners, they cauſe as many Knights, 'or others as they ſhall think fit to be return'd, to enquire concerning

‘ing the Premiſſes, and that they cauſe all ſuch as they ſhall find ‘Guilty by ſuch Inquiſitions, to be arreſted and kept in Priſon as ‘aforeſaid, without delay; and that the ſaid Sheriff and whole Body ‘of the County be aſſiſting to the ſaid Commiſſioners, whenever ‘there is occaſion on the Behalf of the King. *In cujus rei Teſtimonium*, &c.

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There alſo follow in *French* certain Articles for the ſaid Commiſſioners to enquire upon. The Firſt is, concerning thoſe, who having got into Poſſeſſion of the Lands of other Men, and cannot maintain the ſaid Force againſt the Right Owners by Law, deliver the ſaid Lands or Tenements into the hands of Great Lords, to be by them maintained in the ſaid firſt Wrong: The reſt of them being to the ſame purpoſe, as thoſe contain'd in the Commiſſion it ſelf, I omit. * By Vertue of theſe Commiſſions, the Commiſſioners of *Trayle-baſton*, conſtantly ſitting in all Counties of *England*, and many Perſons being found Guilty by the Inquiſitions of Lawful Men, they were return'd under their Seals to the ſaid Commiſſioners; and ſeveral being thereupon Indicted, and found Guilty, were taken and executed: Inſomuch that divers others fearing the like Treatment, left their Houſes and Farms, and fled into *Scotland*, and there joining with the King's Enemies, did a great deal of miſchief to the *Engliſh*, by the Inrodes they made in thoſe Parts.

The Articles upon which they were to enquire.

* *Id. ib.*

So ſoon as the King return'd to *London*, He there held a † Parliament in *Lent*; at which, on the Five and twentieth Day of *March*, [2] He enjoyn'd the Biſhop of *Glaſco*, *Robert Bruce* (Earl of *Caric*) afterwards King of the *Scots*, and *John de Mowbray*, (being the Chief of the *Scotiſh* Nobility, who had been concern'd in the late Wars againſt the King) That they ſhould treat among themſelves, and agree upon a Day and Place, for a Parliament to be called, to conſult about the State of the Kingdom and People of *Scotland*, and who are fitteſt to be entruſted with the Government thereof; as alſo concerning the Number and Quality of the *Scotiſh* Nobility that ſhould come to it.

† *Ro: Clauſ* 33 *Ed.* I. *M.*3. *Dorſ.* *Vid.* Ryley's *Placit Parliament*, 243, 244.

[2] The King holds a Parliament, and adviſes with the *Scotiſh* Nobility, when and how to hold a Parliament for *Scotland*.

Their * Advice and Anſwer to theſe Articles were return'd to the King the day following, to this effect, That a Parliament could not well be Aſſembled in *Scotland* before *Midſummer*, the Place to be where the King pleaſed; That as to the Perſons, Two Biſhops, Two Abbots, Two Earls, Two Barons, and Two for the Commons, were a ſufficient number, if the King thought fit; and concerning the Perſons that were to take care of the Kingdom, they thought the preſent Guardians and King's Miniſters, with the *Community* of the Kingdom, were ſufficient for that Purpoſe. Which Things being read before the King and Council on the Six and twentieth of *March*, He thereupon willed and granted, That the day of the Parliament's Meeting ſhould be Three Weeks after *Midſummer*, and that it ſhould be at *London*, and that Ten, who ſhould be choſen by the whole Community, might come to the Parliament at *London*, for the whole Community of *Scotland*, and that the Cuſtody of the Nation ſhould be as they had ſaid.

* *Ibidem.* Their Anſwer to the King's Demands.

Theſe alſo [3] Petitioned the King, that thoſe who ſhould be elected to come to this Parliament, for the ſaid *Community*, might have their Charges and Expences born by them. And his Anſwer was, That He would

[3] *Vid.* *Pryn's* *Regſt.* of Parliament Writs, p. 22, 23.

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would order that thoſe Ten, who ſhould be choſen to come to the Parliament for the whole Community of *Scotland*, ſhould have their Expences paid them by the ſaid Community, &c.

[4] *Vid* Ryleys *Append. ad Placit Parli. p.* 503 508. Printed alſo in *Pryn*'s 3d Vol. 1053. & *Dein ad* 1056. *Clauſ.* 33. *E.* I. *M.* 13. *Dorſ.* Ten Commiſſioners are choſen to repreſent all the Eſtates of *Scotland*, in a great Council of *England*. *Their Names being now of no Uſe are omitted, but the Reader if he pleaſes may find them in the Roll and in Print. Theſe ſettle all things relating to the Government of *Scotland*.

However this [4] Parliament (as appears by the ſame * Record) was Prorogued from Three Weeks after the Feaſt of St. *John Baptiſt*, to the Feaſt of the Aſſumption of the Virgin *Mary*, or Fifteenth of *September*; at which time and Place abovementioned came the *Scots* Commiſſioners, who were there choſen by the Commonalty of *Scotland*, viz the Biſhops of St. *Andrews* and *Dunkelain*, the Abbots of *Cowper* and *Menros*, the Earl of *Boughan*, Monſieur *John de Mowbray*, Monſieur *Robert de Keth*, Monſieur *Adam de Gourdon*, Monſieur *John de Inchemartin*; but Earl *Patrick*, who was choſen by the Commonalty to be the Tenth, came not; and therefore by Command of the King, Monſieur *John de Monteith* was aſſigned in his ſtead. Theſe, with Twenty *Engliſh* Biſhops, Abbots, Earls and Barons, who were all ſworn by the King's Command, treated about the Eſtabliſhment of *Scotland*, and appointed the King's Lieutenant or Guardian, the * Chancellor, Chamberlain, Judges and Sheriffs of the ſame, all by Name, as well of thoſe that were born in *Scotland* as of the *Engliſh*: They likewiſe ſettled the Coroners, Conſtables of Caſtles, and alſo ordered all things concerning the Laws and Uſages of *Scotland*, and the Peace and Diſturbers thereof, as alſo concerning the Government. The Title to this Great Record, is, *The Ordinance made by the King for the Eſtabliſhment of* Scotland; which being very long, and now obſolete, I have here only given you the Subſtance of it.

[5] *In Bib. Cotton.* This Record is further confirmed by a Manuſcript Chronicle, which ſets forth the whole Proceedings of the Council.

[5] The Manuſcript Chronicle of *Rocheſter* (from whom *Matt. Weſtminſter* hath Word for Word tranſcribed the Relation of this Affair, as he has done many other things) may ſerve to explain and confirm this Record; for it relates, That on the Octaves of St. *Mary*'s *Nativity* (or Sixteenth of *September*) there was a great Council aſſembled at the *New-Temple* in *London*, conſiſting of ſome of the Nobility of *England* and *Scotland*, at which were preſent the Biſhop of *Cheſter*, with the Biſhops of St. *Andrews* and *Glaſco*, and Four Earls, Two for each Nation, beſides many Barons of the ſame; all theſe conſulted for about Twenty Days what was beſt to be done to ſettle the Peace of *Scotland* for all future times; and then theſe *Scotiſh* Commiſſioners (who were ſent hither by the Community of the whole Kingdom) together with certain of the *Engliſh* Biſhops and Noblemen, agreed, that certain Juſtices ſhould be appointed by Two and Two, who ſhould in their particular Provinces preſerve the Peace of the Country, decide Differences, and prevent Quarrels: All which being concluded on, the ſaid Commiſſioners came before the King, and there read the Ordinance they had now made, which He approv'd of, and confirm'd. Then all the *Scotiſh* Biſhops, Earls and Barons there preſent, ſwore on the Holy Goſpels for themſelves and their Heirs, as alſo for the whole People of *Scotland*, preſent and to come, That all Men, of what Rank and Condition ſoeve, ſhould for the future faithfully obſerve the ſaid Ordinance.

* Now called *Richmond*. The King upon this Settlement expreſſes great Clemency to the *Scotiſh* Nobility.

Theſe things were tranſacted at the Mannor of * *Sheen*, upon *Thames*; at which the King was ſo highly ſatisfied, in hopes of a firm and laſting Peace, that He farther expreſſed his Clemency to the *Scotiſh* Nobility and Gentry, who had rebelled againſt Him, and for their Of-

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fences were to pay the full value of their Eſtates in Two, Three, or Four Years (according as their Fines had been ſet) each of them ſhould have their times of Payment enlarged to as long again, wherein they were to pay their Compoſitions, each Man's Eſtate and Condition conſidered; ſo that in the mean time he might have whereof to live according to his Degree and Quality. Then the *Scotiſh* Commiſſioners abovementioned, having taken their leaves of the King, return'd Home with great appearance of Joy and Satiſfaction.

And King *Edward*, not long after, did by his Letters Patents confirm theſe Articles (here mentioned by our Hiſtorian) as appears by the enſuing Charter, Tranſlated from the *French* Original in * *Ryley's Placita Parliamentaria.*

* *p.* 366.

The Form of the King's Charter of Pardon to the *Scots* Noblemen, who had been in Arms againſt him.

EDward, *by the Grace of God, King of* England, *Lord of* Ireland, *and Duke of* Aquitain, *to all that ſhall ſee or hear theſe Letters, Greeting. For the perpetual Memory of the things under-written, We let you underſtand, That the People of* Scotland, *after they were in Our Homage and Ligeance, and bound to Us by Oath of Fealty, and by their Charters or Writings, as ſtrongly as We and Our Council knew how to order and direct, by evil Councel aroſe and made War againſt Us; committing Robberies, Burnings, Murthers, Felonies, and many other Evils and Miſchiefs, according to their Power, in Our ſaid Land of* Scotland, *and alſo in part of* England, *contrary to their Homages, Fealties and Ligeances aforeſaid; and afterwards many of them return'd to Our Faith and Obedience, and were received to Our Peace and Favour: And at laſt* John Comyn *Lord of* Badenagh, *and the Others of his Party, came alſo, and were received to our Peace and Faith, ſo as for their Ranſoms and Amends for their Treſpaſſes and Outrages againſt Us, and for the Eſtabliſhment of* Scotland, *they ſhould be at our Ordinance and Pleaſure. Notwithſtanding theſe Contempts, Treſpaſſes, Outrages, and Diſobediences of the People of* Scotland *towards Us, have been ſo great and heavy, as there cannot ſufficient Amends and due Satiſfaction be made for them at any time; and though We cannot ſuffer ſuch Crimes to paſs without ſome Puniſhment: Yet ſeeing thoſe People have behaved themſelves well and loyally ſince Our laſt being in thoſe Parts, and for the Hopes We have of their good Behaviour, and Service for the Future, being willing to do them ſpecial Grace, We have Granted, and do hereby Grant, That their Lives and Limbs ſhall be ſafe, and that they ſhall be free from Impriſonment, and not be diſinherited: Saving to Us always the Lands, Tenements and Lordſhips, the Demeſnes and Appurtenances of the Royalty of* Scotland, *(which* John Baliol, *late King thereof, gave away and alienated,) to do Our Pleaſure with them. And We alſo do hereby Pardon and Releaſe to the People aforeſaid, that have ſubmitted and received our Peace and our Faith, the Crimes committed againſt Us, the Anger, Rancour, and all manner of Ill-Will We any ways had againſt them; ſo as they ſhall be bound to pay what is ordered by Us and Our Council, according to Our Decree and Determination, which follow in this Form.*

The ſeveral Fines or Compoſitions that thoſe Noblemen were to Pay for their Eſtates.

Firſt, *We Order and Decree, That* John Comyn, *and the Others with him, who came in to Our Peace and Faith upon the Covenants granted them, ſhall, to make Amends for the Crimes by them Committed, pay three Years value of their Lands and Rents, toward the Building of new Caſtles in* Scotland, *for Security of the Nation and preſerving the Peace, or to other uſes as We ſhall think fit: And We farther Pardon the ſaid* John Comyn, *and* David Graham

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their Exiles, and remaining out of Scotland, *according to the Covenant aforeſaid.*

Further *'tis ordained by Us and our Council, That the People of* Scotland, *who ſubmitted to Us before* John de Baliol, *ſhall Pay only the Rents of Two Years of their Lands; except thoſe that can ſhew themſelves acquitted by Our ſpecial Grant or Deed.*

The ſame Order was made concerning *Adam de Gourdon*, and *Simon de Fraſer*, Knights, and therefore the Decree concerning them need not be repeated.

Further, We Decree and Determine, That the Biſhops, Abbots, Priors, and the Clergy of the Kingdom of Scotland, *except the Biſhop of* Glaſco, *ſhall Pay as their Ranſom, and for their Crimes, the value of their Rents and Lands for one Year; except thoſe that can ſhew by ſpecial Deed, or other Manner, that they ought to be Diſcharged.*

The Biſhop of *Glaſco* was to be diſcharged upon the ſame Terms with *John Comyn* in all Reſpects; as alſo to his Baniſhment, which was remitted.

Further, That Ingelram de Umfrevil, *becauſe he made his Submiſſion but a little while before theſe Letters were granted, ſhould pay Five Years Value, &c. And that* William de Baliol, *and* John Wychard, *ſhould Pay for the ſame Reaſon Four Years Rent.*

Further, That Hugh de Adroſſan, John de Gourley, John de Naper, *and* John de Makilgoigny, *who were of the Retinue of the ſaid* William, Ingelram *and* John, *ſhould Pay Three Years Value.*

Further, for the time and manner of Payment of theſe Compoſitions or Fines, the King's Lieutenant and Chamberlain of Scotland *ſhould make a reaſonable and juſt Extent of the Lands of the Offenders, according to the preſent Value of the Lands; and according to that Extent the Compoſition or Fine was to be levied and paid every Year, at the uſual time of Payment, half the Value; and ſo from Year to Year till the whole was paid: And other half of their Lands and Rents ſhould remain to them for their Support and Maintenance.*

And 'tis to be known, That Our Will *is not, that this Determination ſhould extend to, and be underſtood of ſuch Perſons of the* Scots *as were Priſoners upon this occaſion; nor of ſuch as have not ſubmitted to Our Peace or Faith. In Witneſs whereof we have cauſed theſe our Letters Patents to be ſealed at* Weſtminſter *the 15th of* October, *in the 33d Year of Our Reign.*

The Title of this Patent is, Forma pacis Scotiæ, *The Form of the Peace of* Scotland. ✱ The original Charter is still preserv'd in the Exchequer, & is publi
in R—s Coll: p. 968, 969.

[4] *M. W.* The *Scotiſh* Clergy though all Sworn to this Ordinance yet did not obſerve it, and why.

This is the Effect of the Articles concluded on in the Great Council abovementioned, conſiſting of all the *Engliſh* Nobility, and the Deputies of thoſe from *Scotland*, [4] which ſat Twenty Days, and in that time drew up and agreed on the abovementioned Ordinance; for the perpetual obſervation of which, all the Biſhops, Abbots, Earls and Barons of *Scotland*, preſently after took a Solemn Oath, though it proved to no great purpoſe, ſince moſt of them not long after, caſting off their Allegiance to King *Edward*, fell into a freſh Rebellion, and ſet up a King of their own, as you will find anon; ſo impoſſible a thing it is for a Foreign Prince totally to ſubdue a Free and Warlike Nation, as long as their Nobility and Gentry keep their Eſtates (as now they did) and were ſo far from thinking it an Obligation to enjoy them upon the Terms agreed on by the abovementioned Articles; that looking upon that as too great an Impoſition, they choſe ra-

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ther to take up Arms, than quietly to pay it. But to return to the Affairs of *Scotland.*

Sir William Wallys Taken and Executed.

Sir *William Wallys* (the *Scots* late Champion) was not ſo much as mentioned in this Agreement; and which, as it may be ſuppoſed, he would never have accepted of, ſince he looked upon himſelf as irreconcileable to King *Edward* and the *Engliſh* Intereſt: But the Reaſon why he was not at all mention'd, is, That about the middle of *Auguſt* preceding, He had been taken Priſoner by ſome of King *Edward*'s Officers in *Scotland*, [5] being betray'd by one Sir *John Menteth*, his ſeemingly familiar Friend, and [1] being ſent up to *London*, was there Tryed and Condemned by certain Noblemen appointed for that purpoſe, to be Hang'd, Drawn and Quarter'd, his Bowels and Privities being firſt cut out whilſt He was yet alive; all which was executed upon him with the utmoſt ſeverity; his Head was fixed upon *London*-Bridge, but his Four Quarters were ſent into *Scotland*, and placed over the Gates of as many of the Principal Cities of that Kingdom. This was the end of that great Champion of the *Scotiſh* Nation, and who is celebrated even to this day in their Songs, Poems and Hiſtories; but as he may be commended for his Valour, ſo his Memory is highly odious to the *Engliſh* for his barbarous Cruelty, ſince all our *Engliſh* Writers (among other remarkable Inſtances thereof) relate, That beſides the Killing of Infants Sucking at their Mothers Breaſts, and Burning to Death a great Number of *Engliſh* Schole Boys in Schools and Churches, he alſo forced many *Engliſh* Men and Women, whom He had taken Priſoners and ſtripped ſtark naked, to Dance and Sing before Him, whilſt certain Tormentors that guarded them, pricked them forward with ſharp Pikes, to make them march which way they had a Mind to. ✗

[5] T. W. Buch. L. 9.

[1] M. W.

✗ I must not omit somewhat tho a ~~most~~ less publick concerne, that the Ld. Nicolas Segrave, one of the cheif Barons of England, being this year accused, and then upon arrested of high treason upon the testimony of another Kt. whose name is not mentioned. Segrave (there being no other witness against him) proffered to justify himself by Duel, but the King not admitting of it, Segrave thereupon followed his accuser beyond sea that he might fight him, wch being done without the Kings license he was again seized as a Traytor, yet at last he with some difficulty he was ~~again~~ pardoned and again received into the Kings favour. Continuator. Chron. Gervas. Dorob. ad hunc an.

The King calls the Archbiſhop of *Canterbury* to Account for what he had formerly acted againſt him.

I ſhall conclude this Year with ſome Eccleſiaſtical Affairs, concerning the King's ſevere Proceeding about this time with *Robert* Archbiſhop of *Canterbury*, whom, his Affairs being now ſettled, He thought fit to queſtion for eſpouſing the Party of the Diſcontented Nobility againſt Him, both before and after his going into *Flanders*; beſides which, the King laid Hainous Crimes to his Charge; as, That [2] he ſhould have entred into a Confederacy to Dethrone Him, and ſet up his Son Prince *Edward*; which though my Author makes him to have confeſſed, yet it is not at all probable he ſhould do it, there being no direct Proof againſt him; and that thereupon being ſeverely rebuked by the King he fell down at his Feet, and humbly begged his Pardon, *calling the King his Lord*, which he never did before in Speech or Writing. *Thus* (ſaid He) *this Proud Prelate hated of both God and Men, who with his Pride had Blackened the Prieſthood and Clergy of* England, *and exerciſed an unheard of Tyranny over the People, now taken by the King in his own Wickedneſs, conſcious of it, and affright'ned with the Fear of Puniſhment, as he lay proſtrate before the King, committed himſelf and his Goods to his Mercy.*

[2] *Will. Thorne. Script. Col.* 2004.

Why *William Thorne's* Account is not much to be credited concerning the Archbiſhop.

This is *William Thorne*'s Account of this Tranſaction between the King and the Archbiſhop, againſt whom he having a particular Pique, upon the Account of [3] his having invaded certain Rights and Priviledges belonging to the Abby of St. *Auguſtin Canterbury*, between whoſe Abbot and this Archbiſhop there had been long and frequent Diſputes about them; therefore this Writer (though cited by Dr. *Brady*) may be very well looked upon as too much prejudiced

[3] *Ib. Col* 2003.

against

I must not here pass by a thing very material relating to Scotland, being omitted by our Historians, that the King not long after his granting his above said Charter of Pardon, did by a Commission directed to the Bishop of St. Andrews and other Scottish noblemen constitute and appoint his dear Nephew John Son to the Duke of Brittaigne Guardian or Governour of Scotland, who continued so till toward the End of this Reign, this Commission is entred on the Roll [Rot: Pat: 33. E. I. m. 4] and is published in R–s Coll: p. 970.

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againſt the Archbiſhop; who (though he had behaved himſelf too haughtily againſt the King, yet that he was Guilty of any ſuch Deſign againſt Him, could never be proved; for had it been ſo, He would certainly have taken a more ſevere Courſe (if not with the Archbiſhop) yet at leaſt with the reſt of the Noblemen who had been found to have a hand in it.

* *Rot. Rom.* 34 *Ed.* I. *M.* 10. The King complains of him to the Pope; upon which he is ſuſpended *ab Officio*, &c.

Yet thus much is certain (ſince it appears upon * Record) That not long after the King ſent a large Complaint againſt him to the Pope, and Proſecuted him in his Court for diſturbing the Peace of the Kingdom, and cauſing often Commotions in it, defending and encouraging Rebels, and intending to Diſinherit Him: For which Crimes, at the Inſtance of the King, he was Cited by the Pope to his Court; and was there ſuſpended from the Execution of his Office, until he ſhould purge himſelf of what was objected to him by the King.

† *Ib. M.* 5. *N* 9. Upon which the Pope deputes certain Perſons to execute his Archiepiſcopal Offices, and receive the Rents.

Upon this Suſpenſion, † the Pope deputed certain Perſons to Adminiſter the Spiritualities and Temporalities of the Archbiſhoprick, and receive the Profits to his Uſe. As to the laſt the King wrote to him, it was to the manifeſt prejudice of his Crown and Dignity, and therefore He had cauſed them to be Seized, as He might Lawfully, and was bound to do by his Royal Right, and according to the Cuſtom of the Kingdom; yet though the Profits of the Temporalities belonged to the Crown during the Suſpenſion, for the particular Affection He had to his Perſon, He was willing and granted, That the Guardian thereof ſhould Pay them to ſuch as he ſhould aſſign to receive them.

But though the Archbiſhop went not long after to *Rome*, where he remain'd in Diſgrace, and under Suſpenſion during the ſhort Remainder of this King's Reign; yet in the beginning of the next, he was, by the Pope's Interceſſion, not only reſtor'd to the Temporalities of his Arch-biſhoprick, together with his Perſonal Eſtate, which had been ſeized into the King's hands, but was alſo re-inſtated in his former Favour at Court, as you will find hereafter, when we come to that Reign. ✝

✝ And the King having now the Pope for his Friend procur'd him to grant his Bull of Dispensation from the Oath he had formerly taken to observe the Additional Articles relating to the Liberties of Forrests, which as this Bull sets forth had been extorted from him by ye great Men or Nobles of the Kingdom whilst he was in Flanders, that being contrary to his Prerogative and therefore ye Pope thereby prohibits all Arch Bishops, Bishops, and other Ecclesiastical Persons under Paine of suspension, and if they continue obstinate for the Space of a month of Excommunication, and if they were Lay Persons under Pain of the last Sentence, if they shall presume to attempt any thing in Prejudice of this Bull of Dispensation and Revocation, yet further declares, that it was not his Intent thereby to take away any Rights of the Subjects of the said Realm granted by the said King or his Predecessors, before the s.d last Concession. this Bull is dated at Lyons 4th Kal: Feb. the first year of his Pontificate, is published in R—s Coll: p. 978, altho' there is a mistake in the Title prefixed before it, wherein it is called the Pope's Absolution from all Oaths & Excommunications concerning ye Observation of the Magna Chart Charter of Forrests; whereas it appears by the Purport of the Bull it self, that this Absolution was no further than to the Articles therein mentioned. as appears further by another Bull much to ye Effect, directed to the Bishop of Worcester in Order to be published by him, which you may like w in R—s Coll: p. 979. And I suppose ye Reason of this 2d Bull was, because the former ~~being~~ [illegible] Arch Bishop of Canterbury, who having been a great Promoter of these Additional Arti either refuse or delay the Publication of the said Bull.

[4] T. W. Mezeray ad hunc An. The Death of *Benedict*, and the Election of *Clement* the 5th.

I ſhall conclude this Year with ſome Eccleſiaſtical Affairs abroad. Pope *Benedict* XI. Deceaſing in *Italy* in the beginning of *July* laſt Year, having enjoy'd the Papacy not full Eight Months, after his Deceaſe the Cardinals being ſhut up in the Conclave, continued ſo for near Eleven Months more, until at laſt the *Italian* Cardinals, averſe to the *French* Intereſt, agreed to elect *Berteran de Got*, Archbiſhop of *Bourdeaux*, a *Gaſcoigner*, and a Subject to the King of *England*, which happened very much for his Advantage. This Pope took the Name of *Clement* V. and was ſo far from going into *Italy*, as the Cardinals that had choſen Him deſired, that He forthwith Commanded them to *Lyons*, to aſſiſt at his Coronation, which was there perform'd on the 14th of *November* with great Pomp: The King of *France* attending upon Him in Perſon, led the Reins of his Mule's Bridle for a few Paces, and then left that Office to be perform'd by his Brother *Charles* Duke of *Anjou*, and the old Duke of *Bretaigne*, but with very ill Succeſs; for as they marched thus in Proceſſion from the Church where the Pope had been Crown'd, toward the Palace to Dinner, it happened that an old Wall, overcharged with People, that were got upon it, fell down juſt as the Pope paſſed by, and thereby overwhelmed the Duke of *Bretaigne*, and preſſed him

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The Pope Eſcapes a great danger by the fall of an old Wall.

him to Death, and killed Two or Three other Perſons of Great Quality that walked by his ſide; but the Duke of *Anjou* eſcaped, though grievouſly bruiſed. I do not find the Pope Himſelf had any Perſonal hurt, only his Triple Crown was beaten from his Head, and his Preſervation was accounted little leſs than a Miracle, though this was looked upon as a very ill Omen, and ſeem'd to portend the great Schiſms and miſchiefs that happened to the *Roman* See, by this Pope's tranſlating it from *Rome* to *Avignon*.

[5] *M. W.* The King ſends Ambaſſadors to the Pope, with a Noble Preſent of Gold Plate.

So ſoon as King *Edward* had Intelligence of the new Pope's Succeſſion to the Pontifical Throne, [5] He forthwith diſpatched the Biſhops of *Litchfield* and *Worceſter*, with the Earl of *Lincoln*, as his Ambaſſadors, to Congratulate Him; and alſo preſented his Holineſs with a Noble Service of Plate, both for his Chamber and Table, all of beaten Gold; which ſo wrought upon his Holineſs's Affection, that in return, He granted the King a *Tenth* out of all Eccleſiaſtical Benefices in *England* for Two Years, towards the Relief of the *Holy-Land*, though it was diverted by the King for his own private Occaſions.

This Pope alſo, remembring that Charity begins at home, firſt of all reſerved to Himſelf the Firſt-fruits of all Eccleſiaſtical Benefices in *England*, as well Biſhopricks as others; which continued down to the Reign of King *Henry* the *Eighth*, who firſt annexed them to the Crown, as they remain at this day: But He was induced to this (as my Author ſays) through the Covetouſneſs of the *Engliſh* Biſhops, who were content to ſubmit to this Innovation, upon Condition that they might enjoy the Profits of all vacant Benefices that were in their Gift for the ſpace of One Year next enſuing.

[1] *M. W. T. W.* The Pope ordains *Anthony* Biſhop of *Durham*, Patriarch of *Jeruſalem*.

But before I quit [1] this Subject, I muſt take notice, That One of the firſt things this new Pope did after his Acceſſion to the Throne, was, That He ordain'd that Warlike Ambitious Prelate, *Anthony Beke*, Biſhop of *Durham*, Patriarch of *Jeruſalem*, with a Diſpenſation for him to reſide there; ſo that this was a meer Titular Dignity, for which he paid the Pope (who then wanted Money) a round Sum: But though our Authors ſay, That his Holineſs thus advanced him for his Magnificence and Spirit, it was rather from his extream Pride, becauſe as a Patriarch, he would carry his Croſs before the Archbiſhops of *Canterbury* and *York*, as he did upon his Return home, to the great Mortification of both thoſe Prelates.

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[2] *M. W.* The great Inſurrection of the *Scots*, under *Robert Bruce*.

[3] *Boeth. Buchan.* With a Relation of the whole Deſign, and his Eſcape.

This Year begins with a moſt dangerons Inſurrection of the *Scots*; [2] which was begun and headed by *Robert Bruce* Earl of *Carick*, Son to him of the ſame Name, who formerly pretended to the Crown of *Scotland*; but what the Father had done openly, the Son now privately deſign'd and carried on: Of which Plot (as the [3] *Scotiſh* Hiſtorians relate) King *Edward* having had ſome notice, charged him with it; but he boldly denying it, and there being no direct Proof againſt him, he had time to make his Eſcape; for an *Engliſh* Peer (moſt likely the Earl of *Gloceſter* his Brother-in-Law) ſent him privately Twelve Sterling Pence, and a Pair of *Spurs*, which he interpreting to be a Symbole of ſpeedy Flight, preſently left *London*; and having had his Horſes ſhod backward to avoid being followed, he rode from thence into *Scotland*, where, ſo ſoon as he arrived, he reſolved to take upon him the Title of King; and knowing there was none ſo able to hinder him

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[4] *T. W. Ch. Ab.*

He meets the Lord *Comyn* at *Dunfreis*, whom refuſing to join with him, he Murthers in the Church; and then takes the Caſtle, and makes the King's Juſtices Priſoners.

from it, or promote him to it, as [4] *John Comyn* Lord of *Badenagh*, being One of the moſt potent Men of that Kingdom, he immediately charged his Two Brothers, *Thomas* and *Neele*, to deſire a Meeting with him in the *Cloyſter* of the Franciſcan-Friers at *Dunfreis*; where, upon Conference, the Lord *Comyn* refuſing to join with him in the Deſign to make him King, he in Revenge Stabbed him with his Dagger: Then *Comyn* finding himſelf wounded, immediately fled out of the Cloiſter into the Church for Sanctuary; but One of the *Bruce*'s Brothers, and others of his Retinue, fearing he ſhould recover, followed him thither, and murthered him on the Eleventh of *February*, at the very Altar. When *Robert Bruce* and his Accomplices had thus killed the Lord *Comyn*, he preſently mounted the Horſe of the Party ſlain, and went with his Confederates to the Caſtle of *Dunfreis*, where the King's Juſtices were then Siting, with a few *Engliſh* attending them, and ſurprizing them on the ſudden, they ſurrender'd themſelves to his Mercy, to whom He gave his Safe-Conduct to carry them out of the Kingdom.

[5] *Lib.* 9. *H. Boeth. L.* 14.

The Account the *Scotiſh* Hiſtorians give of this Buſineſs.

But ſince [5] *Buchanan*, and the reſt of the *Scotiſh* Hiſtorians, differ very much from ours in their Relation of this Action, Varniſhing it over with a much better Colour, than (I doubt) it deſerves, I ſhall therefore give you their Account of it. Firſt of all, they ſuppoſe that King *Edward* had not long before (to keep them firm to his Party) ſometimes made *Bruce*, and ſometimes *Comyn* believe, That He would make them Kings of *Scotland*, having each of them a Pretence to it; but when they found themſelves at laſt both deluded by the King, they entered into a joint Confederacy, and *Comyn* yielded up his Right to the Kingdom unto *Bruce*, upon Condition, That ſo ſoon as he ſhould be made King, the other ſhould have all *Bruce*'s private Patrimony made over to him, which was very great. This Agreement was Signed and Sealed by both Parties, and not long after, *Bruce* went into *England*, to Speak with the King about ſome particular Matters; but ſo ſoon as he was gone, *Comyn*, to ingratiate himſelf with King *Edward*, and thereby to obtain the Kingdom for himſelf, diſcover'd the whole Conſpiracy, and at the ſame time ſent him the Agreement under his Seal: When the King had received this Notice, and had full Confirmation of it, He openly taxed *Bruce* with it, and appointed him a Day for his Trial; yet however he only took his Parole of Honour, that he would not depart from Court, and did not Impriſon him, until he had alſo ſeiſed his Brethren; but *Bruce* having Intelligence of the King's Intentions to take him off, by an Earl (whom *Buchanan* calls *Comitem Gomeriæ*, though by the way, there was at that time no Earl of this Title in *England*) he made his Eſcape, as hath been already related; and ſo ſoon as ever he came into *Scotland*, he by Accident met a Meſſenger with Letters from *Comyn* to the King of *England*, which he ſeized, and in them found how he had adviſed Him to put *Bruce* to Death. He was ſo much enraged at this Treacherous Dealing, of One whom he took for his Friend, That he immediately rode away to *Dunfreis*, and there meeting *Comyn* in the Church abovemention'd, and producing the Letter he had ſo lately taken, accuſed him of Treachery and Falſhood; but the other confidently denying it, *Bruce* was ſo exaſperated, That he ſtabbed him in the Belly with his Dagger; and Two of his Friends fearing that he had not ſufficiently done his Buſineſs, immediately ran

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into him and finiſhed the Work; after which, they all made their Eſcape as faſt as they could.

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The Improbability of their Relations.

This Account, though plauſible enough, yet is attended with this Improbability, That none of the *Engliſh* Hiſtorians of that time mention any of theſe Circumſtances, but do all agree in the Relation of *Comyn*'s Death, and the Cauſes of it, as is ſet down before; though I grant that the Continuator of * *Fourdon* relates this Action much in the ſame manner as *Boethius* and *Buchanan* have done, but he lies under the ſame ſuſpition of Partiality to his Country, as thoſe Two Authors that follow him: And indeed the Circumſtances of the Story are very improbable, as theſe *Scotiſh* Hiſtorians relate them; for is it likely, That King *Edward*, having made Three Expeditions into *Scotland*, and been at ſuch Charge and Trouble to ſettle that Kingdom, having not long before made the Clergy and Nobility thereof Swear Fealty to Himſelf, ſhould now ſeem willing to part with that Crown to another? Or that either *Bruce* or *Comyn* ſhould be ſo ſtupid as to believe Him, had He ever made any ſuch ſeeming Propoſition? Therefore it was not likely, that *Comyn* ſhould diſcover this Plot to the King, ſince he did thereby not only betray his own Guilt, but alſo his Weakneſs in doing it, without any Certainty to obtain the Crown himſelf. But I ſhall leave it to the Impartial Reader, to judge which of theſe Two Relations he thinks moſt probable, and ſhall proceed to that which is moſt certainly acknowledged by both ſides.

* *MS. in Bib. St. Ben. Cantab.*

The Lord *Comyn* being thus taken off, [1] *Bruce* having already made the Biſhops of St. *Andrews* and *Glaſco*, with ſeveral Earls and Barons, Privy to his Deſign, drew them over to his Party; who, notwithſtanding they had moſt of them Swore Fealty, and done Homage more than once to King *Edward*, yet they with their Tenants and Followers preſently took up Arms; and there not being ſufficient Forces of the *Engliſh* then left in *Scotland* to reſiſt them, on our *Lady-day* the Biſhops abovemention'd, with Five Earls and ſeveral Barons of that Kingdom (beſides a great Multitude of the common ſort of People) aſſiſted at the Coronation of *Robert Bruce*, in the Abby Church of *Scone*: But he not thinking this ſufficient, on [2] *Palm-Sunday* following, had the Crown ſet upon his Head by the Counteſs of *Bouquhan*, Siſter to the Earl of *Fife*, to whom this Office belonged by Hereditary Right; which Ceremony was then believed to be ſo neceſſary, That this Counteſs not only ſtole away from her Husband for that end, but alſo carried off all his War-Horſes along with her; for which Fact you will e're it be long find her expos'd to ſufficient Shame.

[1] *Chron. Abing. M. W.*

Many Biſhops and Noblemen join with *Bruce*, who now makes himſelf King of the *Scots*, and has the Crown ſet upon his Head by the Counteſs of *Bouquhan*.

[2] *T. W.*

So ſoon as this Solemnity was over, the [3] new King and thoſe of his Party did what they could, (by receiving the Homages of ſuch as would come into Him, by ſeizing of Caſtles, and driving out the *Engliſh*,) to ſettle Him in his new Government; and though He did Wonders, conſidering the ſmallneſs of his Forces, yet by reaſon the whole Family of the *Comyns*, who were then, together with their Dependants, very powerful, oppoſed them with all their Might, and that moſt of the ſtrongeſt Places in *Scotland* ſtill remained in the hands of the *Engliſh*, as alſo becauſe ſeveral of the chiefeſt of the Nobility as yet continued Neuters, to ſee what Succeſs this new King might

[3] *Buchan. ib.*

The great difficulties the new *Scotiſh* King met with at firſt; and the Reaſons of them.

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meet with; it was no wonder if his Forces were eaſily broken and ſubdued, as you will find in due time.

But this preſent Defection of the *Scots*, as well as a more general One the next Year, upon the Death of King *Edward*, will ſufficiently teach us, *That no Promiſes or Oaths whatever, (when extorted by Force or Fear) though never ſo Solemnly made, will, or can oblige a free People to become Subject, and give up their Antient Laws and Liberties, to a Foreign Prince:* So that it appears King *Edward* had indeed behaved Himſelf with more Clemency than Policy toward the *Scotiſh* Nobility and Gentry, that had been in Arms againſt Him, whom He admitted to compound for their Eſtates according to the Rates He had impos'd upon them; which was ſo far from being thought an Obligation, that it rather encouraged them again to rebel, to avoid the Payment thereof.

[4] *M. W.*

The King obtains the Pope's Abſolution of his late Oath for *Deforeſtations*, which gives a general Diſcontent.

* *Par. ſecunda, P.* 67. *Edit.* 1556.

Yet to give the People ſome Satisfaction, He publiſhes an Ordinance for the Regulation of Abuſes in the *Swainmote-Courts.*

† *Rot. Stat.* 35 *Ed.I.M.* 13,14.

* *Ibidem.*

† *Art.* 5.

* Second Vol. *p.* 84.

But it is time to return to the Affairs of *England*: Where ſome time before the King had made this further Advantage of the Pope's Favour, That He thereby obtain'd his Bull, abſolving Him from his late Oath for *Deforeſting* (or laying out of his *Foreſts*) all ſuch Lands as did not truly belong to them. [4] This Bull being publiſhed on *Eaſter*-day, gave a general Diſcontent to the whole Nation, ſince the King therein followed the Evil Example of his Father, who obtain'd the Pope's Abſolution from his Oath, to the Proviſions or Statutes of *Oxford*: And indeed this Act of the King's was looked upon ſo much the worſe, as being directly againſt Law, and the Antient Charter of *Foreſts*; beſides His own late Conceſſions. But then, to give the People ſome Satisfaction, and to ſtop their Mouths from Clamour, He not long after made and publiſh'd that *Ordinance* of the *Foreſt* now upon Record, and Printed in * *Totel's Magna Charta*, chiefly intended to regulate ſeveral Abuſes committed in the *Swainemote*-Courts, and to prevent divers Treſpaſſes committed in the King's *Foreſts*; which Ordinance bears Date at *Weſtminſter* the Eight and twentieth of *May*, in the Thirty fourth Year of his Reign: And at the ſame time with it, He alſo iſſued out a Writ, or Letter, enter'd upon the ſame † Statute-Roll with this Ordinance, and of the ſame Date; wherein He expreſſed Himſelf much troubled in Mind for the Clamours of the People, who, as He there ſays, were much oppreſſed, impoveriſhed, and injured by the Officers of his *Foreſts*; and therefore deſiring to obviate theſe Oppreſſions and Grievances, which He could not paſs by without great Scandal or Offence, and to provide for the Peace and Tranquility of the Kingdom, He had iſſued the aforeſaid Ordinance of the *Foreſts*. * This Writ or Letter was ſent into every County of *England*, with Command to the Sheriffs to cauſe them to be read, and the Ordinance that came with it, to be Proclaimed in a full *County-Court*. But how Gracious ſoever the King's Promiſes now might be to ſatisfy the Minds of the People, yet it is certain, That by this Ordinance He diſſannull'd the former *Charter* concerning *Deforeſtations* of thoſe Places which had not been antiently *Foreſts*, as appears by this very † Ordinance it ſelf; therefore this Action will not bear that Gloſs which * Dr. *Brady* puts upon it in his Hiſtory: But we ſhall now return to the Affairs of *Scotland.*

So ſoon as the King received the ill News of the late Defection of the *Scots*, immediately (till He could provide a greater Force) [5] He ſent to relieve the Gariſons of *Berwick* and *Carliſle*, thereby to ſecure the *Engliſh* Borders on that ſide from any Invaſion. In the mean while the new *Scotiſh* King, finding the Men of *Galloway* utterly refuſe to join with thoſe of his Party, He in Revenge fell in upon them, and deſtroyed their Country, beſieging One of their Chief Noblemen in his Caſtle, till he could be relieved by the Gariſon of *Carliſle*. But as for [1] King *Edward*, till ſuch time as He could go in Perſon, He in the beginning of the Spring diſpatch'd *Americ de Valence* Earl of *Pembroke*,* the Lords *Robert Clifford*, and *Henry Piercy*, into *Scotland*, with a ſmall Army, to put a ſtop to all new Inſurrections, and to Protect thoſe that continued ſtill in their Allegiance; and alſo gave full Power to the Earl, as Guardian of *Scotland*, to receive thoſe to Mercy and Pardon who would come in and ſubmit themſelves, excepting thoſe who had a hand in the Murther of the Lord *Comyn*, as appears by an *Original Charter (ſtill preſerved) under the Great Seal. And for augmenting the Forces neceſſary for this Expedition, † He cauſed it to be publickly Proclaimed all over *England*, That as many as were obliged to be made Knights, either by Paternal Succeſſion, or for their Eſtates, ſhould appear at *Weſtminſter* on the Feaſt of *Pentecoſt*, where they were to receive all the Military Ornaments (except for their Horſes) from the King's Wardrobe; ſo that Three hundred Young Gentlemen, the Sons of Earls, Barons, Knights, *&c.* had Scarlet Cloth, fine Linnen, and Belts embroidered with Gold, diſtributed to them according to their Quality: And becauſe the King's Palace was not able to receive them, they were fain to cut down the Apple-trees in the Orchard of the *New-Temple, London*, wherein theſe intended Knights pitched their *Pavillions*, and kept their *Vigil* in the Church belonging to the ſame; whilſt in the mean time the Prince of *Wales*, by his Father's Order, did the like in the Abby-Church of *Weſtminſter*, with certain Young Noblemen of the higheſt Quality. On the Morrow after, the King knighted the Prince in the Palace, and made him Duke of *Aquitain*; who, ſo ſoon as he had received this Honour, went to the Abby-Church, there to confer the ſame upon his Companions; but He found the Crowd ſo great, That He was forced to ſtand upon the High-Altar to perform the Ceremony of knighting them.

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[5] *Chron. Lan.* Upon the News of the Defection, the King ſends to ſecure the *Engliſh* Borders.

[1] *T. W.* The King ſends the Earl of *Pembroke* into *Scotland* with an Army.

* Whom he had now appointed his Lieutenant in Scotland, & therefore ordered all Persons who had any Goods or Lands in ye Northern Counties & Borders of Scotland to be ready to assist him with their Horses and Arms as appears by a Writ of this Year, entered on the Roll, & is published in R—s Coll: p. 980. and it further appears that about this time ye King issued out Writs bearing date the fifth of April, to ~~meet~~ all Tenants in Capite to meet him at Westminster on the Morrow after Trinity Sunday in order to the granting him an Aid for the making his Son a Knight, as appears by the Writs of Summons [Rot: pat: 34. E. I. m. 15. d] entered on the Rolls vid: R—s Coll. p. 986, 987.

* *Penes, D. Le Neve, Vice-Remem. Scac.*

† *M. W.* The King Summon's all to be made Knights, That by Birth or Eſtate, are obliged to it. The mighty appearance of thoſe that came in for this purpoſe. The Prince is knighted by his Father, with the manner of that Ceremony.

Then [2] the Prince coming before the King with this Noble Retinue, He made a Solemn Vow in their Preſence, That He would go into *Scotland* in Perſon, to Revenge the Death of the Lord *John Comyn*, and to puniſh the Perfidy of the *Scots*; adjuring the Prince and all the Great Men there preſent, by the Fealty they owed Him, That if He happened to Deceaſe before his Journey, they ſhould carry his Corps with them into *Scotland*, nor ſhould bury it until ſuch time as their new King had obtain'd the Victory over that perfidious Uſurper and his perjured Nation. Upon which, all the Nobility there preſent, promiſed in good Faith to be always ready to march with the Prince, and perform His Majeſty's Commands, whether He Lived or Died. Then the King having commanded them to meet Him at *Carliſle* Fifteen Days after *Midſummer*, ſent them Home for a time to provide all things neceſſary for this Expedition. ℥ And about the same Time ye King invested his Son with the Dutchy of Aquitain, the Isle of Oleron, and Territory of Agen to him & his Heirs Kings of England as appears by the same Roll; vid: R—s Coll: p. 988.

[2] *Id. ib.* The Solemn Vow the King made in the Preſence of the Prince, and the reſt of the Young Knights.

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[3] *T. W.*

An Account of the Actions of the *Scotiſh* King during this time. He Challenges the Earl of *Pembroke* to a Battel, which he not daring to undertake, marches out, ſurprizes the *Scots*, and puts them all to the Rout.

[4] *Chron. Abirg.*

Their King makes his eſcape to the Caſtle *Kentyre*, but does not continue long there, but flies to the *Weſtern Iſles*.

In the mean while, [3] the New *Scotiſh* King, *Robert*, having made a Progreſs about that part of *Scotland* that acknowledged Him, and received the Homages of a great many of the Nobility, and thereby raiſed a conſiderable Army, marched towards St. *Johnſtown* in order to take it: To prevent which, *Americ de Valence*, Earl of *Pembroke*, arrived there a little before with his Forces; but the King of *Scots* having the greater number of Men, was ſo confident of the Succeſs, as to ſend the Earl a Challenge to come out to fight him; which he preſently anſwered, and appointed it the next day; yet finding himſelf far inferior in number, he thought it not ſafe to come to a pitch'd Battel; and therefore, by the general Conſent of all the Officers in the Gariſon, it was thought the wiſeſt Courſe to be before-hand with the *Scots*: So [4] preſently marching out, they ſurprized them as they were that Evening providing their Suppers, and ſetting upon them in their Camp near *Methſen*, (a Place adjoyning) ſlew a great number of them before they could put on their Arms; ſo that the *Scotiſh* Soldiers being raw and unexperienced, preſently fled, and left their Camp and Bagage behind them. In the perſuit, many were killed, and more taken Priſoners; and the King Himſelf had like to have been one of the number, tho' He behaved Himſelf very gallantly, having been thrice diſmounted from his Horſe, and as often remounted by *Simon Freyſell*, a Valiant Warriour, by whoſe Aſſiſtance He eſcaped to a Caſtle in the Iſle of *Kentyre*: As for the reſt of the Army, they fled to the Woods and Mountains. Then the *Engliſh* General, preſently after the flight having cauſed all the Priſoners of Note to be forthwith Executed, marched againſt the Caſtle abovementioned, ſuppoſing the *Scotiſh* King to have been there: But when he had Beſieged and Taken the Place, he found himſelf miſtaken; for He was fled a little before to the *Weſtern-Iſles*, where He lay conceal'd until after King *Edward*'s Departure out of *Scotland*.

[5] *Id. Ib.* *M. W.*

King *Robert*'s Lady and Brother taken in the Caſtle laſt mentioned; as was alſo the Earl of *Athol* not long after.

Then [5] the Earl of *Pembroke* took that Caſtle, wherein were King *Robert*'s Lady, and *Neele Bruce* his Brother, with ſome other Perſons of Quality, who were all ſent Priſoners to *Berwick*: And not long after, the Earl of *Athol* was taken, who had likewiſe eſcaped from that Caſtle before the Siege. And then the *Engliſh* Army, ſcouring the Country, pick'd up all Fugitives that had fled from the Fight.

[1] *Scal. Chron. MS. in Bib. Ben.*

The King ſends the Prince his Son, with divers Noblemen, and a ſufficient Army, into *Scotland*, where he takes divers Caſtles, and Noble Perſons Priſoners.

This Battel was fought about *Midſummer*, not long before King *Edward*'s Arrival; ſo that there was little left for Him to do, but to enjoy the Fruits of the Victory. But [1] before He received the News of it, He ſent away his Son, the Prince, attended by the Earls of *Lancaſter* and *Hereford*, with a ſufficient Army againſt the *Scots*; who entring that Kingdom without any Reſiſtance, paſſed the Mountains, and aſſaulted the ſtrong Caſtle of *Kildromney*, and took it; in which were the Lord *Seaton*, and his Lady, Siſter to King *Robert*, who were ſent Priſoners to *Dumfrees*; where he was not long after Hang'd and Quartered, for having killed one of the King's Sheriffs.

The King enters *Scotland* Three Weeks after *Midſummer*, and is well received by thoſe *Scotiſh* Noblemen who continued firm to Him.

Then the King, about Three Weeks after *Midſummer*, marched in Perſon into *Scotland*, where He was honourably received by as many of the *Scotiſh* Nobility as had not been engaged in the late War, whilſt the reſt fled out of the Country. King *Edward* being come to *Dumfrees*, the Prince, who was now return'd from the *High-lands*, came to St. *John's-town* with his Forces; after whoſe Departure, King *Robert* being now in the Mountains of *Athol* with a ſmall Company, ſent Meſſengers to the

Prince to try if He could obtain any Favour by Treaty, offering to come to him upon a Safe-Conduct: But this Propoſal came to nothing; for the King, when He heard of it, was very much incenſed, that any one ſhould preſume to hold Correſpondence with that Traytor (as He call'd him) without his Knowledge: Then the Prince, not to give the King any Cauſe of Suſpicion, went to him to *Dumferling*. Where [2] the Biſhops of St. *Andrews* and *Glaſco*, with the Abbot of *Scone*, being taken Priſoners not long before, with Armour under their Surcoats, were preſented to the King as the Chief Promoters of the late Rebellion: But being Church-Men, the King durſt do no more to them than ſend them Priſoners to ſeveral Caſtles in *England*; the Biſhop of St. *Andrews* to that of *Wincheſter*, he of *Glaſco* to *Portceſter*, and the Abbot to *Mere*-Caſtle in *Wiltſhire*, where they were all ordered to be put in Fetters, and kept cloſe Priſoners, and none permitted to ſpeak with them, as appears by the ſeveral * Writs or Warrants to the Sheriffs of each County, who were charged to keep them ſafe, under Penalty of Forfeiting their Goods and Lands. Theſe Writs are upon Record in the *Tower*; and that to the Sheriff of *Hampſhire*, is Printed in Dr. *Brady*'s † Appendix to his laſt Volume.

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King *Robert* offers to Treat with the Prince; at the News of which, the King is very much diſpleaſed.

[2] *M. W.* The Biſhops of St. *Andrews* and *Glaſco*, with the Abbot of *Scone*, taken, and ſent cloſe Priſoners to *England*.

* *Rot. Clauſ.* 34 *Ed.* I. *M.* 6. *N* 38. Printed in *Pryn*'s firſt Vol. *f.* 1124.

† *N.* 38.

Then [3] the King, having ſettled *Scotland* as well as He could in ſo ſhort a time, return'd into *England*, and took up his Quarters in the Abby of *Lanercoſt* near *Carliſle*: From whence He ſent certain Juſtices to *Berwick*, who ſat in Judgment upon *Neele de Bruce*, and thoſe that were taken with him, who were all Condemn'd, and accordingly Executed as Traytors ſoon after. As for the Wife of King *Robert*, being Siſter to the Earl of *Ulſter*, ſhe was ſent Priſoner into *England*, and there kept divers Years in cloſe Cuſtody, tho' civilly treated according to her Quality: But the Counteſs of *Bouquhan*, who had put the Crown upon King *Robert*'s Head, did not eſcape ſo well; for tho' being a Woman, the King thought it beneath Him to put her to Death, yet to deter others from the like Preſumption, He was reſolved to make her a publick Example, by ordering her to be put in a Wooden-Cage, ſhaped like a Crown, and ſo to be hung out from the Walls of *Berwick* for all that paſſed by to gaze upon and reproach her. As for the Earl of *Athol*, who had now forfeited his Life, by a ſecond Rebellion, he was ſent to *London*, and not long after Condemned, and publickly Executed on a Gallows 50 Foot high. Then the King caus'd a ſtrict Inquiſition to be made by Perſons of Credit; and whoever were found Conſenting or Aiding to the Murther of the Lord *Comyn*, or that were Aſſiſting at the Coronation of *Robert Bruce*, and thereof Convicted, were immediately Executed; But thoſe who were not involv'd in thoſe Crimes, and had only been in Arms, if they voluntarily Surrendred themſelves, were only committed to Priſon. The chiefeſt of whom were * *James* Lord *Stewart* of *Scotland*, who coming in, and acknowledging his Fault, ſubmitted himſelf and his Eſtate to the King's Mercy; and not having been concern'd in either of the abovementioned Actions, was Pardoned and Reſtored to his Eſtate, though upon this Condition, That if ever he, or his Heirs, ſhould again take up Arms againſt the King and his Succeſſors, or be found Aiding or Adviſing any of his Enemies, they were then to forfeit their Bodies, Lands, Tenements, and all they had: And the Biſhops of *England* and *Scotland* were alſo Authorized thereupon to paſs Sentence of *Excommunication* againſt him, and

[3] *Chron. Lan.* *M. W.* The King returns to *England*, and Quarters at the Abby of *Lanercoſt*; from whence he ſent Juſtices to *Berwick*, who Condemned *Neele Bruce*, and the reſt of the *Scots*, to be Executed; with the odd Puniſhment of the Counteſs of *Bouquhan*.

The Earl of *Athol* Executed, and all thoſe who had any hand in the Murther of the Lord *Comyn*, or aſſiſted at *Robert Bruce*'s Coronation.

* *Rot. Clauſ.* 34 *Ed.* I. *M.* 3. *Dorſ.*

Yet ſome ſubmitting, are received to Mercy.

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and his Heirs, and put all their Lands under an *Interdict*. This is the Subſtance of this Lord's Charter or Patent, which he Sealed and Delivered to the King in the Priory at *Lanercoſt*, before two Notaries, and other ſufficient Witneſſes, on the Twenty third of *October*, 1306. as appears by the * Roll of this Year.

* Printed in *Ryley*'s *Placit. Parliament.* p. 511, 512. *Pro Rege de Fidelitate Jacobi Seneſchalli Scotie.*

And there is alſo enter'd upon the ſame Roll and Membrane, the King's Directions to the Guardians and Juſtices of *Scotland*, (given at the ſame Place) how they were to proceed againſt, and puniſh the ſeveral ſorts of Offenders that had been engaged in the late Rebellion, in theſe Words:

† *Id. ib* p. 510. *De Ordinatione pacis in Terra Scotiæ publicanda.*

The King's Sentence how thoſe that were in the late Rebellion ſhou'd be dealt with.

* The manner of the *Scotiſh Outlawry*, which they call, puting to the Horn.

† *It was Agreed by the King and his Council, That the Guardian of* Scotland *ſhould cauſe to be proclaimed, in all Cities, Burghs, and Mercate Towns, and in all other Places where he thought fit, That all ſuch who were againſt the King in the laſt War, and were not come to his Peace; and others, who had committed Felonies and other Crimes, for which they ought to loſe Life or Member, and were not taken, ſhould be Apprehended by any Perſons wherever they came; and to that purpoſe were to levy* Hue *and* Cry, *with* * Horn *and* Mouth, *and perſue them with Force, from Town to Town, and* Country *to Country, until they render'd themſelves, or were taken Dead or Alive; and that thoſe who neglected to do this, ſhould loſe all their Goods, and be Impriſoned during the King's Pleaſure: The Guardian was likewiſe to enquire after the Receivers of ſuch Perſons, that they might have ſuch Juſtice as they deſerved.*

It was then likewiſe Accorded, That all thoſe who were Guilty, and Abettors, of the Death of John Comyn, *ſhould be Drawn and Hang'd; and thoſe that Adviſed and Aſſented to it, and thoſe who after the Fact, knowingly and willingly, or freely received them, ſhould have the ſame Judgment.*

And thoſe that were guilty of his Death, that were, or ſhould be taken by force, in this War againſt the King, ſhould be Hang'd, or have their Heads cut off, and their Receivers to have the ſame Judgment.

And all that were againſt the King in the War at any time, as well before, as in, and after the Battel of Metſen, *thoſe who were the moſt notorious and dangerous of them ſhould be put in Priſon where the King ſhould appoint, and not to be releaſed but by his Order.*

And thoſe who willingly were of the Party of Robert Bruce, *or were Aiding, Adviſing, Procuring, or Perſwading the People to Riſe contrary to Law, and were thereof convicted, whether Clerks or others, ſhould be Impriſoned during the King's Pleaſure.*

And it was Ordain'd, That the People of Scotland, *who were forced to Riſe againſt the King in this War, ſhould be Fined, as the Guardian ſhould ſee Cauſe, and according to their Offence. And for the greater Authority, and Execution of this Agreement, the King cauſed it to paſs under His Seal of* Scotland, *and bears Date at* Lanercoſt.

[4] *C. W. H.* The Actions of King *Robert Bruce* after his Return from the *High-lands*.

But it is now time to look back, and ſee what hath been doing in *Scotland*; where about *Michaelmaſs* King *Robert* had the Courage to Sally out of his Retreat in the *Weſtern*-Iſles, with ſome of thoſe Iſlanders in his Company, as far as to the Caſtle *Kentyre*; and thence ſent privately ſome of his Men into his Earldom of *Carrick*, to raiſe ſome Rents among his Tenants: Of which, the Lord *Henry Piercy* receiving Intelligence, preſently marched that way with ſome Forces, either to hinder, or take them Priſoners: But it ſeems the King had notice of his Deſign, and coming upon him on the ſudden, ſurprized and killed many of his Retinue, and plunder'd him of all his Plate, and other Bagage; ſo that the Lord *Piercy* himſelf was forced to take Refuge in the Caſtle *Kentyre*, and there to remain until ſuch time as the King could ſend Forces to relieve it.

And when they came up, they not only forced King *Robert* to quit the Siege, but purſued Him ſo cloſe, that He was obliged once more to flee, and (as the [5] *Scotiſh* Writers relate) was, in his way out of *Athol* into *Argyleſhire*, ſet upon by the *Comyns* at a Place called *Dalree:* And there his Forces being put to the Rout, he was fain to ſhift for himſelf, and again to retire into the *Weſtern*-Iſles; where he lay for ſome time conceal'd with only One or Two Followers, Faring and Lodging very hard with ſome of the *High-landers*, until he had found an Opportunity to Sally out from his Faſtneſs the next Spring; and then raiſing freſh Forces, ſurprized the *Engliſh* Commanders, and defeated them, as you will find hereafter.

I find nothing elſe to have been acted in *Scotland* this Year; [6] but that *Thomas* and *Alexander*, Two other Brothers of King *Robert*, together with an *Iriſh* Prince, and ſome other *Scotiſh* Noblemen, having Invaded *Galloway*, were taken Priſoners in a Skirmiſh, by one *Donal Macdoile*, a Nobleman of that Country, who carried them to the King, and He preſently ordered them all to be Executed; ſo that King *Robert* loſt Three Brothers in leſs than Three Months time, beſides his Wife, who was kept a Priſoner.

As to Eccleſiaſtical Affairs, I find nothing conſiderable; but that the Pope having now transfer'd the Place of his Reſidence from *Lyons* to *Bourdeaux*, and being there inform'd by the King's Letters of the Death of the Lord *Comyn*, He, by a Bull directed to the Archbiſhop of *York* and Biſhop of *Carliſle*, ordered them to pronounce *Excommunication* againſt *Robert Bruce*, and all his Accomplices, until they made Satisfaction, and deſerved *Abſolution*, for the Death of *John Comyn*; as appears by the Bull it ſelf upon * Record in the *Tower*. This Authority ſufficiently confutes *Buchanan*'s Relation, who makes *Robert Bruce* not to be Crowned, until he had received the Pope's *Abſolution* for the Murther of that Nobleman in the Church of *Dumfrees*; but this was a ſmall Error in One, who makes no difficulty to put the beſt Gloſs upon all Things done by his Countrymen, be they true or falſe. (1)

The King having by a * Writ, dated at the Abby of *Lanercoſt*, the Third Day of the precedent *November*, ſummoned a Parliament to be held at *Carliſle* on the Octaves of St. *Hillary*, and then returned to *Carliſle*, the City where he kept his *Chriſtmaſs*, and then at the time appointed met the Eſtates of the Kingdom. This Parliament (as appears by the Form of the Writs) was called for the Settling and Eſtabliſhment of *Scotland*, and for other great Affairs concerning the King and the Eſtates of the Kingdom of *England*; yet what was done concerning *Scotland*, I do not find: (2) But as for the Buſineſs of this Kingdom, it was (beſides the Hearing divers Petitions, and Diſpatch of many private Cauſes) chiefly relating to Eccleſiaſtical Affairs; therefore I ſhall refer the Reader for what I have ſaid upon this Subject to the latter end of this Reign.

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[5] *Lan. Ib. Boeth. Ib.*

[6] *Id. Ib. Chron. Lan.*

The Taking and Executing two of K. *Robert's* Brothers.

* 34 *Edw.* I. Printed in *Pryn's* 3d Vol. *p.* 1122.

A Confutation of *Buchanan's* miſtake.

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* 34 *Ed.* I. *M.* 2. *Dorſ.*

[1] *M.: W.*

The King Summons a Parliament at *Carliſle*, and the Intent of it, with what was tranſacted therein.

(1) As for Ecclesiastical Affairs I must observe, that this year, he found ~~so much~~ great Favour from ye Pope for leviing of a tenth upon all Ecclesiastical Benefices, & Revenues in England Scotland, Ireland & Wales to continue for two years under a Pretence of Relief for ye Holy Land, the the least Part of it was put to that use, a great Part of it being granted to Prince Edward towards his late Charges & Expences besides 4000 that was to be payd Queen Margeret the King's consort, and one fourth Part of the whole wt was to be reserved for his Holinesses own use, as appears by the Bull it selfe published in R—'s Coll: p. 1006 to 1008. And further to acquire the Pope's Favour in seconding his Resentments against the Arch Bishop of Canterbury, he sent a letter dated at Bradeby on the Borders of Scotland on the 17th of Sept: in which he lett his Holiness know, that altho' he had seized the Temporalties of the said Arch Bishop into his own Hands, & might retaine ye same by the Special Right of his Crown, yet he was willing to lett his Holiness receive them during the said suspension, & yt they should be receiv'd by whomsoever his Holiness should depute to receive ye same. this Letter is entered on the Rolls [Rot: Rom: 34. E. I. m. 5.] vid R—'s Coll. p. 1020.

(2) Only that whilst they continued at Lanercost he wrote to the Pope acquainting him with the traiterous Revolts of the Bishops of St Andrews & Glascow in taking up Arms against him contrary to their Oaths, & being now his Prisoners he desired the Pope to deprive them for these Crimes & put in others more able, and fit Persons in their Rooms, and for the Bishoprick of St Andrews he recommends William Comyn Brother to the Earl of Boghan, and for Glascow, Geoffery de Mowbray his own Chaplain: this Letter is entred on the same Roll, & is publishd in R—'s Coll: p. 1025.

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[2] *Id. Ib. M. W. T. W.*

The K. being informed of the too great Familiarity between the Prince and *Piers Gaveston*, order'd him to be Baniſhed; and for what Reaſon.

[3] *Chron. Cot. MS.* cited in *Fabian*'s Chronicle. *Annal. S. Aug. In Bib. Ben.*

But to ſpeak of ſome Affairs of leſs Moment, tranſacted in the time of this Parliament [2] at *Carliſle*: The King being inform'd of the too great Familiarity there was between the Prince and *Piers de Gaveſton*, and what a powerful Influence he had over him, order'd the ſaid *Piers* in a Great Council of the Nobility to be Baniſhed the Kingdom. But though Dr. *Brady* either could not, or would not tell us the Reaſons why *Gaveſton* was at that time Baniſhed, yet he might have found them in *Matt. Weſtminſter*, and the Chronicle of *Adam Meremouth*, who all agree that it was for giving the Prince ill Councel, and leading him into ſeveral looſe and debauched Courſes, ſo as in his Company to break the Park of [3] *Walter Langton* Biſhop of *Cheſter*, then Chancellor, and killing his Deer; who complaining to the King of theſe looſe Courſes of the Prince, He cauſed moſt of his Servants to be turn'd off; nor would He admit him to come into his Preſence for ſome days, till he had asked his Pardon for what he had done: But how ſeverely the Prince, when he came to be King, was revenged upon the Biſhop for this Action, you will find in the beginning of his Reign.

*Clauſ 35. Ed. I M. 13. Dorſ. Printed in Dr. B's. Append. N. 43.

† That was to be *A. D.* 1307.

But to ſay ſomewhat more particularly of the Manner of *Gaveſton*'s Baniſhment; it appears by a *Record in the Tower, That on the Twenty ſixth day of *February* the King, for certain Reaſons, commanded, that ‘*Piers de Gaveſton* ſhould by *May-day* † following, take Shipping at *Dover* to go into *Gaſcoigne*, and never to return without the King's Leave, or being recalled by Him. And for the Performance of this Order the ſaid *Piers*, at the Day and Place aforeſaid, made Oath upon the *Body* of *God* (*i. e.* the Conſecrated *Hoſt*) the Old Croſs, and the King's other Reliques; and the Prince of *Wales* made Oath in like Manner, that he would not Relieve, Retain, or Permit the ſaid *Piers* to be with him contrary to this Order, unleſs he was recalled by, and had Leave from his Father to return: And for his Subſiſtence beyond Sea, ſo long as he ſtay'd there, he had allowed him an hundred Marks Sterling *per Annum* out of the Revenues of *Gaſcoigne*, with this Condition, That the King might encreaſe or diminiſh this Penſion as He ſhould think fit. This was done at *Carliſle*.

An Account of *Gaveſton*'s Birth and Education.

But ſince the Perſon abovementioned will make ſo great a Figure in the next Reign, it may not be amiſs to give you this farther Account of him in this; That he was the Son of a *Gaſcoigne* Gentleman, and had been bred up by the King's Order with his Son the Prince from his Childhood, and being a handſom well humour'd Young Man was beloved by him above all his other Servants; but he was, as he grew in Favour, ſo Haughty and Inſolent in his Temper, that he incur'd the hatred of all the Chief Men of *England*, who never deſiſted until they had his Head, as you will find hereafter. But to return to Matters of Greater Moment.

[4] *M. W. T. W.*

The Pope ſent a Cardinal to finiſh the Treaty of Mariage between the Prince and the Daughter of *France*; with the King's Anſwer thereunto.

Whilſt [4] the King was holding his Parliament at *Carliſle*, a Cardinal named *Petrus Hiſpanus*, becauſe he was a *Spaniard*, but by his Title Cardinal of St. *Sabine*, being ſent from the Pope to deſire Him to finiſh the Treaty of Mariage between his Son the Prince, and the Daughter of the King of *France*, according to the Award or Appointment of the late Pope *Boniface*; to this Meſſage the King breifly anſwer'd, That He was at all times ready to fulfil whatſoever had been before *Ordained*, provided the King of *France* would perform what was ſtill to be done on his part; for though He had reſtored all *Gaſcoigne*, yet ha-

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having given away the Caſtle of *Mauleon* (part of that Province) to a certain *French* Knight, King *Philip* either would not, or could not make him ſurrender it to the right Owner; and therefore it was upon that Account He had hitherto delay'd the Conſummation of the Mariage: Then the Cardinal return'd to *London*, expecting the King of *France's* Anſwer concerning it; and all other Differences were looked upon to be ſo near a Concluſion, that [4] about Midſummer the King ſent the Prince to *London*, there to lye ready to go over into *France* upon the firſt Signification that King *Philip* had perform'd what He had promiſed, and what was then expected from Him.

[4] *M. W.*

Sometime [5] before this, King *Edward* being allarm'd with the late Succeſs of the *Scotiſh* King, had ſent his Writs or Letters into *England*, whereby He ſummoned all thoſe that owed Him Service to be ready at *Carliſle* with their Horſes and Arms within Fifteen days after *Midſummer*.

[5] *Ib.*

The King Summons all that owed him Service to be ready at *Carliſle*.

But to return to the Affairs of *Scotland*. About the end of the laſt Winter, the [1] King of *Scots* leaving the *Weſtern High-lands*, where He had hitherto lain abſconded, and having raiſed ſome Forces there, conſiſting of the *High-land Scots* and others that came in to Him, paſſing over the Frith of *Cluyd*, He took the Caſtle of *Innerneſs*; the Fame of which Action gave freſh Courage to the *Scots* in thoſe Parts, who coming to Him in great Numbers, preſently made up ſo conſiderable an Army, that in a ſhort time He took moſt of the Caſtles in the North of *Scotland*, which He preſently demoliſhed, not having then ſufficient Forces to Man them; and thus He proceeded, carrying all before Him, into the Inner Parts of *Scotland*, until He came to the Place where the *Eske* falls into the Plains of *Mar*; and there *John Comyn*, Earl of *Bouchan*, having got together all the *Engliſh* and *Scots* in thoſe Parts that were fit to bear Arms, marched out againſt King *Robert*, whom finding ſtrongly encamped, the Earl though he was ſuperior to Him in Number, yet durſt not aſſault Him in his Trenches, and therefore marched off to reinforce his Army: In the mean while the King of *Scots* going ſometimes forward and ſometimes backward, and never ſtaying long in a Place, for fear of being ſurpriſed or engaged againſt his Will, took in all the weaker Places in the *Low-Lands*, and thereby highly raiſed the Spirits of thoſe of his Party. This is in ſhort the Account which the *Scotiſh* Hiſtorians give of their King's Succeſs this Summer.

[1] *Boeth. Buchan. Ib.*

The Actions of King *Robert Bruce* after his leaving the *High-Lands*.

He takes all the Weaker Places in the *Low-Lands*.

This is likewiſe confirmed by our *Engliſh* [2] Hiſtorians, who tells us. That preſently after *Eaſter* King *Robert* having reinforced his Army by the Acceſſion of a Great Number of *Scotiſh-men*, who choſe rather to venture Death it ſelf than to be ſubject to the *Engliſh* Laws and Puniſhments, He with theſe and ſome *High-landers*, marched againſt thoſe Noblemen King *Edward* had left to Govern and Defend thoſe Parts during his Abſence. The firſt that *Bruce* engaged with, was *Aymer de Valence*, Earl of *Pembroke*, whom He put to flight, yet killing but few of his Men; and three days after He did the like to *Ralf de Monthermer*, Earl of *Gloceſter*, yet with the Slaughter of a great many on both ſides, and then beſieged him in the Caſtle of *Ayre*, till King *Edward* hearing of it, ſent Forces to releive him, as you will hear by and by.

[2] *C. W. H. M. W.*

King *Robert* having reinforced his Army, marches againſt K. *Edward's* Lieutenants, and routs the Earls of *Pembroke* and *Gloceſter*.

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[3] *Id. ib.* *Chron. Abing.* *John* the Brother of *William Wallys* taken and Executed at *London.*

In the mean while [3] King *Edward* continuing ſtill at *Carliſle*, preſently after *Eaſter John Wallys*, Brother to *William* (lately Executed) was brought thither Priſoner, whom the King ordered to be ſent to *London*, there to receive the ſame Sentence his Brother had done before. Yet notwithſtanding, theſe ſevere Executions did not at all deter *Bruce's* Adherents from their former Undertakings, but rather made them more deſperate, ſince they knew they could but die.

[4] *Id. Ib.* The King's Army being come to *Carliſle*, he ſends part of it into *Scotland* to releive the Earl of *Glocester*. Upon their Approach King *Robert* raiſes the Seige.

King [4] *Edward* being highly incenſed at theſe Proceedings, only waited for the Arrival of his Army to proſecute his Revenge, which being come to *Carliſle* three Weeks after Midſummer, according to the late Summons, He preſently ſent great part of them away before to raiſe the Seige of the Caſtle of *Ayre*, wherein the Earl of *Glocester* then was (as hath been before related.) But King *Robert* upon the approach of theſe Forces left the Siege, and with a flying Army of about Ten Thouſand Foot, retired into his wonted Coverts, the Bogs and Mountains, where He continued all this Summer, till after the King's Death, and that he heard of the Departure of the new King into *England*. But now to return to the Affairs of *England*.

[5] *Id. Ib. Ab.* The King is taken with a violent Dyſentery.

[1] *C. Jo. London.*

[2] *C. W. H.* Of which in a few days he deceaſes at *Burgh* upon the *Sands*.

Not [5] long after the Prince's Departure, the King was taken with a violent Flux or Diſentery, which obliged Him to keep his Chamber, inſomuch that He was reported Dead: But though He was very ill, yet He gave Orders for his Army to march towards *Scotland*; and on the Third of *July* He left *Carliſle* to begin his Journey thither, but He was not able to March above two Miles a day; ſo that when He came to a ſmall Town called *Burgh* upon the *Sands*, He found Himſelf to grow worſe and worſe, and ſtaying there, took his laſt Bed: [1] Where being put in mind of his latter End, He piouſly broke forth into this memorable Ejaculation; *O Lord ! if thou thinkeſt it good for theſe thy People to have me here continue longer with them, I am ready to venture my Life for them; but if Otherwiſe, thy Will be done*: [2] Then a few days after, whilſt his Servants were going to lift Him up in his Bed, to give Him ſomewhat to nouriſh Him, He expired in their Arms, the Seventh day of *July*, being *Friday*, in the Sixty Eighth Year of his Age, having Reigned 34 Years 7 Months and 6 days.

His Commands to the Prince before his Death.

Walſingham ſuppoſes, That Prince *Edward* was now return'd to his Father, being ſent for a little before his Death, and that He gave him many good Inſtructions and Commands; as to be Merciful to thoſe in Diſtreſs; not to make haſt to be Crown'd, before he had revenged himſelf of the Injuries done to his Father by the *Scotiſh* Nation; and not to Bury his Body, but to carry it about with him into *Scotland*, till he had ſubdued his Enemies; to love his Brethren, and to be kind and reſpectful to the Queen his Mother in Law; and never to repeal the Baniſhment of *Peirs Gaveſton*. And that ſince the King Himſelf could not go in Perſon to the Holy-Land according to his Vow, he ſhould ſend his Heart thither with a Noble Retinue. Laſtly, that upon Pain of Damnation the Money which He had provided for that end ſhould be expended upon no other uſe. But this young Prince obſerved none of theſe his Father's dying Commands, as you will find in his Reign.

Yet it is uncertain whether he made any ſuch Speech.

Yet that the King ever made the Prince his Son any ſuch Speech as is here recited is very doubtful; for I find it in no other Author, only the Chronicle of *Rocheſter* and *Matt. Weſtminſter* relate that Injunction concerning the carrying of his Body about till *Scotland* was again redu-

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duced. But if the King gave the Prince any ſuch Directions, it muſt be rather before his Sickneſs; for that he was not preſent at his Death, the *Abingdon* Chronicle (written by an Author of that time) affirms; with which that of *Lanercoſt* expreſly agrees, and farther adds, That thoſe about the King concealed his Death for ſome time, till the Prince his Son, and Divers other Great Men of the Kingdom, could arrive; and that many were impriſoned for ſaying the King was dead. But on the Eleventh day after his Deceaſe, ſo ſoon as the new King was come, with Divers Noblemen and Biſhops, they all ordain'd that (notwithſtanding the King's late Injunction) his Body ſhould be carried into *England* by the Biſhop of *Cheſter* or *Coventry*, the late Treaſurer, and to remain at the Abby of *Waltham* until they could give further Orders about his Funeral, which was to be ſolemnized before the Eighteenth of *October* following. Then his Body was carried in great State to *Weſtminſter*, where *Anthony*, Patriarch of *Jeruſalem*, with ſome other Biſhops, perform'd the Sacred Offices. Sometime after, there was a plain Tomb of gray Marble erected over his Grave, which continues to this day, being behind the Altar, at the Head of that of his Father, King *Henry* the *Third*, with this ſhort Inſcription on the out-ſide of it. *EDWARDUS PRIMUS, SCOTORUM MALLEUS, HIC EST*, 1308. *PACTUM SERVA*.

Upon the Arrival of the Prince, orders are taken about the late King's Funeral.

and his body was long after preserved without corruption in Bees wax poured into the Coffin, which was often renewed in the following Kings' [illegible] as you may find by the frequent orders for it, still extant in the Close Rolls and which you may find in Rot. Claus. V. VI. VII &c.

The Tomb and Epitaph placed over his Grave.

MS. in Offic. Herald.

Since we have concluded the Glorious, though troubleſom Reign of this Great Prince, I ſhall now give you a Character of his Diſpoſition, with a brief (but no partial) Account of his Life and Actions, from *John* of *London*, a Monk of *Canterbury*, who lived in the Reign of this King, and his Son *Edward* the *Second*, and it is very likely knew Him perſonally; and he thus deſcribes Him. He was very tall, exceeding the common Size of Men; his Legs were long, which as they made Him have the better Seat on Horſeback, ſo it gave occaſion to his Enemies the *Scots* to give Him the Nick-name of *Long-Shanks*; He was alſo Broad-cheſted and ſtrongly made; His Hair was Flaxen in his Youth, Brown in his middle Age, and in his old Years grizled; yet He was never bald, or his Eyes dim; ſo that had it not been for this ſudden Diſtemper that carried Him off, He might have lived to an extream Old-Age: In one thing He particularly reſembled his Father, That the Eyelid of his left Eye almoſt covered the Pupil; yet the whole Air of his Face beſpoke Him a Man of Wiſdom and Courage.

K. *Edward*. I. his Character from the Authors of thoſe times.

He ſo much deſpiſed all outward Pomp, that from the day of his Coronation He never again wore His Crown, and unleſs upon great *Feſtivals* and Solemn Occaſions never uſed Purple, Scarlet, or Rich Fur in his Garments, but commonly appeared in a Plain Coat, and in Winter with one lined with ſome ordinary Fur; and being once asked by a Monk why He did not go more Royally attired? He replyed, *Prithee why do'ſt ask? Will Clothes make me e're the Better?*

As for his Recreations, He loved Hawking and Hunting above all Others, which He frequently uſed whenever his Civil or Military Affairs would give Leaſure; and when He was in his Pallace, He employed Himſelf in the great Affairs of his Kingdom, looking into the Corruptions of thoſe whom He had appointed his Judges and Miniſters, often taking his Progreſs through ſeveral Parts of the Kingdom, on purpoſe to receive the Complaints, and redreſs the Grievances of his Subjects.

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To conclude, no Prince could be more ſharp and diſcerning in Council, none more powerful in natural Eloquence, none more undaunted in Dangers, and more cautious in Proſperity, nor leſs caſt down in all the Adverſe Accidents of Human Life.

In his Converſation, He was able to give wiſe and ready Anſwers to the moſt difficult Queſtions that were propoſed to Him, in either Politicks or Civil Matters. When He ſat as a Judge on nice and doubtful Caſes, He ſtill gave Judgment without reſpect of Perſons, defending the Poor, and all ſuch as had ſuffered any Wrong or Injuſtice: Thoſe He once loved He always advanced; and thoſe He once hated He ſeldom received into Favour: None was more Magnificent in his Bounties, or knew when to give more opportunely. In ſhort, He was a moſt prudent Law-Maker; and ſhewed in all his Actions that none knew better how to ſuſtain the Honour and Dignity of a King, with the Humility and Condeſcention of a Private Perſon. I need not mention his great Prudence and Magnanimity in War, ſince his Victory over the Rebellious Barons in his Father's time, as alſo his Conqueſt of *Wales* and *Scotland* ſufficiently declare it; and how much He was beloved by his Subjects, and his Death regretted by all ſorts of Men, appears by the ſeveral Lamentations, which the ſame Author ſuppoſes were made by all Orders and Degrees both of the Clergy and Laity, beginning with the Archbiſhops and Biſhops, and then proceeding to the Earls, Barons and Knights, and ending with the Lamentations of the Husbandmen and Tradeſmen, each Degree expreſſing wherein this King had been kind to and watchful over them, and wherein they were moſt ſenſible of his Loſs; which being very pathetical, I refer the curious Reader to peruſe, if he thinks fit.

I ſhall now, from the Hiſtory of his Reign, make ſome Obſervations upon his Failings and Imperfections; the Chiefeſt of which ſeems to have been his immoderate Ambition, by which (if the *Welſh* Hiſtorians may be credited) their Prince *Llewellyn* and his Subjects were oppreſſed to that Degree, that being forced to take up Arms to defend their Laws and Liberties, it gave the King an Occaſion (which He had long deſired) of making an entire Conqueſt of that Country.

So likewiſe his Wars with *Scotland*, (which cauſed the Effuſion of ſo much Bloud and Treaſure,) ſeem to have proceeded from the ſame Cauſe; for could He have been contented with that Homage and Submiſſion which *John Baliol* had made Him upon his Admiſſion to that Kingdom, and not ſo roughly cited Him to appear, and make his Defence in the Parliament of *England*, upon the Complaint of the Earl of *Fife* his Subject, King *Edward* might have obliged that King and his Dependants to have continued his Friends and Feudataries, and to have remain'd always firm to his Intereſt; whereas by thus exaſperating that Prince, and forcing him to take Arms, and confederate with the King of *France* againſt Him, as it gave our *Edward* an Opportunity of ſubduing that King, and ſeizing his Kingdom, ſo it alſo gave the *Scots* an Occaſion (being thus provoked by the too great Severity of the *Engliſh* Government) again to take up Arms, and make *Robert Bruce* their King, and thereby entailed an unfortunate War upon the two Kingdoms for many Generations.

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Another Fault of this Prince, was the great Difficulty He made in confirming the *Great Charters*, and granting the *Statute de Tallagio non concedendo*, and the *Deforeſtations* of thoſe Woods that had been taken into the Antient *Foreſts* contrary to Law; which coſt Him a great deal of Trouble and Diſpute with his Nobility and People, to the no ſmall Prejudice of his Affairs both at Home and Abroad: And which was worſe than all this, in the latter end of his Reign, He obtain'd the Pope's Bull of *Abſolution* from the Oath He had made to obſerve the late *Perambulations* of *Foreſts*, and reducing them to their Antient Bounds, upon pretence that it was got againſt his Will; and yet at the ſame time could complain to the Pope againſt the *Scots*, for obtaining the like *Abſolution* from their Oath to Himſelf, upon their alledging, That it was unjuſtly obtain'd from them by Dureſs and Compulſion. Thus Princes (as well as ordinary Perſons) are often ſo tranſported by Self-Love, That they judge of their own Actions by one Rule, and of thoſe that are any ways ſubject to them, or under their Power, by another.

The Iſſue of King Edward I.

BY his Firſt Wife, *Eleanor*, Siſter to *Alphonſo*, King of *Caſtile*, and Daughter of *Ferdinand* the *Third*, and his only Child by *Joanna* his Second Wife, Daughter and Heir of *John* Earl of *Pontive*, or *Ponthieu*, he had *John* his eldeſt Son, as alſo *Henry* and *Alphonſo*, who all died Young.

Sandford's *Geneal. Hiſt. p.* 130, 138. *Walſ. Mezeray. Mat. Weſt. Sandford. ut. ſup.*

His Fourth Son by Her was *Edward*, born at *Caërnarvan* in *Wales*, (called therefore *Edward* of *Caërnarvan*) on St. *Mark*'s day, or Five and twentieth of *April*, in the Twelfth Year of his Reign, *A. D.* 1284. who Succeeded Him by the Name of *Edward* II.

Walſing.

By the ſame Queen He had Nine Daughters: *Eleanor*, Married to the Earl of *Bar* in *France*. The Second was *Joanna* of *Acres*, or *Acon*, in the *Holy-Land*, ſo called becauſe ſhe was there born, firſt Married to *Gilbert* of *Clare*, Earl of *Gloceſter*, and afterwards to *Ralph Monthermer*, without her Father's Conſent: She lived happily with him many Years, and died in the ſame Year with the King her Father. The Third was *Margaret*, Married to *John* Duke of *Brabant*. The Fourth and Fifth died in their Childhoods. The Sixth was *Mary*, a *Nun* at *Ameſbury*. The Seventh was *Elizabeth*, Married to *John* Earl of *Holland*, *Zealand*, and Lord of *Frieſland*, who dying without Iſſue, She was afterwards Married to *Humphry de Bohun*, Earl of *Hereford*. * *Beatrix* and *Blanche*, the Eighth and Ninth, died likewiſe in their Childhoods.

Sand p. 139, 140, 141. *Walſ. Hypod. Neuſt.*

* *Sandford ut Supra* 144.

Iſſue by His Second Wife, Margaret, *Siſter to the King of* France, *Daughter to* Philip III. *Sirnamed* The Hardy.

THomas de Brotheron, born at a ſmall Village of that Name in *Yorkſhire*, (from whence he was ſo called) on the Firſt of *June*, *A. D.* 1300. † He was created Earl of *Norfolk*, by his Half-Brother King *Edward* II. on the Sixteenth of *December*, in the Sixth Year of his Reign, and had then Granted unto him all the Caſtles, Mannors, and Land, in *England*, *Wales*, and *Ireland*, which *Roger Bigod* lately poſſeſſed, except thoſe his

Sandford p. 205.

† *Dugd. Baron.* 2d part. *p.* 63.

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his Widow had in *Dower*; and in the Ninth of the ſame King, was made Earl-Marſhal of *England*.

Ibm. p. 91.

Edmund of *Woodſtock*, born there on the Five and twentieth of *Auguſt*, *A. D.* 1301. and was created Earl of *Kent* in the Fifteenth Year of *Edward* II.

Sandford ut. ſup.

Eleanor, his Tenth and only Daughter by this Queen, died in her Childhood.

Taxes in this King's Reign.

Rot. Pat. 4 *Ed.* I.

IN the Fourth of his Reign, *A. D.* 1276. the King in Parliament, had a *Fifteenth* Granted Him by the Earls, Barons, Great Men and *Community* of the Kingdom; and by the Archbiſhop of *Canterbury* and his *Suffragans*, a Subſidy of their Goods (not ſaid how much) as a free Gift only, not to be urged or drawn into Example.

T. W. Hiſt. Ang. ſub. An. 1277.

In the Fifth of his Reign, the Laity gave Him the *Twelfth* Part of their Goods, towards carrying on the War in *Wales*.

Ib. An. 1283.

In the Eleventh of his Reign again, toward the War againſt the *Welſh*, the Laity gave Him a *Thirtieth*, and the Clergy a *Twentieth* Part of their Goods.

Int. Communia de Term. Mich. Rot. or. N. 5.

In the Eighteenth of his Reign, He had a *Fifteenth* of all their Moveable Goods, Granted by the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all Others of the Kingdom or Government, as appears by the Chequer-Roll in the Ninteenth of *Edward* I. with the King's Remembrancer.

In the Two and twentieth of his Reign, the Prelates and Clergy granted the Moiety or Half of their Benefices, and Goods, to be taken One Third Part at the Feaſt of *All-Saints* next coming, a Second Third Part Fifteen days after *Eaſter*, and the Third Third Part Fifteen days after St. *John Baptiſt* then next coming.

Rot. Clauſ. 22. *Ed.* I. *M.* 6. *Dorſ. de Militibus eligend. & mittendis ad Concilium.*

In the ſame Year, at a Parliament or Great Council holden on the Twelfth of *November* at *Weſtminſter*, when Four Knights were Summon'd from every County, to conſult and conſent to ſuch things as the Earls, Barons, and Great Men ſhould Ordain, for Themſelves and the Communities of the Counties; upon the ſame day they met, *viz.* the Twelfth of *November*, and they gave the King a *Tenth* Part of all their Moveable Goods, *&c.* as appears by the Writ or Commiſſion for appointing Aſſeſſors, Taxors, and Collectors for the ſame *Tenth*.

22 *Ed.* I. *M.* 6. *Dorſ. in Cedula.*

And in the ſame Month, after the Sixteenth day thereof, the Guardian, Sheriffs, Aldermen, and whole Community of the City of *London*, Granted a *Sixth* Part of their Moveable Goods, as a Subſidy toward his War. The Writ or Commiſſion by which the Taxors and Collectors were appointed, bears Date the Six and twentieth of *November*, 23 *Ed.* I.

Int. Record. de An. 23 *Ed.* I. *Rot.* 73. *de ſexta Parte Regi conceſſa in* London.

In the ſame Month, and about the ſame time of it, there were Commiſſioners appointed to ask, require, and effectually induce in Perſon, the Men of all his *Demeſne*-Cities and Towns in all the Counties of *England*, by all ways they ſhould ſee expedient, to grant a *Sixth* Part, as *London* had done, That it might ſhew Example to others of his *Demeſne*-Towns.

A Parliament was Summoned to meet the Sunday after St. *Martin*, or Eleventh of *November:* The Writ bears Date the Third day of *October*; however it met not then, but was Prorogued before Meeting to the Sunday before St. *Andrew*, or Thirtieth of *November*; by a Writ dated the Second of *November* at *Odimer*. The Clergy in this Parliament gave the King a *Tenth*; the Earls, Barons, Knights, and **Others of the Kingdom*, gave an *Eleventh*; and the Citizens and Burgeſſes, and other Good Men of his *Demeſnes*, gave Him a *Seventh* of their Moveable Goods; and the Warrant for the appointment of the Taxors and Collectors, bears Date the Fourth of *December*.

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Rot. Clauſ. 23 *Ed.* I. *M.* 4. *Dorſ. Ib. M.* 2.

* *Alii. de Regno.*

In the Four and twentieth, the Earls, Barons, Knights, and *Others of the Kingdom*, gave a *Twelfth* Part; the Citizens, Burgeſſes, and Tenants of his *Demeſnes*, gave an *Eighth* Part.

Int. Communia de Term. St. Mich. 25 *Ed.* I *Rot.* N. 5. *Penes Remem. Reg.*

The Clergy gave nothing, by reaſon of an *Inhibition* the Archbiſhop had obtain'd from Pope *Boniface*; which *Inhibition*, or Bull, he cauſed to be publiſhed at this time in all the Cathedrals. See more of this matter in the Hiſtory.

Mat. Weſt.

In his Five and twentieth Year, He had an *Eighth* of all the Laity, and a *Tenth* of the Clergy, for the Confirmation of the *Great Charter*, and the Charter of the *Foreſts*. † *Walſingham* in his Hiſtory ſays, the Laity gave a *Ninth*, (which agrees not with the *Cloſe-Roll*, which ſays an *Eighth*) the Clergy of the Province of *Canterbury* gave a *Tenth*, and the Clergy of the Province of *York* a *Fifth*.

25 *E.* I. *M.* 6 *Dorſ.*

† *Sub. Anno.* 1297.

In the Nine and twentieth of his Reign, upon his Confirmation of the *Perambulations* of the *Foreſts*, the Laity gave Him a *Fifteenth* of their Moveables in the Parliament held at *London*, which they ſhould have at *Michaelmaſs* next coming. *Robert* Archbiſhop of *Canterbury*, would grant nothing for the Clergy without the ſpecial Licence of the Pope.

Rot. Peram. Foreſt. 29 *Ed.* I. *in Turre.*

*In the Thirty ſecond of his Reign, He being then in *Scotland*, as appears by the Dates of the Commiſſions at *Dumfermlyn* and *Strivelin*, to ſeveral Commiſſioners to Tax, Taliate, or Aſſeſs Taliage on Cities, Burghs, and on his *Demeſnes* in Cities and Burghs, either Capitation by Poll, or in Common, according to their Faculties and Wealth, as it might turn moſt to his Advantage.

* *Rot. Pat.* 32. E. I. *in Cedula.*

†In the Thirty third Year, the King having Summoned a Parliament at *Weſtminſter*, to raiſe Money for the War againſt the *Scots*, there was given Him by the Clergy, Nobility, and Knights of the Shires, the *Thirtieth* Penny of all their Moveable Goods; and at the ſame time, the Citizens and Burgeſſes gave a *Twentieth* part of the ſame Eſtates. In this Parliament alſo, the Archbiſhops, Biſhops, Prelates, Earls, Barons, and Other Tenants of his *Demeſnes*, Petition'd, That they might have Leave to Taliate their Tenants of the ſame *Demeſnes*, as He had Taliated them; and it was granted.

† *Rot. Clauſ* 33 *Ed.* I. *M.* 9. *Dorſ.* Ryley's *Placit. Parl. f.* 246 to 265.

About this time *He had a *Fifteenth* granted to Him in Parliament.

* *Ibm. f.* 260.

In the Four and thirtieth Year, the King intending to Knight his eldeſt Son, Summoned the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and Other Great Men, to be before Him and his Council on the Morrow of *Holy-Trinity*, to treat of, and grant an Aid upon that occaſion. He alſo ſent to all the Sheriffs of *England*, to cauſe to come before Him and his Council Two Knights of every *County*, and of every *City* Two Citizens, and of every *Burgh* One or Two Burgeſſes,

Int. Communia Term. S. Trin. 34 *Ed.* I. *N.* 40. *Penes Remem.* Printed in Mr. *Petyt's Append.* to his Rights of the Commons, *&c.*

as

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as the *Burgh* was greater or leſs, *&c.* Theſe ſame Prelates, Earls, Barons, and Other Great Men, and alſo the Knights of Shires, Treating deliberately upon this Matter, and conſidering there was an Aid due as aforeſaid, and that many Burthens were incumbent upon the King, by reaſon of his War in *Scotland*, unanimouſly granted to the King for themſelves and the whole *Community* of the Kingdom, a *Thirtieth* Part of all their Temporal Moveable Goods, *&c.* for a Competent Aid toward the Knight-hood of his Son, and alſo for an Aid toward his Expences, which He was to be at in the War.

Ibidem.

Alſo the Citizens and Burgeſſes of Cities and Burghs, and Others of the King's *Demeſnes*, aſſembling together, and treating about the Premiſſes, conſidering the Burthens incumbent upon the King, *&c.* unanimouſly granted unto Him, for the Cauſes aboveſaid, a *Twentieth* Part of their Moveable Goods.

As for Eccleſiaſtical Aids, granted this King by the Pope, we find in the Chronicle of *Lanercoſt*, That *A. D.* 1391. (being the Eleventh of this King's Reign) Pope *Nicholas* the *Fourth* granted Him the *Tenth* of all Eccleſiaſtical Benefices, according to their true Value, upon Oath, throughout all *England*; to be received for the ſpace of Six Years next enſuing, for the Relief of the *Holy-Land* againſt the *Turks.*

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AN ABSTRACT OF THE Principal Laws, ENACTED In the Reign of King *Edward* I.

I Shall begin with that remarkable Body of Laws, Entituled, *The Statute of* **Weſtmiſtner** *the* **Firſt,** ſo called, becauſe made there at his Firſt Parliament held after his Coronation, on the Octaves of *Eaſter*, in the Third Year of his Reign, by the Aſſent of the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the Commonalty of the Realm being thither Summoned.

CHAP. I.

In the Firſt Chapter, after the King's willing and commanding the Peace of Holy-Church, and of the Land, to be well kept in all Points, and that common Right be done to all Men, without reſpect of Perſons: He then proceeds to forbid all Great Men to oppreſs any Religious Houſes or Monaſteries, by Eating or Lodging in them without their own Conſent: Which Statute, ſince it is now obſolete, by the Diſſolution of Abbies and Monaſteries, I have only given you this ſhort mention of it.

CHAP. II.

That a Clerk, when taken as guilty of Felony, and demanded by the *Ordinary*, ſhall be delivered to him according to the Priviledge of Holy-Church, on ſuch Peril as aforetime has been accuſtomed. And the Biſhops are hereby admoniſhed, not to deliver any Indicted of ſuch Offence, without due Purgation.

CHAP. III.

That nothing be demanded, taken, or levied by the Sheriff or others for the Eſcape of a *Thief* or Felon, till it be adjudged an Eſcape by the Juſtices in *Eyre*, upon ſuch Penalties as are therein provided.

CHAP. IV.

Concerning Wrecks; 'tis provided, That if a Man, or any Living Creature, eſcape out of a Ship, ſuch Ship, and all that is in it, ſhall not be adjudged *Wreck*; and that the Goods therein, upon Suit, and Proof made by the Owner, within a Year and a Day, ſhall be forthwith reſtored to him; otherwiſe, if the time be lapſed, they ſhall remain to the King.

CHAP. V.

That no Great Man nor Other, by force of Arms or Menaces, upon great Forfeiture, ſhall diſturb any from making **free Elections**.

CHAP. VI.

* *Salvo Contenemento.*

That no City, Borough, nor any Man, be amerced without reaſonable Cauſe, and according to the Quality of the Perſon, and Quantity of his Treſpaſs; That is ſay, every Freeman ***ſaving** his Freehold, *&c.*

CHAP. VII.

This is now obſolete, but the Purport of it is, That no Conſtable, nor Caſtellane, ſhall exact any Prizes or Duties of any but ſuch as be of their own Town or *Caſtle*.

CHAP. VIII.

† *Beau-Pleader.*

The next is, againſt taking any thing for † *fair Pleading*, as had been prohibited in the time of King *Henry* the *Third*, his Father.

CHAP. IX.

That all Perſons ſhall be ready at the Summons of the Sheriffs, and Cry of the Country, to perſue and arreſt Felons; and thoſe that will not ſo do, and thereof be attainted, ſhall be grievouſly Fined to the King, with other Clauſes relating to Lords of Franchiſes, Bailiffs, Sheriffs, *&c.*

CHAP. X.

That through all Shires, ſufficient Men ſhall be choſen *Coroners*, of the moſt Diſcreet Knights, who may beſt attend upon that Employment; and he ſo choſen not to demand nor take any thing of any Man for doing his Duty, upon Pain of great Forfeiture.

CHAP. XI.

Whereas many had been indicted, and found guilty of Murther, by favourable Inqueſts taken by the Sheriffs and the King's Writ *de Odio & Atia*, were bayled, till the coming of the Juſtices in *Eyre*; this provides, That for the future, ſuch Inqueſts ſhall be taken by Lawful Men choſen by the Oaths of Twelve Men, (of whom Two at leaſt to be Knights) as ſhall be unſuſpected of having any Affinity with the Priſoners.

CHAP. XII.

Notorious Felons, who refuſe Lawful Tryal, ſhall ſuffer ſtrong and hard Impriſonment; but not thoſe that are taken upon ſlight Suſpition.

CHAP.

CHAP. XIII.

None ſhall *raviſh*, or take away by force, any Maid within Age, either by, or without her Conſent, nor any Wiſe or Maid of full Age, nor any other Woman, againſt her Will: But this is to be proſecuted whithin Forty Days, or the Party loſes their Action.

CHAP. XIV.

The Acceſſory in an *Appeal*, ſhall not be *outlawed* before the Principal be attainted; how-be-it, none ſhall intermit to commence their Appeal at the next County, as well againſt the Acceſſory as againſt the Principal: But the *Exigent* againſt thoſe ſhall remain, until the other be attainted by *Outlawry*, or otherwiſe.

Court

CHAP. XV.

Enacts, what Perſons are not repleviable, or baylable by Common Writ, or without Writ, *viz.* Perſons outlawed, ſuch as have abjured the Realm, Approvers, and ſuch as be taken with the manner, Priſon-breakers, Thieves, openly defamed and known Appellees by Provers, (during the Life of ſuch Provers) Houſe-burners, Counterfeiters of the King's Seal or Coin, Excommunicate Perſons, manifeſt Offenders and Traytors.

CHAP. XVI.

None ſhall drive a Diſtreſs out of the County, or diſtrain wrongfully, or out of their Fee, on Pain of being grievouſly Puniſhed, according as the Statute of *Marlebridge*, *Cap.* 4. has provided in that Caſe; or more grievouſly, if the manner of the Treſpaſs ſo require.

CHAP. XVII.

If Beaſts be driven into a Caſtle or Fortreſs, and there withholden againſt Pledges offered, and not ſuffered to be replevied by the Sheriff, or other of the King's Bailiffs, (after convenient notice to the Detainer, *&c.*) the King for the ſaid Treſpaſs, and Deſpite, ſhall cauſe the ſaid Caſtle or Fortreſs to be demoliſhed; and (after the firſt demand made by the Sheriff or Bailiff) the Plaintiff ſhall recover double Damages againſt the Lord, or the Detainer; or, if the Detainer be not able, then of the Lord only.

CHAP. XVIII.

Gives Remedy againſt common Fines and Amercements, by providing, That from thenceforth ſuch Sums ſhall be aſſeſſed by the Juſtices in *Eyre* before their departure, by the Oaths of Knights and other honeſt Men, upon all ſuch as ought to pay them.

CHAP. XIX.

The Sheriff, having received the King's Debt, upon his next Account ſhall diſcharge the Debtor thereof, on Pain of Forfeiting *Treble* to the Debtor, and to make Fine at the King's Pleaſure. *Further* the Sheriff, if alive, or, if dead, his Heirs, ſhall anſwer all Moneys, which he, or thoſe he employs, receive: And if any other that is anſwerable to the *Exchequer* by his own Hands ſo do, he ſhall render Treble to the Plaintiff, and make Fine as before. And upon Payment of the King's Debt, the Sheriff ſhall give a Tally to the Debtor, and the Proceſs for Levying the ſame ſhall be ſhewed him upon Demand without Fee, upon Pain of being grievouſly puniſhed.

CHAP. XX.

Treſpaſſers in Parks or Ponds ſhall give Treble Damages to the Party grieved, ſuffer Three Years Impriſonment, be Fined at the King's Pleaſure, and give Surety never to offend again in the like kind. And if they can't find Surety, they ſhall Abjure the Realm, or being Fugitive, ſhall be Outlaw'd.

CHAP. XXI.

Guardians ſhall keep the Lands of Wards without Deſtruction, according to *Magna Charta*, C. 4. *&* 5. And ſo ſhall Archbiſhopricks, Biſhopricks, and all Spiritual Dignities be kept in time of their Vacation, or being Void.

CHAP. XXII.

This is concerning Female-Wards, and the Age whereat they ſhall be Married by their Guardians; But all Wardſhips being ſince taken away, we need mention no more of it.

CHAP. XXIII.

That in no City, Town, or other Place, any Foreign Perſon (who is in this Realm) ſhall be Diſtreined for Debt, unleſs he be Debtor or Pledge. And whoever does it, he ſhall be grievouſly puniſhed, and the Diſtreſs be delivered to him by the Bailiffs of the Place, or elſe by the King's.

CHAP. XXIV.

That if any Eſcheator, Sheriff, or other Bailiff of the King's, do, by colour of his Office, without ſpecial Warrant, Diſſeiſe any Man of his Freehold, *&c.* it ſhall be in the Diſſeiſee's Election, whither the King ſhall, upon Complaint, cauſe it to be amended, or the Diſſeiſee will Sue by Writ of *Novel Diſſeiſin*; but if the Diſſeiſor be Caſt, he ſhall Pay Double Damages, and be grievouſly Amerced beſides.

CHAP. XXV.

No Officer of the King ſhall maintain Plea of Lands, or other Things, to have part thereof, or other Profit by Covenant between them made, on Pain of being puniſhed at the King's Will.

CHAP. XXVI.

No Sheriff, nor other the King's Officer, ſhall take any Reward to do his Office, but ſhall be paid by the King; and if he do ſo, he ſhall pay Double, and be puniſhed at the King's Will.

CHAP. XXVII.

No Clerk ſhall take any thing for Delivering of *Chapters*, but only thoſe of the Juſtices Errants in their *Eyres*, and they to take but 2 *s.* and he that exacts more ſhall pay Treble as much as he hath taken, and loſe the Service of his Maſter for One Year.

CHAP. XXVIII.

No Clerk of the Kings, or any Juſtice, ſhall receive the Preſentment of any Church, for which any Debate is in the King's Court, without his ſpecial Licence, on Pain to loſe the Church and his Service: Nor ſhall any Juſtice or Sheriff's Clerk take part in any Suits, or uſe Fraud, whereby common Right may be Delayed, on Pain to be puniſhed as aforeſaid, or more Grievouſly, if the Treſpaſs require it.

CHAP. XXIX.

If any Serjeant, or Pleader, do Act, or Conſent to, any Deceit in the King's Court, to Beguile the Court or Party, upon being * *Attainted*, he ſhall be Impriſoned for a Year and a Day, and not ſuffered to plead in that Court any more: And if he be no Pleader, at leaſt he ſhall be Impriſoned for a Year and a Day) And if they deſerve greater Puniſhment, it ſhall be at the † King's Pleaſure.

* *i. e.* Convicted.

† *i. e.* According to the Judgment of his Court.

Officers, Cryers, and Marſhals of Juſtices in *Eyre*, ſhall not take Money, otherwiſe than they ought to do, on Pain to Pay the Treble thereof to the Complainants.

CHAP. XXX.

This provides Remedy againſt taking Exceſſive Tolls in Market-Towns, belonging either to the King, or Others, under the Penalties therein mentioned.

As alſo againſt Citizens or Burgeſſes, for taking more for the Charge of Murage of their Town than they ought by their Grant from the King or his Father; by loſing their Grant, and being grievouſly Amerced to the King.

CHAP. XXXI.

Is to Remedy the unjuſt taking of Victuals, *&c.* by way of Purveyance for the King's Uſe, Without Paying for them; and appoints certain Penalties upon thoſe that do ſo: But this being now grown obſolete, it is enough barely to mention it.

CHAP. XXXII.

That no Sheriff ſhall Countenance Barretors, or Stewards of Great Lords (unleſs they be Attorneys for their Lords) to make Suit, nor give Judgments in the Counties, *&c.* if not eſpecially required by the Suitors and their Attorneys; and if any do ſo, the King to puniſh both the Sheriff and Tranſgreſſor.

CHAP.

CHAP. XXXIII.

None is to Tell or Publiſh any Falſe or Scandalous News or Tales, whereby Diſcord may ariſe betwixt the King and his People, or the great Men of his Realm, on pain of Impriſonment until he bring forth the Author.

The Reader here may take notice, That upon this Statute, another Act was founded in the 2 *Ric.* 2. *cap.* 5. commonly know by the Name of *Scandalum Magnatum*, which we ſhall further ſpeak of in its due place.

CHAP. XXXIV.

None (except the King's Miniſters) ſhall within a Liberty Arreſt any Perſon paſſing through the ſame, and holding nothing thereof, for any Contracts, Covenants, or Treſpaſſes made or done out of ſuch Liberty, ou pain of paying double Damages to the Party grieved, and a grievous Fine to the King.

CHAP. XXXV.

25 *Ed.* III. *Stat* 5. *cap.* 11.

Concerning reaſonable Aid to make the King's Eldeſt Son a Knight, and to Marry his Eldeſt Daughter, how much ſhall be taken from the King's Tenants for each kind, *&c.* But this is now taken away by the Statute of Wards and Liveries, 12 *Car.* 2. *Cap.* 24.

CHAP. XXXVI.

If any be Attainted (*i. e.* Convicted) of *Diſſeiſin* done in this King's time, with Robbery of Goods, or otherwiſe, the Diſſeiſee, by Aſſize of *Novel-Diſſeiſin*, ſhall recover his Seiſin and Damages, and the Diſſeiſor ſhall make Fine, whether he be preſent or not; but if preſent, he ſhall be committed.

CHAP. XXXVII.

An Attaint is granted in Plea of Land, Freehold, or any thing touching Freehold, when the King ſhall ſee it neceſſary.

CHAP. XXXVIII.

Seiſin of one's Anceſtor in a Writ of *Right* ſhall be from the time of King *Richard* I. In an Aſſize of *Novel-Diſſeiſin* and *Nuper obiit*, from *Hen.* III. his Voyage into *Gaſcoigne*: And in a *Mort-d'Anceſtor*, *Coſinage*, *Ayel*, and *Nieſe*, from the Coronation of *Hen.* III.

CHAP. XXXIX.

In Writs of Poſſeſſion, Intruſion, *&c.* whereby Land is demanded which ought to Deſcend, Revert, *&c.* if the Tenant vouch to Warranty, and the Demandant counterplead him, and aver by Aſſize, or by the Country, (as the Court ſhall award) that the Tenant or his Anceſtor (whoſe Heir he is) was the firſt that enter'd after the Death of him of whoſe Seiſin he demands, the Averment ſhall be receiv'd, if the Tenant will abide thereupon; but if not, he ſhall be compelled to another Anſwer, unleſs his *Warrantor* be preſent, who ſhall immediately enter into the Warranty: And the Demandant alſo may have the like Exception againſt the Vouchee, as he had againſt the firſt Tenant.

CHAP. XL.

The Champion of the Demandant ſhall not be compell'd in a Writ of Right to Swear, that he, or his Father, ſaw the Seiſin of his Lord, or his Anceſtor, and that his Father commanded him to *Deraign* the Right; but his Oath ſhall be kept in all other Points.

CHAP. XLI.

In a Writ of Aſſize, Attaints, and *Juris-Utrum*, after the Tenant has once appeared in Court, he ſhall not be Eſſoin'd.

CHAP. XLII.

Parceners, or Tenants jointly Enfeoffed, ſhall not *Fourch* by Eſſoin, that is, they ſhall have but one Eſſoin among them, at one day, as if they were one ſole Tenant.

CHAP. XLIII.

An * Eſſoin of *Ultra Mare* ſhall not be allowed, but made a Default, if the Demandant can prove that the Tenant was within the Four Seas, the Day of the Summons, and Three Weeks after. But this is only to be done before Juſtices.

* *i. e.* An Excuſe for being beyond Sea.

CHAP. XLIV.

That if the Tenant or Defendant make Default after the firſt Attachment returned, the great Diſtreſs ſhall be Awarded: And if the Sheriff make no ſufficient Return, he ſhall be Amerced. With other Clauſes how Returns ſhall be duly executed.

CHAP. XLV.

That one Plea ſhall be decided by the Juſtices of the *King's Bench*, before another Matter be Arraigned, or Plea Commenced; but their *Eſſoins* ſhall be Entered, Judged and Allowed: Yet let none preſume to abſent himſelf at the Day appointed him.

CHAP. XLVI.

If a Writ of *Novel-Diſſeiſin* be Purchaſed, and the Diſſeiſor Die before the Aſſize be paſſed, the Heir ſhall have his Writ of *Entre ſur Diſſeiſin* againſt the Heir of the Diſſeiſor. The like Writs ſhall the Heir of the Diſſeiſee have, in caſe he Die, *&c.* And here Nonage of the Heir of the Diſſeiſor or Diſſeiſee ſhall not prejudice either of their Rights in Aſſize. The ſame Proviſion ſhall extend for the Right of Prelates, and other Religious Perſons, whether Diſſeiſees, or Diſſeiſors. And if the Parties come to an Enqueſt, and that paſſes againſt the Heir of the Diſſeiſee, he ſhall have an Attaint *Gratis*.

CHAP. XLVIII.

This prevents all Abuſes of the Chief Lords by their making Feoffments of the Lands of their Wards to their Diſheritance. But Wardſhips being ſince taken away, I only touch upon it.

CHAP.

CHAP. XLVII.

In a Writ of Dower, (*unde nihil habet*) the Writ ſhall not abate by the Exception of the Tenant, that ſhe has received her Dower of another before the Writ purchaſed, unleſs he can ſhew, that ſhe received part of her Dower of himſelf, and in the ſame Town, before the Writ purchaſed.

CHAP. XLIX.

This Chapter or Article, contains a **Saving** to the King of the Rights and Prerogatives of his Crown.

CHAP. L.

Aſſizes of *Novel-Diſſeiſin*, *Mort-d'Anceſtor*, and *Darrein preſentment*, ſhall be taken in *Advent*, *Septuageſima*, and *Quareſme*, or *Lent*, as well as Enqueſts, and that at the ſpecial Requeſt of the King made to the Biſhops.

As for thoſe that paſs under the Title of Statutes, ſuch as that of the *Extent* of a Mannor, and that of the Office of a *Coroner*, made, as the Book ſays, in the Fourth Year of this Reign; they being at beſt but *Ordinances* paſſed by the King and his private Council, I only mention the Titles of them.

Statut. de Bigamis.

But for that of *Bigamy*, ſince I find in the Firſt Chapter of it theſe Words, (*Concordatum eſt per Juſtitiarios & alios Sapientes de Concilio Regni*) I will agree with my Lord *Coke*, That it was no Ordinance, but an Act made by Authority of Parliament.

Second Inſtit. p. 267, 268.

The Four firſt Chapters whereof being now out of Date, I ſhall ſay nothing of them, but come to the Fifth, which gives Name to this ſet of Laws.

CHAP. V.

In perſuance of a Decree made in the Council of *Lyons*, by which all Perſons that had been twice Married (called *Bigami*) were excluded the Benefit of their Clergy; this Act declares, That whether they were *Bigami* before, or after the Decree, they ſhall not be delivered over to the Prelates, but Juſtice ſhall be Executed upon them as upon other Lay-People.

CHAP. VI.

The laſt Chapter concerning Warranty, being only about Matters of Form, and of little Uſe, I refer to the Statute-Book.

The Statute of Glouceſter, *made the Sixth of* Edward I.

This Act, the Preamble ſays, was made to prevent the great Miſchiefs, Damages and Diſheriſons, which the People had before ſuffered through Default of the Law in divers Caſes. And therefore in

CHAP.

CHAP. I.

Damages are given in Aſſizes of *Novel Diſſeiſin*, as well againſt the Alienee of the Diſſeiſor, as againſt the Diſſeiſor himſelf; ſo that every one ſhall anſwer for his own time. And as for the reſt of the Chapter, concerning the Damages that a Diſſeiſee ſhall recover in Writs of *Entry* and *Novel Diſſeiſin* againſt him that is found Tenant after the Diſſeiſor; as alſo thoſe that ſhall be Awarded in Aſſizes of *Mort d'Anceſtor*, *Coſinage*, *Ayel* and *Beſayel*; and thoſe Coſts and Damages that ſhall be recovered by the Demandant; ſince they are Caſes now obſolete, or at leaſt but ſeldom occur, I only touch upon them.

CHAP. II.

This is in Favour of Infants; when they are to Sue for their Inheritance, that an Enqueſt ſhall paſs for them notwithſtanding their Nonage, and that without any Limitation of Time.

CHAP. III.

Whereas before this Statute, the Heir of Tenant by Courteſie was Debarred of his Inheritance, by reaſon of the Warranty of his Father deſcending upon him; this Act provides, That where Tenant by Courteſie aliens his Wife's Land, his Son having no Aſſets by Deſcent, ſhall not be Barred from Recovering the Land by a Writ *de Mort d'Anceſtor* of the Seiſin of his Mother, altho' the Father had obliged himſelf and his Heirs by his Deed to Warranty. The reſt is too tedious to be here inſerted.

CHAP. IV.

This Chapter, concerning Free-Farmers not paying *Eſtovers* for Two or Three Years together, in lieu of Rent, being now obſolete, I ſhall ſay no more of it.

CHAP. V.

An Action of Waſt is maintainable againſt Tenant by the Courteſie, *in Dower*, for Life, or Years; and the Party Attainted thereof ſhall loſe the thing Waſted, and recompence Thrice ſo much as ſuch Waſt is Taxed at. And as for Waſt done in the time of Wardſhip, *Mag. Char. C.* 4. ſhall be Obſerved; and beſides, the Guardian ſhall recompence the Heir for the Waſt done, if the Wardſhip loſt do not amount to the value of the Damages before the Heirs full Age.

CHAP. VI.

This is concerning the Right of an Heir to recover by a Writ of *Mort d'Anceſtor*: But it is now out of uſe, and therefore I only mention it.

CHAP. VII.

If a Woman alien her Dower in Fee, or for Life, the Heir, or he to whom the Land ought to revert after her Death, ſhall immediately Recover by a Writ of Entry in the *Chancery*.

CHAP. VIII.

The chief Matter in this is, That none ſhall have Writs of Treſpaſs before Juſtices, unleſs he will Swear, That the Goods taken away were worth Forty Shillings at leaſt: There are ſeveral other Rules concerning Pleas in Treſpaſs, which ſince they relate only to Matters of Practice, I refer to the Statute.

CHAP. IX.

This takes away all Writs of Enquiry for the Death of a Man, whether he was Slain by Miſfortune, or in his own Defence, or otherwiſe, without Felony; and preſcribes a better Courſe for the ſpeedy bringing to Tryal all ſuch Offenders, by keeping them in Priſon till the coming of the Juſtices in *Eyre*, or Gaol-Delivery; who having put them upon their Country, and upon finding it *Per Infortunium*, or, *Se Defendendo*, the Juſtices making ſuch Report to the King, He † ſhall take them to his Grace.

† *i. e.* Pardon them.

CHAP. X.

The Husband and Wife being Impleaded in the King's Court, ſhall not † *Fourch* by Eſſoin, no more than Parceners, or two that hold in Common. *Vid. Weſtminſt.* I. *Cap.* 42.

† *i. e.* Prolong an Action.

CHAP. XI.

Provides againſt the Fraud or Colluſion of the Tenant of a Freehold within the City of *London*, that he ſhall not by a feigned Recovery defeat the Title of him that holds under him for Term of Years. But this being particular as to that City, I enlarge no more on it, but leave thoſe concerned to the peruſal of the whole Chapter.

CHAP. XII.

Gives Remedy to a Tenant in *London*, Vouching a Foreigner to Warranty, to have a Writ out of *Chancery*, to Summon his Warrantor before the Juſtices at a certain day, and another Writ to the Mayor, *&c.* to Surceaſe the Matter before them, till the Plea of the Warranty be determined in the Bench: Then the Plea to be returned into the City, *&c.* which I paſs by further mentioning for the ſame Reaſon. But there is a Correction of this Chapter in the Statute-Book, which immediately follows the Statute of *Mortmain*, to which I refer the curious Readers for their better Satiſfaction.

CHAP. XIII.

When a Plea is moved in the City of *London* by Writ, the Tenant ſhall make no Waſt or *Eſtrepement* of the Land, hanging the Plea; or if he do, the Mayor, *&c.* ſhall cauſe it to be kept at the Suit of the Demandant. The ſame Law to be obſerved throughout the Realm.

CHAP. XIV.

Provides Remedy for Diſſeiſees in *London*, *viz.* Damages by Recognizance of the ſame Aſſize, whereby they recovered their Lands; and the Diſſeiſors to be Amerced before two Barons of the *Exchequer*, who are to reſort into the City to do it. And the Amerciaments to be Levied by Summons of the *Exchequer* to the King's uſe.

CHAP. XV.

The Mayor and Bailiffs (now the Sheriffs) of *London*, before the coming of the Barons, (after *Candlemaſs* Term) ſhall enquire of Wines Sold againſt the Aſſize, and preſent it to them when they come, and the Defaulters to be Amerced; whereas they were wont to tarry till the coming of the Juſtices in *Eyre*. Obſolete.

Then follow certain Expoſitions made upon ſome of the Articles of this Statute of *Glouceſter* abovemention'd, which you may ſee in *Raſtal*, &c.

A Statute forbidding bearing of Armour, made 7 Edw. I.

THis provides againſt Men's coming to Parliaments, Treaties, and other Aſſemblies, with Force and Armour; and declares, as the Senſe of the Prelates, Earls, Barons, and the Communalty of the Realm in Parliament, That it belongs to the King to prohibit all ſuch Force, and all other Force againſt the Peace, and to puniſh Offenders therein according to Law: And herein every Subject is bound to be Aiding.

But this being the King's Writ Directed to the Juſtices of his Bench, commanding them to cauſe theſe Things to be Read before them, and Enrol them in their Court; it ſeems doubtful, whether it was not rather a Declaration of the Parliament of the Antient Law in this Point, than any new Statute concerning it.

The Statute of Mortmain, *made* 7 Edw. I.

IF Lands be any way alienated in *Mortmain* to a Religious Perſon, or other, the King or other immediate Lord, may enter within a Year after ſuch Alienation; and if ſuch Lord neglect it, the next Lord to him may enter within half an Year after; and if all the mean Lords (being of full Age, within the four Seas, and out of Priſon) neglect to do it, after the Year the King may enter upon thoſe Lands.

The New Statute of the Exchequer, *otherwiſe called, The Statute of* Rotland, *made* 10 Edw. I.

Note, *This was not a Statute but an Ordinance, ſays* Plouden, *P.* 209. a. *But the L. C. J.* Coke *is of another Opinion*, 2 Inſtit. 551.

PRovides, that from thenceforth the Bodies of Shires ſhall not be written in ſeveral Rolls, but in a certain Annual Roll by themſelves, which ſhall be Read every Year upon the Accounts of Sheriffs.

There are alſo ſeveral other Articles, which ſet forth the Rules appointed for the manner of the Sheriff's paſſing their Accounts of the King's Revenue to the Treaſurer and Barons of the *Exchequer*; which not being of general Uſe, I ſhall forbear ſpeaking further of them: But come to

The Statute of Acton Burnell, *made* 13 Edw. I.

AND this Statute, ſince it only provides a Remedy for Merchants to Recover their Debts by Recogniſances in *London*, *York*, or *Briſtol*, (then the Three great Capital Cities of Trade in *England*) and not for the People of the Kingdom in general: I ſhall not mention any more of it, but refer the Reader that has a mind to peruſe it, to the Statute it ſelf; and ſo paſs on to that other great one, called,

The Statute of Weſtminſter *the* Second, *made in the ſame 13th Year of* Edw. I. *This is likewiſe known by another Name,* viz. *The Statute,* De Donis Conditionalibus, *being that remarkable One that firſt Created Eſtates-Tail, and Ordained,*

CHAP. I.

THat the Will of the Givers of Lands (according to the Form in the Deed of Gift manifeſtly expreſſed) ſhall be from thenceforth obſerved; ſo that they to whom the Land was given under ſuch and ſuch Conditions expreſſed in the Statute, ſhall have no Power to alien that Land ſo given, but it ſhall remain to their Iſſue after their Death, or revert to the Giver, or his Heirs, if Iſſue fail; Nor ſhall the Second Husband of any Woman have any thing of the Land given upon Condition, (after the Death of his Wife) nor the Iſſue of ſuch Second Husband and Wife ſhall ſucceed in the Inheritance; but immediately after the Death of the Husband and Wife, unto whom the Land was given, it ſhall return to the Iſſue of the Giver, or his Heirs.

And a new Remedy is provided in this new Caſe, by a Writ of *Formedon in Deſcender*, which is therein ſet down at large.

This Act ſhall extend only to Gifts that are *hereafter* to be made. And a Fine *hereafter* to be Levyed upon ſuch Lands, ſhall be void in Law; neither ſhall the Heir, or Reverſioner (tho' of full Age, within *England*, and out of Priſon) need to make their Claim.

This Part concerning Fines has been quite altered by ſeveral ſucceeding Statutes, as 4 *H.* VII. *C.* 24. & 32 *H.* VIII. *C.* 36. which, if I live ſo long, I ſhall particularly take notice of, under thoſe Reigns.

CHAP. II.

Provides, That where, upon Replevins, Lords cannot obtain Juſtice in Counties, and other Inferiour Courts againſt their Tenants, when ſuch Lords are Attached at their Tenants Suit, a Writ of *Recordare* ſhall be granted them to remove the Plea before the Juſtices, where Juſtice ſhall be done them; and the Cauſe ſhall be inſerted in the Writ, *viz.* Becauſe ſuch a Man Diſtrained in his Fee for Services and Cuſtoms due to him.

The Reſt of the Statute only preſcribes the Rules how to recover in ſuch Actions, and gives Directions to Sheriffs and Bailiffs what to do therein, under the Penalties there mentioned, and what other Remedies the Plaintiffs may have in caſe of default, for which I refer you to the Act.

CHAP. III.

A Writ of *Entry* (called *Cui in vita*) is given to the Wife for the Recovery of her Land, loſt by the default of her Husband in his Lifetime; and during his Life, ſhe ſhall alſo be admitted to defend her Right, provided ſhe come in before Judgment.

The like Priviledge is given to the Reverſioner, where the Tenant in Dower, by the Curteſie, for Life, or by Gift, doth loſe by Default, or wilfully yield up the Land.

CHAP. IV.

The Wife ſhall be endowable as well where Land was *recovered* againſt her Husband by Default, as by Covin; ſo that albeit the Land was loſt by the Husband's Default, yet that ſhall be no good Allegation for the Tenant, but he muſt then proceed, and ſhew his Right, otherwiſe the Wife ſhall recover.

The reſt of the Act ſhews, how Tenants in Dower, Frank-mariage, *&c.* when they loſe their Land by Default, may vouch the Reverſioner, if they have any Warrant: With ſeveral Directions what Plea and Proceſs they ſhall make uſe of for the Recovery of their Right.

CHAP. V.

Uſurpations of Churches during Wardſhip, Particular Eſtates, Coverture, or Vacancy, ſhall not bar the Heir at full Age, the Reverſioner, or Remainder-man in Poſſeſſion, the Feme diſcovert, or a Spiritual Perſon in Succeſſion, from having the Writ of Advowſon poſſeſſory, *viz. Quare Impedit*, or an Aſſize of *Darrein Preſentment*, as their Anceſtor or Predeceſſor might have had, if the Uſurpation had happened in their time: But before this Act, they were (in ſuch Caſes) put to their Writ of Right of Advowſon: The reſt of the Statute is taken up in preſcribing Forms of Pleadings, and Proceſs in *Darrein Preſentment*, *Quare Impedit*, and other Caſes of like Nature, whether by Coparceners, or any other ſort of Patrons.

CHAP. VI.

As the Tenant ſhall loſe the Land in demand, where the Vouchee diſchargeth himſelf of the Warranty; ſo ſhall the Warrantor loſe, where he denieth his Warranty, if found on Tryal againſt him that he is ſo bound. And where an Enqueſt is depending between the Tenant and the Warrantor, and the Demandant will require a Writ to cauſe the Jury to come, it ſhall be granted him.

CHAP. VII.

This is only concerning the Writ of Admeaſurement of *Dower* by a Guardian; but the Heir *at full Age* ſhall not be barred by that Suit, where it is Proſecuted by Colluſion, *&c.*

CHAP. VIII.

Shews what Remedy the Plaintiff ſhall have in a Writ of Admeaſurement of Paſture, upon the Second overcharge, if the Paſture was admeaſured before the Juſtices; and what remedy there is if the Admeaſurement were made in the County; and how to prevent Fraud in the Sheriff.

CHAP. IX.

Provides what Remedy the Chief Lord ſhall have againſt the Meſne-Tenant for Rent or Services: But this is now obſolete and wholy out of uſe, partly by taking away Tenures, and eſpecially by the Chief Lords parting with their Rent and Services of ſuch Tenants; and therefore it is needleſs further to enlarge upon it.

CHAP. X.

Any Perſon may make a general Attorney to Sue in all Pleas, during the Circuit of Juſtices in *Eyre*: Howbeit, that ſhall not excuſe the Party from being put upon Juries and Aſſizes before the ſame Juſtices.

It likewiſe preſcribes within what time Juſtices in *Eyre*, or *Itinerant*, ſhall appoint all Writs to be delivered in to them; and then the Sheriff ſhall certifie the Chief Juſtices in *Eyre* how many Writs he hath, and what they concern: Of which we need ſay no more in this Place.

CHAP. XI.

Servants, Bailiffs, or other Accountants, that are found in Arrears by Auditors aſſigned by their Maſters, upon the Teſtimony of the ſame Auditors, ſhall be committed to the next Jayle, and there remain in ſafe Cuſtody at their own Coſts, until they ſhall have ſatisfied their Maſters. The reſt gives remedy to the Accountants, if they find themſelves aggrieved by the Auditors, by appealing to the Barons of the Exchequer, who are to do Juſtice therein; and alſo what Proceſs ſhall go out againſt the Accountant, if he flies or will not come to Account.

CHAP. XII.

Upon a falſe Appeal by Malice, the Appealor ſhall ſuffer a Years Impriſonment, make fine to the King, and recompence Damages to the Appellant at the diſcretion of the Juſtices. But if the Appealor is not able to Pay Damages, and an Abettor (through malice) is found by the ſame Inqueſt, ſuch Abettor ſhall alſo be puniſhed by Impriſonment and Reſtitution of Damages, as before.

CHAP. XIII.

Sheriffs, Bailiffs of Franchiſes, and others that take Enqueſts of Malefactors, ſhall do it by at leaſt Twelve Lawful Men, who ſhall put their Seals to ſuch Inquiſitions; and the ſaid Officers ſhall impriſon ſuch Malefactors. If they impriſon any without ſuch Enqueſts, the Party grieved, ſhall maintain an Action of falſe Impriſonment againſt them.

CHAP. XIV.

The Proceſſes in an Action of Waſt ſhall be Summons, Attachment and Diſtreſs; and if the Defendant appear not upon the Diſtreſs, a Writ of Enquiry ſhall be directed to the Sheriff to enquire of the Waſt; upon return whereof, the Court ſhall proceed to Judgement, according to the Statute of *Glouceſter* Cap. 5.

CHAP. XV.

If an Infant be * eloigned, ſo that he cannot ſue Perſonally, his *Prochein Amy* ſhall be admitted to ſue for him.

* *I. e.* taken away or kept conceal'd.

CHAP. XVI.

Appoints (where an Inheritance deſcends to an Infant of the Father's ſide, that held of One Lord, and the Mother's ſide that held of another Lord) which Lord ſhall have the Mariage of ſuch Infant. But this is now taken away by the Statute of 12. *Car.* II. *C.* 24. That deſtroyed Wardſhips.

CHAP. XVII.

In the Circuit of the Juſtices, an *Eſſoin de malo lecti*, lieth not for Lands in the ſame County, unleſs the Party be Sick indeed; for if at the Inſtance of the Demandant, it be proved by Enqueſt that the Tenant is not Sick, the *Eſſoin* ſhall be turned to a Default. But ſuch an *Eſſoin* ſhall not lie in a Writ of Right between Two claiming by One Deſcent.

CHAP. XVIII.

He that recovers Debt or Damages in the King's Court, may at his choice have a Writ to the Sheriff of *Fieri facias* of the Lands and Chattels of the Debtor (except Oxen and Plough-Beaſts) and the Moiety of his Land, by a reaſonable Extent, till the Debt be levied; and if he be ejected out of the Land, he ſhall have an Aſſize, and afterwards a Writ of Diſſeiſin, if need be. And this laſt Writ is called an *Elegit*.

CHAP. XIX.

The Goods of an *Inteſtate*, dying in Debt, ſhall be diſpoſed of by the *Ordinary*, to diſcharge it. But ſince at this day, Letters of Adminiſtration are uſually granted either to ſome of the Kindred, or Creditors, I ſhall here no more enlarge upon it.

CHAP. XX.

In Writs of *Coſinage*, *Ayel* and *Beſayel*, the Tenants Anſwer, That the Plantiff is not next Heir of the ſame Anceſtor, by whoſe Death he demandeth his Land, ſhall be admitted and enquired; and according to the ſame Inquiſition, the Juſtices ſhall proceed to Judgment.

CHAP. XXI.

A *Ceſſavit* is hereby given to the Chief Lord againſt his Freehold-Tenant, that with-holds his accuſtomed Service *per biennium*. It is likewiſe maintainable by the Heir of the Demandant, againſt the Heir or Aſſignee of the Tenant.

CHAP. XXII.

An Action of Waſt ſhall be maintainable *againſt* One Tenant in Common, againſt another of Wood, Turf, Land, Fiſhing, or the like; and when the Cauſe comes to Judgment, the Defendant may chuſe either to take his Part in a certain Place (to be ſet out by the Sheriff with a Jury) or grant to take nothing, but as his other *Pernors* do: And if he chuſe to take his Part in a Place certain, the Place waſted ſhall be aſſigned for his Part. See the Writ in the Statute.

CHAP. XXIII.

Executors ſhall have a Writ of Account, and like Action, and Proceſs in the ſame Writ as their Teſtator ſhould, if he had lived.

CHAP. XXIV.

A Writ of Nuſance ſhall be grantable, as well againſt the Alienee, as againſt the Party that firſt made it: When it is againſt the Party himſelf, it ſhews how the Writ ſhall run; and how to be altered, when it is againſt the Alienee. In like manner, a Parſon of a Church may recover Common of Paſture by a Writ of *Novel Diſſeiſin*; ſo his Succeſſor ſhall have a *Quod permittat* againſt the Diſſeiſor or his Heir, though there never was ſuch a Writ granted out of the Chancery before. The next Clauſe gives the Clerks of Chancery a Power to frame a new Writ, where the Law has not expreſly provided one before, or the Plaintiffs may adjourn it till the next Parliament.

CHAP. XXV.

An Aſſize of *Novel Diſſeiſin*, ſhall lie for Eſtovers of Wood, Profits to be taken in Woods, Corrody, and other Proviſions; and the like Proceſs for other things. Which being now out of uſe, I ſhall forbear mentioning more of it.

The ſame Writ ſhall likewiſe be had, if any holding for Years, or in Ward, alien the Fee; and both the Feoffors and Feoffees ſhall be taken for Diſſeiſors; but if the Parties Die, the Remedy ſhall be by Writ of Entry; with other things relating to Proceſs, needleſs here to be further inſerted.

CHAP. XXVI.

In Writs of Rediſſeiſin, double Damages ſhall be awarded, and the Rediſſeiſors ſhall not be repleviable by the Common Writ. And the like Remedy is provided for thoſe that have recover'd by Default, Reddition, or otherwiſe, without Recognition of Aſſizes or Juries.

CHAP. XXVII.

An Eſſoin ſhall be allowed the next day after Enqueſt taken; but none at any of the other days following, nor after day given, *Prece partium*.

CHAP. XXVIII.

In Aſſizes after Appearance, the Demandant ſhall not be eſſoined.

CHAP. XXIX.

A Writ of Treſpaſs, *ad audiendum & terminandum*, ſhall not be granted, but before the Juſtices of either Bench, or Juſtices in *Eyre*, unleſs it be for ſome heinous Treſpaſs, which requires ſpeedy Remedy: But a Writ to hear and determine Appeals before Juſtices aſſigned, ſhall not be granted, but in a ſpecial Caſe, and for a Cauſe certain, and that at the King's Command.

CHAP. XXX.

Two Juſtices ſhall be aſſigned, before whom and no other, Aſſizes of *Novel diſſeiſin*, *Mort d'Anceſtor* and *Attaint*, ſhall be taken; and ſhall aſſociate with them, One or Two of the Diſcreeteſt Knights of the County for that purpoſe. And certain Days are therein appointed for their ſitting: Which way of Tryal is now become quite obſolete, ſince the conſtant coming of the Juſtices of Aſſize and Jayl-delivery into the ſeveral Counties, for the diſpatch of all Buſineſs of that nature.

CHAP. XXXI.

When the Juſtices will not allow a Bill of Exception upon Prayer, if the Party impleaded tender the ſame unto them in Writing, and require their Seals thereunto, they or one of them ſhall do it. And if, upon Complaint thereof to the King, the Exception ſo Sealed be not found in the Roll, the Juſtice ſhall be ſent for, and if he cannot deny his Seal, the Court ſhall proceed to Judgment according to the Exception.

CHAP. XXXII.

Eccleſiaſtical Perſons are hereby debar'd from taking Land in *Mortmain* by way of Colluſion, without the King's Licence; and therefore each mean Lord hath Six Months given him to enter after the Lord next before him, until it come to the King.

CHAP. XXXIII.

The Priviledges of ſetting up Croſſes upon Lands, uſed by the Knights-Templars and Hoſpitalers, to defend the Tenants againſt their Chief

Lords, are hereby taken away, and the Lands forfeited in like manner as thoſe aliened in *Mortmain*.

CHAP. XXXIV.

If a Man raviſh a Woman Married, Maid, or other, without her Conſent, either before or after, he ſhall have Judgment of Death.

And where a Woman, of what quality ſoever, is raviſhed, albeit ſhe conſent after, yet he, upon being attainted thereof, ſhall have like Judgment as before; and here the King ſhall have the Suit.

As alſo of Women carried away with the Goods of their Husbands, the King ſhall have the Suit for the Goods ſo taken away.

But if ſhe willingly leaves her Husband, and goes away, and continues with her Advowterer, ſhe ſhall be barred from her Dower, unleſs her Husband be willingly reconciled to her, and ſuffer her to dwell with him.

CHAP. XXXV.

Gives a Penalty againſt thoſe that ſhall raviſh or carry away Wards, either Male or Female: But Wardſhips being now taken away by the Statute of the 12th of *Charles* II. *Chap*. 24. I ſhall ſay no more of it.

CHAP. XXXVI.

None ſhall procure any to diſtrain another to make him appear at the County-Court, or any other inferior Court, on purpoſe to vex him, and put him to Charge and Trouble; on pain to make Fine to the King, and to pay to the Party grieved treble Damages.

CHAP. XXXVII.

No Diſtreſſes ſhall be taken, but by Bailiffs ſworn and known; on pain to reſtore Damages to the Party grieved, and to be grievouſly fined to the King.

CHAP. XXXVIII.

No more Jurors ſhall be Summoned in One Aſſize, than Twenty four; Old Men above the Age of Seventy, or Sick, or diſeaſed, or that live out of the County, ſhall not be put on Juries of Petty-Aſſizes. There is alſo appointed what Land Jury-men ought to have, to qualify them to be impanelled: But this has been ſince altered by later Statutes, and therefore is now become obſolete.

CHAP. XXXIX.

Is to prevent the ill Execution and falſe Return of Writs by Sheriffs and their Bailiffs, with the Penalties they ſhall incur for the ſame: But this relating wholy to matters of Proceſs, I ſhall leave thoſe concerned to conſult the Statute at large.

CHAP. XL.

The Suit of a Wife or her Heir, after the Death of her Husband, ſhall not be delayed by the Minority of the Heir, who ought to warrant the Land.

CHAP. XLI.

If Lands are given to Religious Houſes or Hoſpitals, for Alms or any other Pious uſe, and they are alienated by the *Donees,* the King, if He be Founder, may ſeize them for his own Uſe; with other things, which now ſignify nothing to us.

CHAP. XLII.

Contains an Account of ſeveral antient Fees of Marſhals, Chamberlains, Porters of Juſtices in *Eyre*, and Serjeants bearing a * *Verge* before the Juſtices at *Weſtminſter*.

* i. e. a Rod or Mace.

CHAP. XLIII.

Hoſpitalers and *Templars* ſhall draw none into Suit before the Keepers of their Priviledges; neither ſhall their Keepers cite any, to the prejudice of the King or his Crown.

CHAP. XLIV.

Appoints what Fees the Vergers, before the Juſtices of Common Pleas in their Circuits, and alſo the Chirographers and Clerks, writing Writs Original and Judicial, ſhall take; but theſe are ſince altered by other Statutes.

CHAP. XLV.

Writs of Execution ſhall be within the Year, as alſo all things Recorded before the King's Juſtices, (whether Contracts, Covenants, *&c.*) and after the Year a *Scire facias* ſhall be awarded; whereupon, if Satisfaction be not made, or good Cauſe ſhewn, the Sheriff ſhall be commanded to do Execution.

CHAP. XLVI.

The Statute of *Merton* ſhall not only bind the Lords Tenants, but Neighbours alſo, that claim Common of Paſture as appurtenant to their Tenements; but if any claim Common by ſpecial Feoffment or Grant for a certain number of Beaſts, or otherwiſe, which is due to him of common Right, he ſhall recover the ſame according to the form of ſuch grant; with other things, for which I refer to the Statute.

CHAP. XLVII.

Appoints when *Salmons* ought not to be taken, nor young *Salmons* with Nets or other Engins at Mill-pools; and the Penalties for ſo doing, for the Firſt, Second and Third Offence.

CHAP. XLVIII.

In what Caſes view of Land ſhall, and ſhall not be granted; which is now in great meaſure grown out of Date.

CHAP. XLXIX.

No Chancellor, Treaſurer, Juſtices, or any of the King's Council, Clerks of Chancery, Exchequer, *&c.* ſhall receive any Church, or

Advouſon, Land or Tenement, in Fee by Gift, by Purchaſe to Farm, by Champerty or otherwiſe, ſo long as the ſame thing is in Plea; nor ſhall take any Reward thereof, on pain of being puniſhed at the King's Pleaſure, both Buyer and Seller.

CHAP. L.

And in all theſe Statutes, where the Law faileth, leſt Suitors ſhould depart from the King's Court without Remedy, new Writs ſhall be provided in their Caſes. 2. *Inſtit.* 485.

The Statute of Wincheſter, *made the ſame 13th of* Edw. I.

CHAP. I.

THat upon a Robbery committed, freſh Suit or Hue-and-cries ſhall be made in all Counties, Markets and Fairs: With ſeveral Directions therein preſcribed for the more eaſy Apprehending of ſuch Felons, and other Particulars now grown obſolete; for which I refer to the Six Chapters in the Act.

The Statute of Merchants, made likewiſe at Weſtminſter, *the 13th of* Edw. I.

THis Statute was only made for the farther Explanation and Confirmation of that of *Acton-Burnell*, made in the Eleventh Year of this Reign; the Purport of which I have there given you, and therefore I ſay no more of it.

The Statute of Circumſpectè agatis, *made alſo the ſame 13th of* Edw. I.

THis being only to except ſeveral Offences, in Matters Eccleſiaſtical, from having any *Prohibitions* brought in the Civil Courts againſt them; and it being alſo doubtful, whither it be an Act of Parliament, or only a Writ directed to the Judges, how to proceed in Caſes of that nature; I will ſubmit to my Reader, to determine as he ſhall think fit.

The Statute de Quo Warranto, *made the 18th of* Edw. I.

THis Act was to prevent the Abuſe of the King's Officers from bringing this Writ againſt his Subjects, for Lands or Liberties ſuppoſed to be detained from the Crown; and therefore limits thoſe Writs to be brought within a certain Time, and according to certain Methods therein preſcribed. But this is now become obſolete, and there is no need of ſaying any farther of it.

There alſo follows (what is called) a New Statute of *Quo Warranto*, made likewiſe very ſoon after, to explain the former: But this ſeems only to be a Declaration of the King and his Council, and no real Statute.

The Statute of Weſtminſter *the* Third, *made the* 18*th of* Edward I.

IN all Feoffments to One and his Heirs, the Feoffee ſhall hold his Land of the Chief Lord of the Fee, by the ſame Services and Cuſtoms as the Feoffor held before.

And if the Feoffment be made of Parcel, he ſhall hold of the Chief Lord according to the quantity of the Land; and the Feoffor ſhall be ſet free for that part.

The reſt is to prevent ſuch Lands from coming into *Mort-main.*

The Statute de Judaiſmo, *made the ſame Year of* 18 Edw. I.

THE *Jews* were hereby prohibited from taking any Uſury for Money; which very much facilitated the total Expulſion of them not long after. *Co. 2d Inſtit. p. 506.*

The Statute de modo Levandi Fines, *made likewiſe the ſame Year.*

THis Statute (as it is here called, though it looks more like a Rule of Court) preſcribes the antient manner of levying of Fines, and the force and effect of them: But it is now altered and taken away by ſeveral ſubſequent Statutes.

The Statute of Vouchers, *made the 20th of* Edw. I.

THis is to prevent the Frauds that were uſed by Vouchers to Warranty; and therefore it is commanded, That whatſoever Tenant do vouch, and the Demandant will aver, That neither the Vouchee nor his Anceſtors had ever any thing in the Land, ſo as to make a Feoffment with Warranty, his Averment ſhall be admitted, whether the Party vouched be abſent or preſent, without any Reſpect had thereunto.

The Statue of Waſt, *made the ſame 20th Year,*

PRovides, That an Action of Waſt ſhall be maintainable by the Heir, for Waſt done in his Anceſtor's time, as well as for that done in his own.

The Statute of defending Right, *made the 20th of* Edw. I.

THis is to remove the Abuſes occaſioned by a Statute formerly made by this King, concerning a Stranger's pretending Right to Lands in queſtion between Two other Parties, before Judgement, by a Collateral Title; and therefore provides, That before ſuch Stranger be received, he ſhall find ſufficient Sureties (as the Court will award) to ſatisfy the Demandant the Value of the Lands ſo to be recovered, from the day that he is ſo received, till final Judgment be given for the De-

Demandant. And if the Demandant recover, the Defendant ſhall be greivouſly amerced; and if he have not whereof to ſatisfy, he ſhall be imprisoned at the King's Pleaſure; but if he can prove his Right, he ſhall be acquitted.

The Statute of Perſons to be put in Aſſizes, [of *the ſame Year.*]

NOne ſhall be Impannell'd to ſerve out of their proper Counties, unleſs they have Land worth 5 *l. per Annum* at leaſt; nor within the County, unleſs they have Land worth 40 *s. per Annum.*

But this Statute does not extend to Juries taken before Juſtices Errant, nor to Corporations; but that they may do as in times paſt.

The Statute of Treſpaſſers in Parks, *made the ſame Year.*

NO Foreſter, Parker or Warrener, ſhall be queſtioned for killing a Treſpaſſer, who (after the Peace cryed unto him) will not yield himſelf; ſo it be not done out of ſome other former Malice.

The Statute upon the Writ of Conſultation. 24 Edw. *I.*

WHen the Chancellor or Chief Juſtices (upon ſight of the Libel) conceive that the Plaintiff cannot have Remedy in any Temporal Court, the Plaintiff ſhall have a Writ of *Conſultation, viz.* the ſaid Chancellor or Chief Juſtice ſhall write to the Eccleſiaſtical Judges, before whom the Cauſe depends, that they proceed therein notwithſtanding the King's Prohibition.

A Confirmation of the Charters of the Liberties *of* England, *and* of the Foreſt, *made* 25. *Edw.* I.

BY the Firſt, Second, Third and Fourth Chapters the Great Charters are confirm'd, and all Judgments given againſt them ſhall be void; they ſhall be read in all Cathedral Churches, and *Excommunication* pronounced againſt the Breakers of them.

By the Fifth and Sixth, no Ayds, Tasks, nor Prizes, formerly given by Conſent of Parliament for the Maintenance of the King's Wars in Foreign Parts (and which were feared might turn to the Bondage and Slavery of the People, by reaſon of their being found in the *Rolls*) ſhall hereafter be drawn into a Cuſtom; nor ſhall any ſuch be taken, but by the Common Aſſent of all the Realm; *Except antient Aids and Taxes.*

And the Seventh and laſt Chapters releaſe the *Maletolt*, or Grievous Impoſition of 40s. on every Sack of *Wooll*, ſo that none ſuch for the future ſhall be taken, but by Common Conſent in Parliament; *Saving* the old Cuſtoms on *Wools, Skins and Leather.*

Then follows the Sentence of *Excommunication* pronounced by the Biſhops againſt the Breakers of theſe Articles.

The Statutes of Fines Levied, *made* 27. Edw. *I.*

CHAP. I.

IT is no good Exception to a Fine, That before or at the time of the Fine levied, the Demandant or his Anceſtors were not ſeized of the Land contained in the Fine, or of ſome part thereof.

Fines ſhall be openly read at Two certain days in the Week, according to the diſcretion of the Juſtices; and in the mean time all Pleas ſhall ceaſe.

CHAP. II.

This only relates to the Office and Duty of Sheriffs, in receiving the Iſſues upon Recognizances and other Accounts, and whom they ſhall return for Main-Pernors and Jurors.

CHAP. III.

Ordains in what manner Juſtices ſhall take Aſſizes in all Shires, and deliver the Jayles; and make Enquiry if Sheriffs or any other have let out by *Plevin* Priſoners not repleviable; and to puniſh them in all things according to the Form of the Statute lately made at *Weſtminſter*.

CHAP. IV.

Enqueſts and Recogniſances determinable before Juſtices of either Bench, ſhall in Vacation be taken before any of the Juſtices before whom the Plea is brought, being aſſociate with one Knight of the ſame County where ſuch Enqueſt ſhall Paſs, unleſs they require great Examination. And ſuch Juſtices ſhall proceed therein notwithſtanding the Statute of 21. *E.* I. *de ponendis Aſſiſis*.

An Ordinance for Purchaſing of Liberties, 27. Edw. I.

THoſe that would obtain Licenſe to make a new Park, and Men of Religion that would amortize Lands or Tenements, ſhall have Writs out of Chancery to enquire into the Value thereof; and that Enqueſts of ſuch Lands as are yearly worth above 20l. ſhall be returned into the *Exchequer*; That if they paſs, he that purchaſed them ſhall make Fine for ſuch *Amortiſements*: With other Matters needleſs to be here mentioned.

There is alſo another Statute in the 34th Year of this King, to prevent *amortiſing* of Lands without the Conſent of the Meſne Lord: But it is now out of Uſe.

The Statute for Perſons appealed, made 28. Edw. I.

THIS is to direct the Manner of Proceeding againſt Perſons appealed (that is accuſed) of any Crimes.

Arti-

Articles upon the Charters *made the ſame Year.*

CHAP. I.

THE Great Charter, and that alſo of the Foreſt, ſhall be fully obſerved: And they ſhall be read Four times in the Year in a full County Court; there ſhall be three Knights, or other Subſtantial Men choſen by the *Commonalty* in every County, to hear and determine Plaints concerning the Charters, without ſuch Delay as is uſed at the Common Law; but they ſhall not in their Proceedings prejudice the Common Law, or the Charters themſelves, *&c.*

CHAP. II.

If a Purveyor be attainted for having taken any thing without Warrant, he ſhall be ſent to the next Jayl, and ſuffer as a Felon, if the Value of the Goods do ſo require.

CHAP. III.

The Stewards and Marſhals of the King's Houſhold ſhall not hold Plea of Freehold, Debt, Covenant or Contract, but only of Treſpaſs done within the Houſe or Verge, or of Contracts and Covenants, when both Parties are of the Houſe; and the Plea of Treſpaſs ſhall be determined before the King's Departure from the Verge where the Treſpaſs was committed, and therefore the Plea thereof ſhall be ſpeedy, *de die in diem*: And if the Plea cannot be determined in time, the Plaintiff ſhall then have Recourſe to the Common Law.

The Steward ſhall take no Cogniſance of Debt, or other things, but of the People of the ſame Houſhold; and if any thing be done contrary to this Act, it ſhall be holden as void.

In caſe of Death within the Verge, where the Coroner of the County is to make view, He, together with the King's Coroner, ſhall do his Office: And what cannot be done by the Steward before the King's Departure, ſhall likewiſe be left to the Common Law.

CHAP. IV.

Common Pleas ſhall not be holden in the *Exchequer*, contrary to the Form of the Great Charter.

CHAP. V.

The Chancellor and the Juſtices of his Bench ſhall follow the King, ſo that he may have always near him ſuch as be Learned in the Laws, to order Matters that ſhall come to the Court.

CHAP. VI.

No Writ concerning the Common Law ſhall be awarded under any of the Petty Seals.

CHAP. VII.

The Conſtable of *Dover*-Caſtle ſhall not hold Plea of any Foreign County within the Caſtle-Gates, except it concern the keeping of the

Caſtle, neither ſhall he diſtrain the Inhabitants of the *Cinque-Ports* to plead elſewhere, or otherwiſe, than as they ought, according to the Form of their Charter, confirmed by the Great Charter.

CHAP. VIII.

The People of every County ſhall have Election of their Sheriff, where the Shrievalty is not of Fee. But this was altered by the Statute of 14 *Ed.* II. *de Vice-comitibus*.

CHAP. IX.

None ſhall be impanelled, but as is ordained by Statute, and they ſhall be next Neighbours, moſt ſufficient and leaſt ſuſpicious; and if the Officer do otherwiſe, he ſhall anſwer double Damages to the Party grieved, and be grievouſly amerced to the King.

CHAP. X.

Againſt Conſpirators, falſe Informers, and Imbracers of Enqueſts, the King hath provided a Writ in the Chancery; and the Juſtices of either Bench and Juſtices of Aſſize ſhall upon every Plaint thereof award Enqueſts thereupon without Writ, and do Right without Delay.

CHAP. XI.

None ſhall take upon him any Cauſe in Suit, with an Intent to have part of the thing ſued for; neither ſhall any upon any ſuch Covenant give up his Right to another, on pain that the taker ſhall Forfeit to the King ſo much of his Lands and Goods as do amount to the Value of what he hath purchaſed for ſuch Maintenance, to be recovered by any that will ſue for the King in the Court where the Plea hangeth.

CHAP. XII.

Beaſts of the Plough ſhall not be diſtrained for the King's Debt, ſo long as others may be found, on ſuch pain as is elſewhere ordained by Statute (*viz. de diſtrictione Scaccarii*, 51 *H.* 3.) nor ſhall the great Diſtreſſes be taken for his Debts, nor driven too far: And if the Debtor can find convenient Surety for ſome time, whereby to agree for the Demand, the Diſtreſs ſhall in the mean time be releaſed; and he that doth otherwiſe ſhall be grievouſly Puniſhed.

CHAP. XIII.

The *Commons* of every County ſhall chooſe ſuch Sheriffs as ſhall not charge them, nor put any Officer into Authority for Rewards or Bribes, nor lodge too oft in one Place, nor with poor Perſons, nor Men of Religion.

CHAP. XIV.

Bailiwicks and Hundreds ſhall not be let to Farm at too great Sums, whereby the People may be over-charged with Contributions to ſuch Farms.

CHAP. XV.

The Summons and Attachments of Plea of Land ſhall contain Fifteen days Notice, unleſs in Attachment of Aſſizes in the King's Preſence, or before the Juſtices of the Common Bench, or Pleas before Juſtices in *Eyre*, during the *Eyre*.

CHAP. XVI.

Such Execution ſhall be done upon thoſe that by Precept from the King make falſe Returns of Writs (by which means Right is delayed) as is ordained by the Statute of *Weſtminſter* II. *Cap.* 39.

CHAP. XVII.

The Statute of *Wincheſter* ſhall be again ſent into every County, to be read four times in the Year, and to be kept as ſtrictly as the Great Charters, on the pains therein limited: And for the better obſervance of it, the Knights aſſigned in the Counties to redreſs things done againſt the ſaid Charters, ſhall be charged with this, and have hereby their Warrant for it.

CHAP. XVIII.

An Action of Waſt is Maintainable againſt Eſcheators and Subeſcheators for Waſt by them committed in the Lands of Wards. But this is now out of uſe.

CHAP. XIX.

When Lands are wrongfully ſeized into the King's hands by the Eſcheator or Sheriff, and after it be out of his hands, becauſe he cannot juſtly hold it, the mean profits ſhall be fully reſtored to him who ought to have the Land, and who hath ſuſtained the Damage.

CHAP. XX.

None ſhall make or cauſe to be made any Veſſel, Jewel or other thing of Gold or Silver, except it be of good and true Allay, *viz.* Gold of a certain Touch, and Silver of the Sterling Allay or better; and none ſhall work worſe Silver than Money: With ſeveral other Appointments for Goldſmiths to obſerve, upon pain of Impriſonment and Fine at the King's Will. *Saving the Right and Prerogative of the Crown in all things.*

A Statute of Eſcheators, *made* 29 Edw. I.

WHere upon Enqueſts taken by Eſcheators concerning Ward-Lands ſaid to be held of the King, and it is found to the contrary; ſuch Eſcheators ſhall immediately amove their hands from them. But this being much to the ſame purpoſe with the 19th Chapter of *Artic. ſuper Chartas* juſt above, and now become obſolete, I need to make no further mention of it.

The New Statute of quo Warranto, *made* 30 Edw. I.

COntaining the Form of a Writ to be directed to the Sheriff to permit all Men to enjoy all ſuch Liberties as they had before, and of a Proclamation, that ſuch as claim Liberties ſhall ſhew to the Juſtices (at the firſt Aſſizes when they come into thoſe parts) how they hold of them. But theſe being now of no great uſe, I have only touched upon this Statute.

The Statute of Protections, *made* 33 Edw. I.

I Queſtion much whether it deſerves this Title or not, for it ſeems to me more like a Writ than a Statute; but the Subſtance of it is, that a Challenge ſhall be entred againſt a Protection of the King's Servant; and if the Country paſs againſt him that caſt the Protection, it ſhall turn to a Default if he be Tenant; and if he be Demandant, he ſhall loſe his Writ, and alſo be amerced to the King.

There is likewiſe a Statute called the Definition of Conſpirators *and* Champertors, *made the ſame 33 Year of* Edw. I.

WHich gives not any Remedy, but refers that to the Common-Law, becauſe it conceived it to be an Offence and Injury Puniſhable at the Common-Law; therefore here it only determines what ſhall be ſaid a Conſpiracy, which poſſibly was ambiguous before. But the Statute of *Conſpirators* that immediatly follows in the ſame Year, appoints the Puniſhment of three Years Impriſonment, and a Fine at the King's Pleaſure, for ſuch Offenders.

An Ordinance of Enqueſts, made the ſame Year.

IF one Challenges a Juror for the King, he ſhall forthwith aſſign a Cauſe certain, which ſhall preſently be tryed at the Diſcretion of the Juſtices: And if he do not alledge a good Cauſe, or it go againſt him, the Enqueſt ſhall be forthwith taken.

An Ordinance of the Foreſt, *made the ſame Year.*

THoſe whoſe Woods are dis-afforeſted, ſhall be quit of the Charge of the Foreſt, but then they are to have no Common there; howbeit, ſuch as are willing to return their Woods into the Foreſt, ſhall only enjoy Common and other Eaſements there, as they did before.

An Ordinance for Meaſuring *of* Land, *made the ſame Year.*

IT ſets forth the Quantity of Perches in Length and Breadth, which ſhall go to an Acre of Land. For which I refer the Reader to the *Ordinance* it ſelf.

The Statute of Jointenants, *made* 34 Edw. I.

THIS appoints how they ſhall Plead, and be Impleaded in Aſſizes of *Novel-Diſſeiſin*, *Mort d' Anceſtor*, and other Actions; and what Puniſhments thoſe ſhall have that are proved by an Aſſize to bring malicious Pleas.

Then follow Articles of Inquiſition upon the Statute of *Wincheſter*, made in the time of King *Edw. I.* for which I refer you to the Book it ſelf.

The Satute concerning certain Liberties *granted by the King to his People, commonly called,* Stat. de Tallagio non concedendo.

THIS Statute is not enrolled under this Year of 34, but in that of 25 *Edw. I. M.* 38. when indeed it was made.

CHAP. I.

The King herein declares, That no Talliage or Aid ſhall be levied by Him or his Heirs, *without the Will and Aſſent of Parliament.*

CHAP. II.

That None of his Officers ſhall take Corn, Leather, Cattel, or any other Goods of any of his People, without the good Will and Aſſent of the Party to whom ſuch Goods belong.

CHAP. III.

That nothing ſhall hereafter be taken of Sacks of Wool, by colour or occaſion of *Maletolt*.

CHAP. IV.

That all Perſons ſhall have their Laws, Liberties and Free-Cuſtoms, as fully and entirely as they had uſed them when they enjoyed them beſt. And if any Statutes had been made, or Cuſtoms brought in, contrary to them, or any Manner of Article contained in this Article, they ſhall be void.

CHAP. V.

~~That~~ The King Pardons the Conſtable and Earl Marſhal of *England*, and all others concerned with them, that refuſed going along with Him into *Flanders*, all Offences they had done againſt Him, to the making of this preſent Charter.

CHAP. VI.

Ordains, that all Archbiſhops and Biſhops for ever ſhould read this Charter twice in the Year in their Cathedral Churche's, and *Ecommunicate* all the Violaters of it. And then this Charter was ſealed by the King, the Archbiſhops, Biſhops, *&c.* who all took a voluntary Corporal Oath for the more firm obſervation of it, it ſo nearly concerning the Laws, Liberties and Free-Cuſtoms of their Country.

As for the reſt of the Statutes that were made at *Carliſle* in the Thirty fourth Year of this King's Reign, ſince they chiefly relate to Eccleſiaſtical Matters, I ſhall refer the further treating of them under that Title, which you will find at the end of this Reign.

HAVING given you as brief an Abridgment as I could, of the moſt conderable Statutes of this King's Reign that are now in Force, either for altering or interpreting the Common-Law where it was doubtful; I ſhall now from the 6th Chapter of the Manuſcript Treatiſe of the late Learned Lord Chief Juſtice *Hales* (Entituled, his *Hiſtory* and *Analyſis* of the Laws of *England*) proceed to give you the Grounds and Reaſons of making ſeveral of them; with a Brief View of the whole Body of the Law as it ſtood at that time, and an Account likewiſe of the Manner and Forms of Pleadings then in uſe.

We have brought down our Hiſtory of Laws in the laſt Volume to the Reign of King *Edward I.* who may be truly ſtiled our *Engliſh Juſtinian*; for in his Reign the Laws attain'd a very great Perfection, the

Pleadings ſhort indeed, but excellently good and perſpicuous: And although for a time ſome of thoſe antient Imperfections and inconvenient Rules ſtill obtain'd, as for Example in Point of Deſcent, where the Middle Brother held of the Eldeſt, and Died without iſſue it deſcended to the Youngeſt, upon the Pretence of that old Rule in the time of *Henry* the II. *Nemo poteſt eſſe Dominus & Hæres*, and is more than once mentioned by *Glanville*; yet the Laws never in any one Age ſince his time have received ſo ſudden and great an Advancement, nay I think I may ſafely ſay, that all the Ages ſince his time have not done ſo much in reference to the orderly Settling and Eſtabliſhing of the Diſtributive Juſtice of this Kingdom, as he did within the ſhort Compaſs of the 35 Years of his Reign; eſpecially about the firſt Thirteen Years thereof. Indeed many penal and proviſional Statutes in relation to the Peace and good Government of this Kingdom have been ſince made; but as to the Adminiſtration of the Common Juſtice between Party and Party, and the accommodating of the Rules, and alſo of the Methods and Orders of Proceeding, He did the moſt of any one King ſince the Conqueſt, and left the ſame as a ſtable fixt Rule and Order of Proceeding, very little differing from what we have now, I mean as to the main Subſtance and Principal Contexture thereof. It were the Buſineſs of a Volume to ſet down all Particulars; I ſhall therefore give you ſome ſhort Obſervations touching the ſame.

I. Firſt, He perfectly ſettled the Great Charter and Charter of the *Foreſt*, not only by a Practice conſonant to them, but alſo by that Solemn Act, 25 *Ed.* I. Stiled *Confirmationes Cartarum*.

II. He eſtabliſh'd and diſtributed the ſeveral Juriſdictions of Courts within their proper bounds; and becauſe this has ſeveral Heads, I ſhall ſub-divide it, though not preciſely following Order of time.

I. He check'd the Encroachments and Inſolence of the Pope and Papal Clergy, by the famous Statute of *Carliſle*.

II. He declared the Limits of Eccleſiaſtical Juriſdiction, by the Statutes of *Circumſpecte Agatis, & Articuli Cleri*; the latter of which, though publiſhed in the Time of *Edward* II. yet was compil'd in the beginning of this King's Reign.

III. He perfectly Eſtabliſhed the Limits of the Court of Common Pleas, putting in Uſe that Article of *Magna Charta, Communia Placita non ſequantur Curiam noſtram*; and in Expreſs Terms Extending that Law to the Court of Exchequer, by the Statute of *Articuli ſuper Cartas*. Cap. 4. 'Tis true, That upon my firſt Reading of the *Placita de Banco* of this King, finding very many Appeals of Death, of Rape and Robbery, I doubted whether the ſame were not held at leaſt by Writ in the Common-Pleas; but upon better Enquiry, I found that many of the Records before the Juſtices *Itinerant*, were enter'd and fil'd up among the Records of the Common Pleas, which might occaſion that Miſtake.

IV. He Eſtabliſhed the Extent of the Juriſdiction of the Steward and Marſhal, *Vid Articuli ſuper Cartas*, Cap. 3.

V. He ſettled the Bounds of the Inferiour Courts, not only of Counties, Hundreds and Courts-Baron, but all others, which He kept within their Proper and Narrower Bounds: And ſo gradually the Common Juſtice of the Kingdom came to be Adminiſtred by Men knowing in them, and ſitting in the Great Courts of *King's Bench* and *Common Pleas*, and alſo before Juſtices *Itinerant*; as alſo by that excellent Statute of *Weſtminſter* I. *Cap.* 35. Beſides this He kept the Courts of great Men within their due Limits under ſeveral Penalties, wherein ordinarily very great Encroachments and Oppreſſions were exerciſed. The Third General that I obſerve, is, That He did not only explain, but excellently well enforce the Statute of *Magna Charta*, by that of *de Tallagio non Concedendo*, made 25 *Edward* I. notwithſtanding it is placed without any certain Year in our Printed Statute Books.

VI. He provided againſt the Interruption of the Common Juſtice of the Kingdom, by Mandates under the Great or Privy Seal, by the Statute of *Articuli ſuper Cartas*, Cap. 6. which notwithſtanding the Statute of *Magna Charta* Cap. 29. were formerly too frequently in Uſe.

VII. He ſettled the Forms, Solemnity, and Efficacy of Fines, confining them to the Courts of Common Pleas, and Juſtices *Itinerant*, whoſe Records were in antient times commonly removed to the King's Bench, after their Circuits ended, whereby One common Repoſitory for the Great Aſſurances of Lands might be kept, which He did by the Statute of the 18 *Edward* I. *de Modo levandi fines*.

VIII. He ſettled that Great and Orderly Method for the Safety and Preſervation of the Peace of the Kingdom, and Repreſſing of Robberies by the Statute of *Winton*.

IX. He ſettled the Method of Tenures, to prevent multiplicity of Meſnalties which grew to a great Inconveniency,and was remedied by the Statute of *Quia Emptores Terrarum*.

X. He ſettled a ſpeedier way for Recovery of Debts, not only for Merchants and Tradeſmen, by the Statute of *Acton-Burnel* and *de Mercatoribus*, but alſo for other Perſons, by granting an Execution of the Moiety of Debtors Lands, by *Elegit*.

XI. He ordered an effectual Proceſs for the Recovering Advouſons and Preſentations to Churches, (which was formerly extreamly lame and defective) by the Statute of *Weſtminſter* II. Cap. 1.

XII. He made that great Alteration in Eſtates, from what they were formerly, by the Statute of *Weſtminſter* II. Cap. 1. whereby Eſtates of Fee-ſimple *Conditional* at the Common Law were turn'd into Eſtates *Tayl*, not removeable from the Iſſue according to the ordinary Methods of Alienation; and upon this Statute, and in order to the Qualifications thereof, are the Superſtructures of thoſe Statutes I have now mentioned.

XIII. He Introduced a quite new Method in the Laws concerning *Wales*, and in that of their Adminiſtration, by the Statute of *Rothland*.

XIV. In Brief, partly by the Learning and Experience of his Judges, and his own wiſe Interpoſition, He ſilently and without noiſe abrogated many evil and inconvenient Uſages, both in the Courts of Juſtice at *Weſtminſter*, and in the Country. He alſo rectified, and ſet in order the preſent Method of Collecting his Revenues into the Exchequer, and removed the obſolete and burthenſome Parts thereof out of Charge, and by the Statutes of *Weſtminſter* I. and *Weſtminſter* II. as alſo of *Gloceſter*, *Weſtminſter* III. and *Articuli ſuper Cartas*; whereby He removed almoſt all that was either grievous or unpracticable out of the Law and the Courts where it was adminiſtred, and ſubſtituted ſuch apt, ſhort, but effectual Remedies and Proviſions, as by length of time, and the experience of their Convenience have ſtood ever ſince without any great Alteration; and being Incorporated with, became in a manner

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part of the Common Law it ſelf: So that (as before I ſaid) the very Scheme and Model of the Common Law, eſpecially in Relation to the Adminiſtration of Common Juſtice between Party and Party, as it was highly rectified, and ſet in a much better Order than his Predeceſſors left it to Him, ſo the Meaſure which we are to take, for the true Stating the Law of *England*, as to what it now is, ought to be taken and eſtimated by what it was when this King left it. Before his time it was rude and unpoliſh'd, in Compariſon of what it was after its Reduction; and as it was thus poliſh't by Him, ſo it hath hitherto continued the ſame without any great or conſiderable Alteration, abating ſome few Additions ſucceeding Times have made, which are for the moſt part in the Subject-matters of the Law, and not ſo much in it's Rules or ways of Adminiſtration. But as I have already obſerved ſome of thoſe various and Great Acceſſions to the Perfection of the Law under this King, ſo I ſhall now give you ſome of thoſe *Repoſitories* where theſe may be found; and they are of the following kinds.

I. Acts of Parliament in the time of this King, full of excellent Wiſdom, Perſpicuity, and yet Brevity; whereof enough is ſaid before.

II. The Judicial Records of the times of this King. I ſhall not mention thoſe of the Chancery, the Cloſe, Patent and Charter Rolls, which yet very much Evidence the Learning and Judgment of that time: But I ſhall only mention the Rolls of Judicial Proceedings, in the King's Bench, Common-Pleas and *Eyer*; of all which I have read over very many, and obſerve they are in the firſt Place, Written in an Excellent hand, and Secondly the Pleadings very ſhort, but perſpicious, , u and that neither loſe nor perplex the Matter, either through any Impropriety, Obſcurity or Multiplicity of Words; but they are clearly and orderly digeſted, repreſenting effectually the Buſineſs they intend.

III. The Rule and Reaſon of the Law, according to which they proceeded (which is many times expreſly delivered upon the Record it ſelf) very clear and rational, ſo that their ſhort, pithy Pleadings and Judgments do far better render the Senſe of the Buſineſs, and the reaſon of it, than the long intricate formal Pleadings, that are often unneceſſarily uſed in later Times.

IV. Of the Terms and Years of this King's time, only a few broken Caſes remain, and are reported and Collected by *Fitz-Herbert*; but we have no ſucceſſive Printed Terms and Years of this Reign, except ſome few antient Manuſcript ones, though not running through the whole time of this King; but what remain are very good and brief: The Judges then ſpake leſs, or the Reporters were not ſo ready handed, as to take all they ſaid; hence their Brevity makes them the more obſcure; but yet in thoſe Deciſions and brief Interlocutions between the Judges and the Pleaders, there appears a great deal of Learning and Judgment, There are ſome of thoſe Reports in the Library of *Lincoln's-Inn*, which though broken and imperfect, yet are the beſt I have met with of that kind.

V. The Law-Tracts which were written in the time of this Wiſe and Excellent Prince, ſeem to be of Two kinds, *viz.* ſuch as were but only the Works of Private Perſons, and had not any great Authority, but yet contain much of the Law then in Uſe; ſuch were *Fleta*, the *Mirrour of Juſtices*, *Britton* and *Thornton*; or elſe they are Sums or Abſtracts of ſome particular Parts of the Law, as *Novæ Narrationes*, *Magna Hengham*, *Parva Hengham*, *Aſſiza de Baſtardia*, &c. By all which, compar'd with *Bracton*, there ſtill appear a Growth and Perfecting of the Law into a greater Regularity and Order. And thus much may ſerve for the ſeveral Periods of the Growth of the Common Law, until the time of *Edward* the *Second* incluſively. I ſhall be the ſhorter in what follows, becauſe the ſame things are more obvious, and the Books and the Reports of the enſuing times give us a ſufficient Account of the Proceedings of the Law herein. *Secondly*, becauſe it began to grow more Voluminous, every King's Reign, nay almoſt every Year encreaſing thoſe Torrents by continual Acceſſions of new Rivolets, till it is now ſwell'd (as I may ſay) to a large and immenſe Ocean.

Church Affairs during this King's Reign.

*P. 100.

DOctor *Brady* having in his laſt * Volume given us an Account of divers Eccleſiaſtical Matters, from the moſt approved Authors and Records of that time, I ſhall here make bold to tranſcribe his Relation of them, together with ſuch Additions of my own, as I have collected either from our Hiſtorians, or other Records: Thoſe of the Doctors are as follows, *viz.*

Ant. Brit. f. 189. *God. de Præſul. Angl. p.* 137.

Not long before the Death of *Henry* III. the *Monks* of *Canterbury*, by his Licence, having choſen *William de Chillenden*, their Sub-Prior, for Archbiſhop, the Pope perſuaded him, as a Perſon not fit for that Place, to wave the Election and make way for *Robert Kilwardeby*, a Friar-Minor, (who for Eleven Years had been the Collector of the Pope's Monies or Revenues in *England*) to be Archbiſhop, by his ſpecial *Proviſion*, without the Monks Election, the King's Licence, or ſo much as his Approbation; contrary to his Prerogative, the Antient Rights of his Crown, the Laws of the Realm, and Liberties of the Church.

Rot. Clauſ. 1. *Ed.* I. *M.* 11. *Dorſ.* Printed in *Pryn*'s 3d Vol. *f.* 122. *Dr. B*'s. *Append. N.* 44.

But to prevent for the future the like Practices of the Pope, within leſs than a Month after the Death of *Henry* the *Third*, King *Edward* being then in the *Holy-Land*, the Guardians of the Kingdom and Council, in his Name, by their Proctors, before they granted the new Archbiſhop his Temporalties, made publick *Proteſtation*, for the Vindication of the Prerogative and Rights of the Crown, againſt theſe *Proviſions* of the Pope; ſhewing that Cathedral Churches, when void, were by Right and Cuſtom, wont to be filled by the *Canonical Election* of the Chapter, the King's Leave having been firſt asked and obtained: And that after the *Election*, the *Elect* ought to be preſented unto the King, That He might object againſt him, if He had any thing reaſonable to propound; but that the omiſſion of this ſeemed to the King and his Council to be a great Prejudice to Himſelf and the Church of *Canterbury*, whoſe Patron and Defender He was, and eſpecially if this ſhould be made an Example in other Churches, That the Pope paſſing by theſe Uſages, where there could not be found any Fault either in the Matter, or Form of the *Election*, nor had to expreſſed in his Letters, yet ſhould aſſume a Power of providing for the Church; wherefore leſt for the future the *Roman* Church ſhould proceed to do the like, or if it ſhould do it, that the King might not receive Prejudice, or be bound to reſtore the Temporalties of any Church ſo provided for, the King of his ſpecial Grace, grants them to this Archbiſhop for the preſent; and then *Iterus Bernardus*, the King's *Procurator* and Clerk, made *Proteſtation* in his Name and Stead, That this Grant of the Temporalties ſhould not be drawn into Example for the future: This *Proteſtation* was made and read at *Weſtminſter* in St. *Stephen*'s Chappel on the Vigil of St. *Lucy* the Virgin, (*i. e.* the Twelfth of *December*) in the Preſence of Fryar *Robert de Kilwardeby*, the Archbiſhop *Elect*, the Biſhop of *Exeter*, *Walter de Merton*, Chancellor of *England*, *John de Chiſtal*, Dean of St. *Paul*'s, *R. Burnel*, Arch-Deacon of *York*, and many others. *A. D.* 1272.

And on the ſame Day, the ſaid Archbiſhop having given ſufficient Teſtimony of his Affection to the King, and taken the Oath of Fealty to Him, had for that time, out of his eſpecial Grace, his Temporalties granted by the Lieutenants or Guardians of the Kingdom; and ſo that Difference was for the preſent made up.

Pat. 1. *Ed.* I. *M.* 20. *Int.*

Then after Six Years, this Archbiſhop *Kilwardeby* being made Biſhop of *Porto* in *Italy*, and Cardinal, *Abdicated* his Archbiſhoprick; upon whoſe Ceſſion, the Pope (notwithſtanding the Monks had before *Elected* the Biſhop of *Bath* and *Wells*, then Chancellor of *England*) made *John Peckham*, another Preaching-Fryar, Archbiſhop, and Conſecrated him at *Rome*. He was Born in *Suſſex*, of obſcure Parents, and had his firſt Inſtitution in the Monaſtery of *Lewis*.

Ant. *Brit.* *f.* 192.

This Archbiſhop, with the Biſhops and Clergy, (endeavouring to put in practice the Canons of Archbiſhop *Boniface*, made at *Lambeth*, 45 of *Hen.* III. *A. D.* 1261.) held a Synod at *Reading* the Seventh of this King, on the Third of the Kalends of *Auguſt*, or Thirtieth of *July*, *A. D.* 1279. in which, ſeveral Sentences of *Excommunication* were enjoyned to be publiſhed, contrary to the Royal Prerogative, and Laws of the Land; which ſo troubled the King, that He Convened the Archbiſhop before himſelf and his Council in the Parliament held at *Michaelmaſs* next following; wherein He made an open *Revocation* of ſuch Articles as appeared to be againſt the Rights of his Crown.

Spelm. Council, 2d Vol. *f.* 305.

Clauſ. 7 *Ed.* I. *M.* 1. *Dorſ.* Printed in *Dr. B's. Ap.* *N.* 45.

In the Eighth of King *Edward*, this Archbiſhop and his Suffragans, holding a Council at *Lambeth*, the King fearing from their late Canons and Proceedings at *Reading*, that they might preſume to Conſtitute ſomething therein againſt his Crown and Dignity, appointed *Roger le Eſtrange*, and *Hugh Fitz-Otto*, Steward of his Houſhold, his Commiſſioners, to go to them, and Appeal againſt any ſuch Proceedings: So that in this Synod, they only confirmed the Conſtitutions of *Otto* and *Ottobone*, formerly the Pope's Legates in *England*.

Spelm. Vol. 2. *f.* 327.

Pat. 8 *Ed.* I. *M.* 10 *Int.* *Vid.* *Dr. B's.* *Ap.* *N* 46. * *Cod.* *Anon.*

Next Year, the ſame Archbiſhop called a Council at *Lambeth*; but the King ſuſpecting the Loyalty of the Archbiſhop and Biſhops, directed his Writ to them, Commanding them, upon their Oaths of Fealty they had taken, to be faithful to Him, and defend his Rights, and the Rights of his Kingdom, as much as they could; and enjoined them by vertue of ſuch their Oath, and under pain of loſing their Temporalities they held of Him, That they ſhould in that Council do nothing againſt Him, his Kingdom, and the Rights or Laws which his Predeceſſors and He had uſed by antient and approved Cuſtom, nor to do, aſſent to, or attempt any thing againſt them.

Pat. 9 *Ed.* I. *M.* 6. *int.* *Da.* *B's.* *Ap.* *N.* 47.

Yet in this Synod, notwithſtanding this *Inhibition*, they renew'd the Canons of the former Council of *Lambeth*, holden under Archbiſhop *Boniface*, thô ſuſpended by the King's Appeal to the Pope about it: And notwithſtanding his *Revocation* above-mention'd, (of ſome of the Canons and Sentences of *Excommunication* made at *Lambeth* and renewed at *Reading* about Two Years before in open Parliament) He renewed them

Spelm. *ut* *ſup.* *f.* 3289.

again in this Council; As that, Againſt ſuch as procured or obtained *Prohibitions* againſt Proceedings in Spiritual Courts; that, Againſt the Infringers and Oppoſers of Eccleſiaſtick Liberty; that, Againſt ſuch as took any thing out of, or from the Houſes, Mannors, or Lands of Eccleſiaſtick Perſons againſt their Wills; that, Againſt ſuch as took or removed any Perſons or Goods out of *Sanctuary*, and hindered any Victuals to be brought to ſuch Perſons; and laſtly, Againſt ſuch as denied to Execute the King's Writs for taking the *Excommunicates*, or hinder'd the taking of them, or unjuſtly procured their Liberty; being moſt of them thoſe very Things He had formerly renounced, and promiſed not to put in Practice for the future.

This Council ended on the Sixth of the Ides, or Tenth of *October*; and he wrote the King a Letter about Church-Liberty, not long after, wherein he tells him, 'That for a long time, and very antiently, there 'had been great Diſſention between the King and Great Men of *England*, 'and the Archbiſhops, Biſhops, and Clergy of the ſame, concerning the 'Oppreſſion of the Church, againſt the Decrees of Popes, the Conſti'tutions of Councils, and Sanctions of Orthodox Fathers, in which the '*higheſt Authority*, the Greateſt *Truths* and *Sanctity* did conſiſt: And 'therefore beſeeched the King, that there might be an end put to thoſe 'Diſſentions; which could not otherwiſe be done, than by his being 'inclin'd to cloſe with thoſe Three great Points from whence the Ca'nons were collected, and ſubmit his Crown to that of *Chriſt*; for that 'the Eccleſiaſtick or Church Liberties were the Jewels of his Spouſe. 'He tells Him further, That by the expreſs Precept of the Law He was 'bound to obey the Pope; That the Determination of every Controverſy, 'that could not be determined by Inferior Judges, belonged to Him; 'That Catholick Emperors ſubmitted all their Laws, and aboliſhed all 'ſuch as were contrary to them: Laſtly he told Him, That no Oath 'could bind to the Keeping or Performance of ſuch things as were 'repugnant to Eccleſiſtick Liberty; and if He had taken any that might 'any way excite his Conſcience againſt the Church, he would abſolve 'Him from it: And concludes, That he firmly believed, He could not 'provide for the Safety of his Soul, or the Stability of his Kingdom, 'unleſs He cloſed with what he propounded. This Letter is dated at *Lambeth* the 4th of the Nones or 2d of *November* 1281. in the 9th of *Edw.* I.

Spelm. Concil. Tom. 2. f. 341. Ex Vet. Cod. MSS. in Regiſtro Principali Arch. Cant. (nuncupato) Peckam, f. 97.

But this Epiſtle prevailed not upon the King, nor ended the Controverſies about the *Regalia*, or Rights of the Crown, and Liberties of the People between the Secular and Eccleſiaſtick Powers: And whatever the Pretences of the Archbiſhop, Biſhops, and Clergy were, for the Advancement of Holineſs and Religion, the Deſign was purely *Dominion*, whether the King or they ſhould have moſt Power, even in Temporals; for from the firſt to the laſt Year of his Reign, they endeavoured to Incroach and Uſurp upon the Temporal Juriſdiction, notwithſtanding all *Prohibitions*, *Attachments*, *Informations*, and Suits againſt them; the Records of which would ſwell into a Volume, if they were all collected from thoſe in the *Tower* only of this King's Reign *: And always when the King's Neceſſities urged Him, or that He was fatigu'd, or diſappointed in his Wars, they took the Advantage of promoting Eccleſiaſtical Liberty, (which was any thing they pleas'd to call ſo) againſt the Rights, Royalties, and Prerogative of the Crown, and never wanted ambitious, deſigning, diſcontented, or poor, Noblemen or Gentlemen, who had made themſelves ſo by their own Luxury, (and pretending to

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* As the Reader may ſee in *Pryn*'s ſecond Volume of the Hiſtory of Papal Uſurpations, *&c.*

what was then called Sanctity, ſeemed to be more Holy and Religious than others) to joyn with, and aſſiſt them, in hopes to make themſelves great, and repair their broken Fortunes, or ſucceed in the Places of others, and become Governours and Regulators of the Nation, and Miniſters of State under the Church Power.

Thus far I have faithfully tranſcribed from Dr. *Brady* an Impartial Account of the Incroachments of the Pope and Church of *Rome*, in thoſe days, upon the Civil Power and Liberties of the *Engliſh* Nation: I ſhall now from my own Collections proceed to ſet forth ſome other material Alterations in Eccleſiaſtical Affairs in this King's Reign; who being a wiſe and magnanimous Prince, and finding the Clergy, whilſt divided from the Laity, and indeed from one another in their Synods and Councils, very untractable and hard to be dealt with, in reſpect of Pecuniary Aids, or Supplies towards his Wars, reſolved to reſtore the old Cuſtom, uſed before the Conqueſt, and for above Eighty Years after, of bringing the whole Body of the Clergy to appear Nationally in Parliament, as a part thereof, which He partly effected, by inſerting into the Writ of Summons to the Archbiſhops and Biſhops, that remarkable Clauſe of *Præmunientes*, which is ſtill continued to this day: Whereby they were obliged to warn the Priors and Chapters of their Churches, and the Archdeacons, and all the Clergy of their reſpective Dioceſſes; the Archdeacons and Priors in their proper Perſons, and the Chapters and Clergy by two fit Proxies, with ſufficient Power from them to be preſent with the King, there by all Means, to Treat, Ordain, and do, together with Him, and other Prelates and Peers, and other Inhabitants of the Kingdom, ſo as to obviate the Dangers recited in the ſaid Writ: Which was different from the Summons which the Archbiſhops of *Canterbury* and *York* uſed to iſſue out before by their own Metropolitical Authority for the ſaid Perſons to meet in an ordinary Synod or Convocation; as any one may ſee, who will take the Pains to compare both thoſe Forms: For that Clauſe in the Writ, beginning with the Words, *Ad Tractandum, &c.* is the very ſame with that directed to the Knights, Citizens, and Burgeſſes, and gives the Inferior Clergy the like Powers.

* See the firſt Writ Extant of this kind, *Rot. Clauſ.* 23 *Ed.* I.

When theſe Writs firſt began is hard to determine, ſince the Writs of Summons from the beginning to the Three and twentieth of this King's Reign are loſt; but that they were Iſſued out before that Year, appears by a Writ of Summons entred in the Regiſter of *Henry* Prior of *Canterbury* of the Two and twentieth of this King; but tho' we cannot aſſign the exact time, yet we may come ſo near it as to affirm, That it was ſome time after the Conſtitution of the Council or Synod held at *Reading*, in the Seventeenth of this King, and mention'd in his Reign under *A. D.* 1279. and ſeems moſt likely to be begun, when the King was put to it for Money to carry on his Wars againſt *Wales*, or *Scotland*: But as to the Alterations that were made in this King's laudable Inſtitution under his too eaſie Son and Succeſſor, we ſhall give you a like Account, when we come to the end of his Reign.

All things as to Eccleſiaſtical Matters continued in the ſame Condition until the Thirty fourth Year of this King, when at the Parliament held at *Carliſle*, where there were great and general Complaints in this Parliament, of the great Oppreſſions exerciſed by the Pope, and his Clerk, upon the Liberty of the Church of *England*, of which a Schedule being dropt in this Aſſembly by an unknown Hand, (which our Author has given at large) it ſo far incenſed them, that preſently certain bold Petitions were exhibited by the Earls, Barons, Great Men, and Community of the whole Kingdom of *England*, on behalf of that Crown; as alſo of thoſe of the Lands of *Scotland*, *Wales*, and *Ireland*, and the whole Community aforeſaid, concerning divers new intollerable Grievances, Oppreſſions, Injuries and Extortions, done to, and brought upon the ſaid Earls, Barons, Great Men, and Community, by the Authority and Command of the Pope; and particularly by Mr. *William de Teſta*, his Clerk, or *Nuncio*, or by his Commiſſaries, Miniſters or Vicegerents, in his Name. The Articles or Heads of theſe Petitions or Complaints were,

Firſt, The extravagant number of Proviſions, granted by the Pope, of the beſt Spiritual Preferments, given to *Italians*, or other Foreigners and Non-Reſidents, to the great Prejudice and Diſinheritance of the Founders, Benefactors, and their Succeſſors, and to ſuch as had the Right of Advouſon, and the Gifts of ſuch Preferments.

Secondly, The Rents and Revenues of Religious Houſes, which the Pope intended to apply to the uſe of divers Cardinals.

Thirdly, Concerning Firſt-Fruits of Vacant Benefices, reſerved to the Pope, a thing never heard of before; concerning the Collection whereof, he had lately iſſued forth divers hard and ſevere Orders, much prejudicial to the King, Kingdom, and whole *Engliſh* Church.

Fourthly, About the *Peter-Pence*; That they were not taken according to the firſt Grant, but exacted to treble the value.

Fifthly, Concerning Legacies given to Pious Uſes; That they were wickedly demanded, and exacted by Authority of the Apoſtolick See, and converted to other Uſes than the Teſtator or Donor intended.

Sixthly, Concerning Debts, the Abuſe was, that Creditors went to the Pope's Clerks, and offer'd them half the Debt, more or leſs, to get the reſt; who preſently cauſed the Debtors to be Summoned and Diſtrained to Anſwer before them, to the open Diſheritance of the King and his Crown.

Seventhly, Concerning *indiſtinct* Legacies, (*i. e.* ſuch as were given in general, and not in particular Words) tho' approved by the Civil and Canon Law, yet the Pope's Clerks impiouſly appropriated to themſelves, or converted them to their own Uſes, contrary to the Deſign of the Deceaſed.

* *Ryley's Placit. Parl.* f. 376.
† *Ib.* 379

There are two Copies of theſe Petitions; one in * *French* very full and large; the other in † Latin, which concludes thus: *All theſe things tend to draw the Money out of the Kingdom, the manifeſt deſpoiling of the Church, the enriching of Strangers, and impoveriſhing the Natives, unleſs God will ariſe and diſſipate his Enemies, ſo as by the Secular Prince and his Council, with the Conſent of the Noble and Great Men, ſuch great Wickedneſs may be repreſſed.*

† *Ibidem.*

Upon † which Articles of Oppreſſions, Grievances, Extortions, and Injuries, *William de Teſta*, the Pope's Nuncio, was called into full Parliament, and Convicted thereof; nor could he any ways excuſe himſelf, but by ſaying, *He did theſe Things by Authority of the Pope.* 'And becauſe theſe 'Practices, if ſuffer'd, manifeſtly tended to the Diminution of Divine 'Worſhip, the Robbing of the *Engliſh* Church, the Prejudice, Hurt 'and Diſheriſon of the Crown, Power, Juriſdiction and Dignity Royal 'of *England*, the Deſtruction of the whole *Community*, and perpetual 'Subverſion of the State of the Kingdom, and the Laws and Cuſtoms 'of the ſame, from whence greater Dangers in proceſs of time might

‘ enſue; therefore they having at laſt conſidered theſe Miſchiefs,
‘ *by Aſſent of the King, and whole Council in Parliament,* it was Provided,
‘ Agreed, Ordained, and Judged, That the premiſed Grievances, Oppreſſions,
‘ Injuries and Extortions, ought not to be permitted in the
‘ Kingdom and Lands aforeſaid. And Maſter *William* was in the ſame
‘ Parliament forbidden to do any thing contrary to this Proviſion, Agreement
‘ and Judgment, by himſelf or any other whatſoever: And he was
‘ enjoyned to revoke and make void whatever had been done by him,
‘ his Commiſſaries, Miniſters, Vicegerents, Adherents and Aſſiſtants, and
‘ ſafely to keep within the Kingdom the Money levied upon this Account,
‘ until the King, by Advice of the Council aforeſaid, ſhould otherwiſe direct.

And for the greater Evidence of the Matter, it was Ordain'd and Agreed by the King and Council aforeſaid, That Experienced Meſſengers ſhould be ſent to the Pope, from the King and whole *Community,* to notifie and ſet forth to him theſe Grievances, Oppreſſions, Extortions and Injuries: And a Letter was drawn up accordingly in the Name and behalf of the **Clergy* and *Laity,* full of Sharpneſs and Reflection upon the Pope, his Miniſters and Nuncio's, with this Title in the Margin; *Littera à Regno Angliæ,* The Letter from the Kingdom of *England* to the Pope.

Ibidem.

* *Clerus & Populus.*

At the ſame time Writs were ordered to be directed to all the Sheriffs of *England,* to enquire, by the Oaths of lawful Men of the County, after the Names of the Miniſters and Commiſſioners of *William de Teſta,* who had committed theſe Grievances, Extortions, *&c.* and the Names of ſuch as had cauſed any one to be cited before himſelf, or Commiſſaries, being diſcover'd, to attack them by their Bodies, ſo that they might appear before the King Eight Days after *Holy Trinity,* wherever He was in *England;* to anſwer to Him or any others that would complain, and to do and receive what the King's Court (the Court of *King*'s *Bench* now, which then was always with the King) ſhould Adjudge and Ordain. Witneſs the King at *Carliſle,* the Twenty ſecond of *March,* in the Five and thirtieth Year of his Reign.

Ibidem. f. 282, 283.

The Prince of *Wales* as Guardian of *Scotland,* and the Juſtice of *Ireland,* were alſo commanded to ſee this Proviſion, Agreement, Ordinance and Judgment, inviolably obſerved in thoſe Lands or Countries under their Government.

Ibidem.

Yet notwithſtanding all theſe new Ordinances, their Severity was very much mitigated; for after the Receſs of the Parliament, the King at the Requeſt of the Biſhop and Cardinal of *St. Sabine* (who came lately from the Pope into *England,* and was then at *Carliſle*) commanded the Chancellor not to Seal their Writs to the Sheriffs, *&c.* And * farther for the Reverence He had to the Apoſtolick See, and Affection He bore to Pope *Clement* gave *William de Teſta* and *Peter Amalmeni,* the Pope's Clerks and Nuncio's, their Commiſſaries and Miniſters, a Protection to go through the whole Kingdom for the Diſpatch of the Buſineſs of the Church of *Rome.* Witneſs the King at *Carliſle* the 4th of *April* in the ſame Year of his Reign.

Ibidem.

* *Ibidem. &* *Parl.* 25 *Ed.* I. *M.* 10. *inſus.*

He alſo granted to them, as much as He might or could lawfully, to Collect or keep to the Uſe of the Pope, the Firſt Fruits of all vacant Eccleſiaſtical Benefices, with Cure and without Cure, in the Kingdom, for Three Years; which were reſerved by the Pope to himſelf, notwithſtanding the late *Prohibitions* in Parliament; ſo as they meddled not with the Revenues of Abbies or Priories, nor carried the Money out of the Kingdom, but by way of Exchange. This Licence or Diſpenſation was dated the ſame day at *Carliſle.*

Parl. 25 *Ed.* I. *M.* 19. Printed in *Ryley,* f. 383.

Ibm. Ryley, f. 384.

And farther, the King then gave them a *Diſpenſation* to execute their Offices, as the Pope's Clerks and Nuncio's, and as the Clerks and Nuncio's of former Popes had done in times preceeding, notwithſtanding any former *Prohibition* by Him made; provided they did nothing againſt his Crown or Dignity, or any of his Subjects, any manner of way. This is likewiſe dated the ſame Day, at the ſame Place.

Ibm.

Laſtly, He gave them leave by way of Exchange, and by Aſſiſtance of Merchants, to transfer all the Money ſo collected, which rightly belonged to the Church of *Rome*, or to the Pope; ſo as they tranſported not any Coined Money, or Silver in the Maſs, by themſelves, or others. Dated at the ſame Place and Time.

Ryley, Ibm. Dr. B's Ap. N. 42. *Ryly ib. p.* 385

Under Pretence of theſe Letters, Grants and *Diſpenſations*, the Pope's Clerks aforeſaid, not having Reſpect to the late *Prohibitions* in Parliament, returned to their old Trade and former Practices; and being oppoſed in their Proceedings by many of the Kingdom, by reaſon of thoſe *Prohibitions*, they Petitioned the King's Council holden at *Weſtminſter* in the Feaſt of *Holy Trinity* laſt paſt, and exhibited Letters, *&c.* and becauſe it was found, (or at leaſt was interpreted) that by them the King had revoked nothing of the former Ordinance made in Parliament, nor granted any thing a-new to the ſame Clerks by the ſaid Letters, only that they might have and receive the Firſt Fruits of Vacant Benefices, as far as He could grant them, He thereby forbad them to do or attempt any thing that might turn to the Prejudice of his Crown and Royal Dignity, or any other of his Subjects: And it being found alſo, that every of the Grievances aforeſaid were in Prejudice of the King and his Subjects, it was by Command of the King (being ſtill at *Carliſle*) farther agreed in the ſame Council, That the ſaid Clerks ſhould not Act any of the ſaid Grievances, nor have the Firſt Fruits of Benefices of the Patronage of the King or others, becauſe it would turn to the Prejudice of Him, his Crown and Dignity. Whereupon the ſaid Clerks underſtanding this Agreement, would not any further proſecute their Petitions, or appear to receive their Anſwer; and therefore there was a further *Prohibition* made, That whereas there had not been a full Deliberation had upon their Petitions, they ſhould not attempt any thing any way prejudicial to Him, his Crown and Dignity, the Noblemen and People of his Realm. Witneſs the King at *Carliſle* the Seven and twentieth day of *June*, in the ſame Year.

The Statute of *Proviſors* made at *Carliſle*, 35 *Ed.* I. *cap. ult.*

This *Prohibition* was ſerved upon them by the Mayor, Aldermen and Sheriffs of *London*; and afterwards if the ſaid Clerks endeavoured to have been Relieved againſt this *Prohibition*, it was then in vain; for the King died not long after, ſo as nothing further was done in this Matter.

But as for the particular Statutes that were made in this Parliament, ſince they wholy relate to Eccleſiaſtical Matters, I ſhall here inſert them under this Head; and they are as follow.

Firſt, That Remarkable Statute, Entituled, *De Aſportatis Religioſorum*, or againſt the carrying away or tranſporting of the Goods of Religious Perſons; and was intended to prevent for the future the great *Talliages* and *Tributes* impos'd upon the *Engliſh* Monaſteries by *Foreign* Abbots; who being the Heads and Superiors of their Orders, had impos'd many inſupportable Burthens and Oppreſſions upon the Monaſteries in *England*, as their Dependents; which being become intolerable, had been not long before complain'd of, not only by the Religious Orders themſelves,

* but alſo by the Great Men of the Kingdom, who complain'd, *That by theſe means what had been Charitably given to Pious Uſes, and the Encreaſe of Divine Worſhip, was turn'd into a wicked Tribute, not pleaſing to God:* Wherefore by the Advice of the Earls, Barons and other Noblemen, and the Commons of his Kingdom in his Parliament at *Weſtminſter*, in the Thirty third Year of his Reign, He Ordained and Determined, That no Abbot, Prior, or any other Religious Perſon of what State, Condition, or Order ſoever he was, under his Power and Dominion, ſhould pay any Rent or Impoſition charged upon them by their Superiors, the Abbots and Priors of Religious Houſes or Places in Foreign Parts; nor that they ſhould go beyond Sea to viſit ſuch Monaſteries under any pretence whatſoever, ſo as the Goods or Revenue of their Monaſteries might any way by Exchange or Merchandize be conveyed out of the Kingdom, upon pain of grievous Puniſhment to ſuch as ſhould do contrary to this Statute in Contempt of the King's Prohibition.

The King farther forbad all Abbots, Priors, and Maſters of Religious Houſes, *&c.* abroad, under whoſe Subjection the Houſes of the ſame Order were in his Dominions, to impoſe any Payments or Burthens upon them, under Forfeiture of all they had in his ſaid Dominions; yet the King hereby declared, That it was not his Intention to exclude the ſame *Foreign* Abbots and Priors, *&c.* from their Office of Viſiting, concerning thoſe things which belonged to the Regular *Obſervance* and the Diſcipline of their Order; provided that ſuch Viſitors took nothing from the ſaid Monaſteries, Priories or Houſes they thus viſited, or carried any hing out of the Kingdom, but their moderate and reaſonable Expences.

Theſe Ordinances and Statutes, though they were made the 34th of *Edw. I.* at the laſt Parliament, yet the Publication and Confirmation f them was ſuſpended until this Parliament at *Carliſle*, that ſo they ight proceed with more mature Deliberation; after which, and upon full Debate with the Earls, Barons and other Nobles and * Commons f his Kingdom, by their unanimous Conſent He Ordained and Determin'd, That this Statute ſhould take Place from the Firſt day of *May* ext coming; and then it was ſent to all the Sheriffs in *England*, to be ubliſhed as a Law made for the Common Benefit of the People, and Melioration of the State of the whole Kingdom. Witneſs the King at *Carliſle* the Twentieth day of *March* in the Five and thirtieth Year of is Reign.

Then followeth upon the ſame Roll, as alſo in our Printed Statute ooks of later Editions, (for it is omitted by *Raſtal* and all other old *nglish* Collections of Statutes) that notable Act, which was then made prevent the *Abuſes* and *Oppreſſions* committed by the Pope and Court f *Rome*, concerning their unjuſt and unneceſſary *Proviſions* for ſupplyg of Biſhopricks, Abbies and other Eccleſiaſtical Benefices, before they ecame vacant; for which I refer you to the Statute it ſelf, which being ry long, I ſhall here Abridge it.

Firſt, it is therein recited, That it appears upon the Joint Petitions of e Earls, Barons and *Commons*, that *Holy Church* in this Nation had en founded in the State of Prelacy by the King's Predeceſſors and ogenitors, as alſo of the Earls, Barons and their Anceſtors, to inform e People in the Holy Faith, and for Prayers, Alms and Hoſpitality, to ſaid, done and kept in the Places where the Churches were founded, the Souls of the Founders and ~~their Heirs, and~~ all Chriſtians; and at certain Poſſeſſions and Lands in Fee and Advouſons, to a very great

* *Vid* Statute of *Carliſle*, Printed in *Ryleys placit* 1 Parliament *f* 312. and Cokes *2d Inſt.* *f.* 580.

* *Communitatibus.*

great Value, were aſſigned to the Archbiſhops, Biſhops, Abbots, Priors and other Houſes of Religion, and the reſt of the Parties abovementioned; and that they in the time of Vacancy of ſuch Prelacies and Houſes, as Lords and Advouees, (or Patrons) had, and ought to have the Preſentments and Collations of all Manner of Benefices of the Advouſon or Patronage of ſuch Prelates, to give them to ſuch *Engliſhmen*,* who had Offices or Places under the King and the Great Men abovesaid, for their Knowledge and Advice, when they had occaſion to make uſe of them: Yet that the Pope that then was, had appropriated to Himſelf the Gifts of ſuch Poſſeſſions and Benefices by his *Proviſions* and Reſervations, and gave and granted away Dignities, Prebendaries and Churches, to ſuch as never reſided in *England*, and to Cardinals and Others, as well ſtrangers as *Engliſhmen*, who could not reſide here; as if He had been true Patron and Advowee of Right, as He was not: By which things, if they ſhould be ſuffer'd, within a ſhort time there would be no Benefice in the Gift of ſuch Prelates, but by ſuch *Proviſions* would come into the hands of Strangers contrary to the Will and Intent of the Founders; and ſo the Elections of Archbiſhops and Biſhops would fail; Prayers, Hoſpitality and Alms, which ought to be perform'd, would ceaſe; and the King himſelf, and other lay Patrons, in times of Vacancy, would not only loſe their Preſentments and Collations, but the Goods or Wealth of the Nation would in great Meaſure be carried out of it, to the Undoing of the State of the Church of *England*, and the Diſinheriting of the ſaid King and his Crown, and the Nobles of the Realm, and to the Deſtruction of the Laws and Rights of the Kingdom to the great Oppreſſion of the People, and Subverſion of the State of the whole Kingdom, and expreſly contrary to the Will and Ordinance of the firſt Founders.

* *i. e.* were of the King's Council or in other Civil Imployments.

Wherefore by the Aſſent of the Earls, Barons, Nobles and Commonalty, conſidering entirely the Errors and Dammages aforeſaid, in the ſaid Parliament of *Carliſle* it was Provided, Ordained and Decreed, That the forenamed Grievances, Oppreſſions, Damages and Errors, from thenceforth ſhould not be ſuffer'd to be done in any manner; whereupon his ſaid Grandfather by his Writs had forbad all ſuch whom it concern'd to attempt or do any thing that might turn to the Blemiſhing of his Royal Dignity, or in Prejudice of the Nobles or his People; and further He Commanded all Sheriffs by his Writs, That if by Enqueſts taken any could be found doing to the contrary, they ſhould take their Bodies and bring them ſafely before Him at a certain day, there to Anſwer as well Himſelf as Others that would complain againſt them, and to do and receive farther what the Court ſhould award in this Caſe.

But King *Edward* dying immediatly after the making of this Statute, and his Son's Reign being for the moſt part taken up with Civil Diſſentions, this Act was never put in Execution during his time, nor yet i that of *Edward* the 3d, till his 17th Year; when it was with ſome alterations revived: But this alſo proving ineffectual, it was farther enforced and confirmed the Year following; but yet it was never execute ſo ſtrictly as it ought to have been, all his Reign.

8 JA 56

The end of the Reign of King Edward I.

THE General Hiſtory OF ENGLAND BOTH Eccleſiaſtical and Civil.

VOL. III. BOOK X.

Containing the Reign of King *Edward* II.

THE unexpected Death of King *Edward* the Firſt, in the beginning of his Expedition againſt the *Scots*, as it proved an irreparable Loſs and Grief to his own Subjects, ſo it was of very great Advantage and Satisfaction to their Enemies; who thereby, not only got time to breath d recruit their weak and ſcattered Forces, but alſo, within a few ears after, were enabled wholly to caſt off the *Engliſh* Yoke: For *dward* the Second, his Eldeſt Son, who was between three and four d twenty Years of Age, ſucceeding the King his Father, obſerved ne of thoſe Injunctions which he had left him; and although his De- e of having his Body carried about into *Scotland*, ſeem'd no other- ſe than the doting Fancy of an Old Man upon his Laſt Bed, and ſo ight be thought of no great moment, yet certainly a vigorous proſe- tion of the War againſt that Nation, would have been a matter of e higheſt importance, both for his own Honour, and the Security of s Kingdom: But the New King, inſtead of going in Perſon againſt em, as he ought to have done, were it but in obedience to his Dying ther's Commands, only made ſome faint Offers towards a War; 1.] for immediately returning to *Carliſle*, to make freſh Proviſions r his *Scottiſh* Expedition, [2] there came to him *Patrick* Earl of *Dun*- r, who quitting King *Robert*'s Intereſt, ſubmitted himſelf, and did s Homage to King *Edward*. Then on the firſt of *Auguſt*, the New

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The great Loſs that the Death of the late K. *Edward* now proved to the Nation.

His Son obſerves none of his Injunctions.

[1.] Chron. de *Lanercoſt*, in Bib. Cott.

The Earl of *Dunbar* ſubmits himſelf to King *Edward* 2d.

[2.] Annal. Monaſt. S. Auguſtin.

Anno Dom. MCCCVII.

King began his March towards *Scotland*, having already ſummon'd all the Nobility of that Kingdom to meet him at *Dunfrees*, and do their Homage; whereupon ſeveral of them, more for fear than love, came thither to him, and perform'd that Duty: But when he had put his Army into three Diviſions, as if he would have immediately perſued the Enemy; upon *Pierce Gaveſton*'s Arrival from *France*, being over-joy'd to ſee him, He not only called him Brother, and preſently made him Earl of *Cornwall*,* and Lord of the Iſle of *Man*, (to the great grief and mortification of all the Nobility) but was ſo wholly taken up with this Favourite, as that if there were no more Buſineſs to be done, all farther thoughts of carrying on the War by himſelf in Perſon, were laid aſide, and it was left to be managed by his Lieutenant, being contented with thoſe outward formal Submiſſions of ſome of the *Scottiſ* Lords: He then appointed *Aymeric de Valence*, Earl of *Pembroke*, Guardian of the Kingdom, or at leaſt that part of it that remain'd under hi Obedience (as appears by the * Charter or Commiſſion under th Great Seal) and went back again into *England*.(2)*

But not long after his Departure [3.] King *Robert* leaving his Re treats in the Mountains, marched down into *Galloway*, attended by hi Brother, the Lord *Edward Bruce*, with a powerful Army, and mad all the Inhabitants of thoſe Parts pay great Contributions to avoid burn ing and plundering.

But to return to our own Affairs: One of the firſt things I find th New King perform'd after his coming to the Crown, (and before hi Father could be buried) was, [4.] his Arbitrary and ſevere Proceed ing againſt *Walter de Langton* Biſhop of *Cheſter* (as my Author cal him) but indeed of *Litchfield* and *Coventry*, late Treaſurer of *Englan* and Executor of his Father's Teſtament; for he cauſed him to be cloſe ly impriſoned in *Wallingford*-Caſtle,(4) and all his Goods to be ſeized, an exacting a ſtrict Account of his Treaſurerſhip, appointed certain Juſti ces to enquire into all his Actions(5) and he had utterly ruined him, i the Pope had not interceded on his behalf; but he having heard hi Charge, he ſo fully anſwered whatſoever was objected againſt him, tha nothing blameworthy could be faſtened on him; ſo that upon his Ho lineſs's(6) Mediation, he was reſtored to his Goods, and the King's ha Favour. This did not fall out till about three Years after, But not t make a Breach in this Relation, I have choſe to put it here altog ther. As for the occaſion of this Biſhop's Diſgrace, it was ſaid that in th late Reign, he had given the King, when Prince, ſome Reprimands fo divers foul Irregularities which he had been guilty of, and had al endeavour'd to reſtrain him in his Extravagant Expences, and loo way of Living; which being imputed to his Servants, who had too gre an influence over him, (as the Chronicle of St. *Auguſtine*'s Abby r lates) the King not only made him turn away ſeveral of them, but fo bad him his Preſence for ſome Days.

But indeed the main Reaſon of the Biſhop's Diſgrace, was, becauſe h was ſuppos'd to have had the Chief hand in the Baniſhment of *Pier Gaveſton*, for whoſe Return the King had now obtained the Pope's D ſpenſation, from the Oath he had made to his Father to the contrar And his Kindneſs to his Favourite did ſo highly encreaſe every day, th beſides the Lands belonging to the Earldom of *Cornwall*, which we then in the Crown, [5.] he gave him alſo the Wardſhip of the Perſo an

He makes as if he would have carried on the Wars againſt the *Scots* in his own Perſon, but upon the arrival of *Pierce Gaveſton* leaves it to his Lieutenant.

* Vid. Charta. Penes Remem. Reg. in Scacc.

[3.] Chron. de *Laner*. MS.

King *Robert* returns into *Galloway*, and makes the Inhabitants pay him great Contributions

[4.] *T. W.*

His Arbitrary Proceedings againſt the Biſhop of *Litchfield*, the late Treaſurer, and for what Cauſe.

Id. ib. *T. W.*

The King obtains a Diſpenſation from the Oath he had taken, that *Gaveſton* ſhould never return.

[5 Chron de Lan.

* Tho it is here say'd that upon Pierce Gavestons arrival out of France he made him Earl of Cornwall; yet it is a mistake: for he was created Earl in his absence, with ye Grant of divers Mannors, Castles, Towns, Hundreds, as appears by ye Original Charter of Edward II. entered on ye Rolls in ye Tower. [Rot. Cart. 1. Ed. 2. m. 24 vid. Rs 3d Vol, 1, 2, 3, 4.] which is witnessed by six Earls, and Adomar, or Americ de Valence ye King's Cosin; bearing Date at Dumfreys ye 6th of Augt. about a Month after ye Death of ye King his Father.

(2) yet this Earl did not long continue in ye Employmt. for a little before Michaelmas following, ye King revoked yt Commission, & conferred yt great Trust upon John of Bretaigne, Earl of Richmond, as appears by ye Letters Patents thereof. [Rot. Pat: 1. Ed. II. m. 20. Rs Coll: ib. p. 10]

(3) After that of York.

(4) As appears by ye King's Commission to the Sheriff of Northampton for yt Purpose [Rot: ~~Pat~~: Fin. 1. Ed. 2. m. 16. R's Coll: p. 11.]

(5) with strict Orders yt they should condemn him to make Satisfaction to all he had injured out of his temporal Estate, then seized in the King's Hands, as appears by ye Writt it self directed to Roger le Brabazon & his Fellow Justices.

(6) and was at last restored to his former Dignity of Ld Treasurer of England, in which he continued for some Time, as appears by ye Kings Letters Patents for yt Purpose dated at York 14. Martij A. R. 5 [Rot. Pat: 5. Ed: 2. pt. 2 m. 15. R's Coll. p. 310.] and this I suppose ye King did to ingratiate himself with ye Pope, & ye rest of ye Bps with whom yt Prelate was in great Esteem.

(1) and beſides what ye King had beſtow'd upon
* Pierce Gaveston in England, he alſo gave
him ye County, or Earldom of Gaure, with
divers Caſtles, Mannors, & Territories in
Aquitain, as appears by ye King's Letters Pa-
tents dated 1. Jan. at Langley.
[Rot. Pat. 1. Ed. II. m. 5.

Anno Dom. MCCCVII.

d Eſtate of *Gilbert* Earl of *Gloceſter*, then a Minor; (1) ſo that the King's
ondneſs was ſo great, that he could ſcarce be ever ſeparated from
m as long as he lived; though it was very ſuſpicious, that his Dutiful
egards to the King were chiefly for his own Intereſt; [1.] ſince he had
e Confidence, through the King's Indulgence, to take the Treaſure
d Jewels of the Crown, and deliver them to certain Foreign Mer-
ants, to be tranſported abroad for his own Uſe. And **Walter Hem-*
ford farther relates, That he beſtowed upon him all the Money
ich the late King had hoarded up, amounting to a hundred thou-
d Pounds. (2)

[1.] Chron. MS. de Eveſham, in B i. Bodleian.

* In Chron. MS. in Bib. S. Trin. Cantab.

(2) For it ſeems, yt
Walter Reynolds,
Biſhop elect of Worces-
ter, whom the King
had made Treaſurer
in the Room of him
of Coventry and Litch-
field was more com-
plaiſant, than to put
a Stop to any Grants
(tho' never ſo exorbitant)
that the King ſhould
make to his Favourite.

Then * fifteen days after *Michaelmas* the King held a Parliament at
orthampton; for the Proceedings [1.] of which, we muſt be behold-
to our Hiſtorians, ſince we have no Records of it left upon the
lls: and they [2.] inform us, that the King did here again confirm
Pierce Gaveſton, the Title of Earl of *Cornwall*; and it was then like-
iſe ordain'd, that the Coin of the late King *Edward*, though much di-
iniſhed in Weight, ſhould ſtill paſs currant, as formerly, upon pain
Life and Members: And at the ſame time the Clergy gave the King
Fiſteenth; and the Laity, together with the Citizens and Burgeſſes,
Twentieth Part of all their Movables; to which an **Anonymous* Ma-
ſcript Author likewiſe adds, how the King farther ordain'd, That
ſtrict Peace ſhould be preſerved in his whole Kingdom, and that the
atute of *Weſtminſter*, which was made for that end, ſhould be obſer-
d in all its Articles: And moreover, appointed the day of his Father's
neral to be on the *Friday* before the Feaſt of *All-Saints*, next coming;
which divers Perſons of both the Kingdoms of *England* and *Scotland*,
d ſeveral other Countries, out of curioſity reſorted. But I need ſay no
ore of this here, having already mentioned it under the former Reign.

* Rot Clauſ. 1 Ed. 2. M 11. dorſ.

[2.] Chron. de Lan.

The K. calls a Parliament at *Northampton*; with the Tranſactions of it.

* In Bib. Bodleian. int. dig. p 170.

Not long after [3.] the King beſtowed his Niece *Margaret*, Siſter to
e Earl of *Gloceſter*, on his Favourite the New Earl of *Cornwall*, who
on the Wedding-day held a great Tournament at *Wallingford*; where
ough he appeared in great Splendor, yet (as my Author ſays) he
s ſtill encompaſſed with ſo great a Troop of Knights, his Partakers,
at there was no faſtening ſo much as the Stroke of a Lance upon him,
hich was a great blot to his Honour. Upon this Marriage, the King
en alſo beſtowed upon him the Honours of *Tickel* and *Berkhamſtead*,
ith divers other Lands; which encreaſed the Hatred and Envy of all
e Nobility, to ſee a Man of Ordinary Birth, and no Extraordinary
ualities, by the Partial Favour of his Prince, to obtain ſuch great Ho-
urs, as well as Eſtate.

[3] Id. Ib.

The King marries his Neice, Siſter to the Earl of *Gloceſter*, to the new Earl of *Cornwall*.

The reſt of this Winter being only ſpent in Feaſtings and Jollity, I
ſs over; but in *Scotland* the King's Forces met with better ſucceſs than
uld be expected, the ill poſture of his Affairs conſidered; [4] for, the
rl of *Pembroke* having ſurrender'd his Commiſſion of General, and
turning into *England*, the King beſtowed the Government of *Scotland*
on *John* Earl of *Bretaigne*, who raiſing a freſh Army, marched againſt
e *Scots*, and engaging with their King *Robert* about *Martinmaſs*, put
m and his Forces to flight, ſo that he was fain for ſafety, to have re-
urſe to his wonted Receſs, the Bogs and Mountains. This Action is
e more remarkable, becauſe I find it not mentioned in any other Wri-
, either *Scottiſh* or *Engliſh*; yet it is certain, he ſoon recruited his
rces, and recover'd his former State; for not long after [5.] he, to-
gether

[4.] Id. Ib.

John Earl of *Bretaigne* obtains a Victory againſt the *Scottiſh* King, and makes him again fly into the *Mountains*.

[5] Chron. de Lan.

gether with the Lord *Edward* his Brother, entred *Galloway*, and made all the Inhabitants pay him a great Ranſom or Tribute to eſcape plundering, &c. (1)

[1.] King *Edward* kept his *Chriſtmas* at the Mannor of *Wye* (belonging to the Abbot of *Battle*-Abby) with great magnificence and Luxury; as being a Prince, who much more Minded his Pleaſures, than any Serious Buſineſs. After that Solemnity was over, (2) he reſolved immediately to paſs beyond Sea, in order to marry ~~the Daughter of the King of France~~, and by his * Commiſſion appointed, his Favourite the Earl of *Cornwall*, his *Guardian or Lieutenant of the Kingdom during his Abſence, with a very large Power of granting to all Cathedral and Conventual Churches Licenſe to chuſe Paſtors (that is, Biſhops and Abbots) and of giving his Conſent and Confirmation to ſuch Elections; as likewiſe taking the Fealties, and reſtoring the Temporalities to ſuch Elected Perſons; as alſo of beſtowing all Prebends and Benefices belonging to the Crown; and laſtly, of diſpoſing of all Lordſhips, receiving the Fealties of ſuch Wards as held of him* in Capite, *when the Heirs were of full Age, and thereby giving him full Authority ſo to do.* This Patent bears date at *Dover*, the 18th of *January*, and is upon Record in the *Tower*; which though Dr. *Brady* hath cited, and publiſh'd in his Appendix, yet he hath not thought fit truly to recite all the Particulars contain'd in this Commiſſion, as he ſhould have done.

So ſoon as the [2.] King had paſſed this Commiſſion, he immediately took Shipping, and went over to *Bologne*, to meet *Philip* King of *France*; and when he had perform'd his Homage to him for the Dutchy of *Aquitain*, and Earldom of *Ponthieu*, on the five and twentieth of *January*, he married *Iſabella* his Daughter, there being then preſent no leſs than four Kings, *viz. Philip*, Father to the young Princeſs, the King of *Navarre* his Son, the King of the *Almans* or *Romans*, and the King of *Sicily*, not to mention the two Queens of *France* and *Navarre*, beſides a great Number of the Nobility of both Nations; inſomuch that there was never ſeen a more magnificent Wedding: And it was indeed a wonder, how ſo ſmall a Town as that, ſhould be able to receive and lodge ſo many great Princes at one and the ſame time. (3)

After [3.] the Marriage Solemnity was well over, the King with his New Queen returned into *England*, where upon his Landing, all the Great Men of the Kingdom that had not accompanied him into *France* came to congratulate them; but he ſhewed to none there preſent ſuch high Marks of his Favour, as he did to the Earl of *Cornwall*; which ſtirred up the Envy and Hatred of the Nobility to that degree, that not long after it broke out againſt him.

For [2.] the day before the Coronation, the Earls and Barons being aſſembled, (who were all summon'd to this Solemnity) conſulted together concerning the State of the Kingdom; and as the beſt Means for its Settlement, they then beſought the King, *That he would pleaſe to remove* Pierce Gaveſton *from his Preſence and Councils*; and upon his Denial, they reſolved to put a ſtop to his Coronation; which the King underſtanding, He ſo far comply'd, as to promiſe them *bonâ fide*, that in caſe his Coronation might not be deferr'd, He would yield to whatever they ſhould require of him in the next Parliament. This Paſſage is omitted by Dr. *Brady*, tho' ſet down at large by *Walſingham* (whom he commonly cites); but what his Reaſon was for this Omiſſion, he beſt knew.

Then

Anno Dom. MCCCVIII.

[1.] *T. W.* The King prepares to paſs over into *France*, to marry that King's Siſter, and leaves the E of *Cornwal* Lieutenant of the Kingdom.

[2.] *T. W.* King *Edward* goes over to *Bologne*, and there having done his Homage, marries the Lady *Iſabella*.

[3.] Chron. Abing. The King returns into *England*, and ſhews the Earl of *Cornwal* ſo great Favour, as makes the reſt of the Nobility contrive his Ruin.

[2.] *T. W.* The Earls and Barons deſire the King to remove *P. Gaveſton* from his Preſence, and Councils; otherwiſe threaten to hinder his Coronation.

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* Rot. Pat. Ed. 2. part 2. M. 28. printed in Dr. B's Appen. to his 2d. Vol. n. 49.

(1) As appears by the King's Writt to the Sheriffs of London, commanding them to provide Artillery and Provisions, for all which they were to be allowed [Pat. 1. Ed. II. pt. 1. m. 20. R— out of their Accounts to be sent to Berwick, and thence further into Scotland to put a Stop to the Burnings, and Devastations of Robert Bruce and his accomplices. This bears Date at Westm. October 5.

(2) He now reassumed the Thoughts of speedily consummating his Marriage with the Daughter of ye King of France; and to this End he by his Commission (still upon Record) [Rot: Rom: 1. Ed. 2. m. 11. R's Coll: p. 20, 21] appointed Anthony Bp. of Durham, John Bishop of Norwich, the Earls of Lincoln, Pembroke, & two ~~other~~ Barons therein mentioned his Procurators, and special Ambassadors, giving them, or any four of them full Power of agreeing and contracting Matrimony between ye King, and Isabella, Daughter to ye King of France. This bears Date at London on Novem: 6th [Vid. R—'s Coll. p. 21.] and by another Commission of ye same Date to ye same Purpose, he gives them Power to assign the sd. Lady a Jointure or Dowrie, and to swear on the King's behalf to perform it. Also by anothr. Commission of ye same Date ye sd. King grants the sd. Parties full Power to contract Matrimony with ye said Princess pr. verba de presenti; all which Preliminaries being now performed he resolved &c.

(3) But this Difficulty is easily solved if we suppose yt the greatest Part of ye Retinue of those Princes were lodg'd in Farm Houses, or else in Tents and Pavilions without ye Town, tho' it was ye winter. This appears from ye King's Writt [Rot. Pat: 1. Ed. 2. pt. 1. m. 4. R—'s Coll: p. 43] or Letter on ye Rolls, directed to all his faithful Subjects, commanding them not to injure but to be aiding, & assisting to Elias de Alamb[illegible], who was appointed to transport all Materials for erecting Tents at Bologne in Order to this Solemnity. This bears Date at Westminster Decem. 14.

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Then [3.] on the 25th of *February*, the King with his new Queen were Crown'd at *Weſtminſter* with mighty Pomp, by the Biſhop of *Wincheſter*, being Authorized to perform that Solemnity by a ſpecial Commiſſion from the Archbiſhop of *Canterbury*, who was then at *Avignon*: There were preſent at this Coronation the Lord *Charles*, and the Lord *Lewis* of *Clermont*, Brothers to the King of *France*; the Dukes of *Brabant*, and Earl of *Savoy*, with divers other great Lords and Ladies of both Kingdoms: And that which was moſt taken notice of at this Solemnity, was, That the [4.] new Earl of *Cornwall* carried the Crown of St. *Edward*: This, together with the ſplendid Garb he then appeared in, above the reſt of the Nobility, ſerved to provoke them more againſt him than ever.

[3.] *Id. ib.*

The K. and Q. are Crown'd at *Weſtminſter*; at which *P. Gaveſton* incurs greater Hatred.

* And it is very remarkable yt ye Form of ye Coronation Oath then taken by ye King is ye most ancient we have now extant, an old copy of which was in the Custody of ye laborious Mr. Petit Keeper of the Tower Records: and is published in R—'s Coll: 3d. vol. p. 63.

[4.] Chron. S. Aug. in Bib. Bened.

I find nothing elſe worth noting under this Year, [5.] but that our Author places the Tournament which *Pierce Gaveſton* held at *Wallingford*, preſently after the King's Coronation; whereas the nameleſs * Author above-mention'd, places both that and his Marriage with the Earl of *Gloceſter's* Siſter, before that time, as I have already obſerved. But whenever it was, it is agreed on all hands, that he by the means of thoſe Foreign Knights that took his part, was then too hard for the Chief Noblemen of *England*, who are there named; *viz.* the Earls of *Hereford*, *Pembroke*, *Lancaſter*, and *Surrey*; who being all highly provoked by their late Affront, as alſo for ſome Nicknames, and other ſcurrilous Language he had given them, from that time forward conſpired how they might ruin this Inſolent Favourite.

[5.] *T. W.*

* In Bib. Bod.

Gaveſton holds a great Tournament.

But the Chronicle of St. *Auguſtin's* * in *Canterbury*, (already cited) gives a different Account of this Tournament, and the Conſequences of it; which he ſays was held at *London* preſently after the Coronation; when the King, being concern'd for the ſafety of his Minion, becauſe the Earl of *Lancaſter*, and the reſt of the diſcontented Barons were of the contrary Party, commanded the Gates of the City to be ſhut all the day, that none of the *Engliſh* or *French* Lords (of whom there were many now come over) ſhould go out to hold the Tournament, according to their appointment: Which ſo diſpleaſed theſe *French* Noblemen, that they immediately return'd home. Upon which the Favourite became ſo inſolent, that the Earls of *Lincoln*, *Hereford*, and *Pembroke*, not being able any longer to endure it, got together their Retinues, and broke into the *New Temple* (where he then lodged), but he having had ſome Intimation of their Deſign, was before retired to *Wallingford* Caſtle; and not thinking himſelf ſafe there neither, went to the King (who was then at *Windſor*) for his greater Security: But the Earls above-mention'd, with other Barons of their Party, not finding the Favourite where they expected him, were reſolved to ſeize him whereever they could; ſo meeting at *Ware*, they went from thence to *Northampton*, and iſſued out Summons to the reſt of the Barons to come thither to a Treaty or Council, which they intended to hold there concerning the great Affairs of the Kingdom; threatning thoſe who ſhould neglect to come in to them, with no leſs than the plundering and deſtroying of their Houſes and Eſtates. So that the King, not having any Forces to oppoſe them, was forced to ſummon a Parliament to meet fifteen days after: Which being met accordingly, [1.] divers Articles were laid to the Charge of this Favourite; as, abuſing of the King's Ear, by obtaining immoderate Grants for himſelf; his imbezzling the Trea-

* In Bib. Ben.

Another Relation of this Tournament.

The Earls of *Lincoln*, *Hereford*, &c. not able to endure this Favourite's Inſolence, reſolve to ſeize him; which he avoids by flying to *Wallingford* Caſtle.

The diſcontented Lords hold a Council at *Northampton*.

The K. forc'd to ſummon a Parl. where divers Articles are laid to his Charge.

[1.] Chron. John Triclow, *cited by* Stow.

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[2.] Chron. S. Aug.

Treaſure of the Kingdom, and taking the beſt Jewels of the Crown to his own Uſe. Then [2.] the King hoping to divide the Barons, and take off ſome of thoſe that had been leaſt provoked, offer'd the Archbiſhop of *Canterbury*, the Biſhop of *Durham*, with the Earls of *Lancaſter* and *Hereford*, that he would refer all Differences to them, and confirm whatſoever they ſhould judge moſt fit to be done on this Occaſion: But theſe Biſhops and Lords would not undertake the Odium of that Arbitration, but ſaid, they would act nothing without the general Conſent of all the reſt of the Barons, who would not be ſatisfied with any thing leſs, than that the Earl of *Cornwall* ſhould immediately quit the Kingdom: Which the King delaying to grant, they were about to take Arms; But fearing the evil Conſequence of a downright Denyal, [3.] after great Diſputes between the King and the Great Men of the Kingdom, he was at laſt forced (though much againſt his Will) to agree to the Baniſhment of his Favourite out of *England* for ever: All the Kindneſs he could then obtain for him, being only that he might go over and continue in *Ireland:* Which Sentence was paſſed againſt him about the Feaſt of *Aſcenſion*, and he had time given him until the day after that of St. *John Baptiſt* (or Five and twentieth of *June*) for his going over.

[3.] Contin. Nich. Trivet in Bib. Offic. Herald.

The King is forced to conſent to his Baniſhment.

A difference among our Hiſtorians concerning the time of his Baniſhment.

There is, I confeſs, ſome difference amongſt our Hiſtorians, both in Print and Manuſcript, about the time of this Tranſaction: *Walſingham* (whom Dr. *Brady* follows) places the firſt Baniſhment of *Pierce Gaveſton* under 1311 (as it is falſly put in the printed Copies), and makes his firſt Baniſhment into *Ireland*, and that into *Flanders*, to have happen'd all in the ſame Year, which is a great Miſtake: For the [4.] Annals of *Worceſter*, written by a Monk of that time, place his going over into *Ireland* under this Year; as do alſo *Ranulph Higden*'s *Polychronicon*, and *Adam Murymuth*'s Manuſcript Chronicle of this King's Reign: And though it does not directly ſay that he was baniſhed this Year, yet ſets down his Return from Exile under the next. But to put this matter out of doubt, I ſhall give you the Authority of an Antient * Chronicle in the *Bodleian* Library, (often cited by Sir *William Dugdale* in his Baronage of *England*) ſuppoſed to belong to the Abby of *Eveſham*.

[4.] In Angl. Sacra, Vol. I.

* Int. Laud. K. 84.

This Chronicle (under this Year) relates, That the King holding his Parliament at *London* about the Feaſt of *Aſcenſion*, was by certain * Letters ſent from the Pope, as alſo at the general Requeſt and Importunity of the Barons, forced to conſent that *Pierce Gaveſton* ſhould quit the Kingdom the Morrow after *Midſummer*-day, and never to return more. And the Continuator of *Nicholas Trivet*'s Chronicle farther adds, That the Earls of *Lincoln*, *Gloceſter*, *Hereford*, *Warwick*, *Arundel*, *Pembroke* and *Warren*, with many Barons and Great Men who had met at the *New Temple* in *London*, were not only content with this his Baniſhment, but fearing leſt the King ſhould procure his Return, cauſed him to make theſe following Letters-Patents under his Great Seal.

* Vid. Rot. Clauſ. 1 Ed. 2. m. 8. dorſ. **Yet it is proved to have hapned under this Year.**

[5.] Id. ib. **The King's Letters Patents for his Baniſhment.**

[5.] '*Edward*, by the Grace of God, King of *England*; To all who
'ſhould ſee theſe preſent Letters, Greeting, &c. We make known unto
'you by theſe Preſents, That from this time unto the day that the Lord
'*Pierce Gaveſton* is to abjure and depart our Kingdom (to wit) on the
'Nativity of St. *John Baptiſt* next enſuing, we ſhall as far as in us lies
'do nothing, nor permit any thing to be done, whereby the Baniſh-
'ment of the ſaid Lord *Pierce* may be any ways hinder'd or retarded;
'but that according to the Form that hath been ordain'd by the Prelates,
'Earls,

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arls, and Barons of our Kingdom, and confirm'd by Us with our free onſent, it may be fully perfected. In Teſtimony of which we have uſed theſe our Letters to be made Patents. Given at *Weſtminſter* the ighth day of *May*, in the firſt Year of our Reign. *

* This Declaration being in French is also entered on the Patent Roll of this year, with this Difference from that now cited, that instead of Nativity of St John, it is the Morrow after that Festival which was appointed for his Departure.
[Pat. 1. Ed. 2. m. 3. R.'s Coll. p. 89]

[1.] Id. ib.

[1.] Theſe Letters were read in the Preſence and Audience of the eat Men of the whole Kingdom, on the day above-mentioned: But s was not thought ſufficient; for at the ſame time the Archbiſhop of *terbury*, with the other Biſhops and Prelates of the Church, being mbled in a Synod, thunder'd out their Sentence of *Excommunication* inſt the ſaid *Pierce Gaveſton*, if he ſhould remain in *England* beyond day prefix'd; and againſt all ſuch as ſhould preſume to adviſe, aſ- , ſuſtain, receive, or adhere to him, or do any thing whereby his ſaid ſage over ſhould be hinder'd; with the like Clauſe againſt all who uld favour, adviſe, or procure his Return.

But ſince this Sentence is expreſs'd at large in the ſaid Chronicle of *eſham*, and that it is no where elſe to be found, as well as the King's claration above-mention'd, I ſhall from the above-cited Author give the Subſtance of it, and the Proceedings thereupon: Being to this ect.

The Ordinance of the King, Biſhops, and Peers, concerning the ſame matter.

' That whereas *Edward* King of *England* had ſummon'd the Prelates, arls, Barons, and other Great Men of the Kingdom, to his Parliament *Weſtminſter*, Fifteen days after *Eaſter*, to do and ordain thoſe things hich ſhould be for the Honour of God and Holy Church; who all eeting at the ſame place, and divers great Diſſentions then ariſing, the Trouble of the ſaid Kingdom; of which it being found and ap- aring, that the Lord *Pierce Gaveſton* was the chief Occaſion; erefore by the Will of the King, and the Conſent of the Pre- tes, it was ordain'd, That the ſaid Lord *Pierce* ſhould depart the ingdom on the Morrow after the Feaſt of St. *John Baptiſt* next com- g, not to return any more into the ſame: And that the Archbiſhop *Canterbury*, and the Prelates there preſent, for the better obſervance the ſaid Ordinance, were deſired by the King, the Earls and Ba- ons, to publiſh the Sentence of the *Greater Excommunication* againſt l Tranſgreſſors of it, to this purpoſe.

The Sentence of Excommunication pronounced by the Archbiſhop and Biſhops againſt all ſuch as ſhould hinder *Gaveſton*'s Departure.

'The ſaid ABp, by the Aſſiſtance of his Brethren the Biſhops, in com- liance with the deſires of the ſaid King and Lords, and for the Tran- uility of the Kingdom, do hereby admoniſh and exhort *Pierce Gaveſton*, hat on the day above-mention'd he do depart the Kingdom, according the Tenor of the ſaid Ordinance and Proviſion; and further com- nands him, on pain of the *Greater Excommunication*, then immediate- to be pronounced againſt him, That he do not preſume to ſtay in *ngland* beyond the ſaid day, or to enter into it any more after his eparture: With the like Sentence againſt thoſe who ſhould give any vour, Conſent, or Counſel for his Return, or for his Stay here beyond e ſaid day, or ſhould receive him if he ſo return'd; the Perſons of e King and Queen his Wife only excepted: Yet with Licenſe to the id *Pierce* quietly to remain here, or to paſs through the Kingdom, gether with his Family, until the day appointed for his Baniſhment, ithout any hurt or prejudice to be done to him from the ſaid Earls, arons, or other Great Men their Adherents.

' And farther, the ſaid Archbiſhop publickly prohibits all Perſons hatſoever, to do, procure, or accept any thing, whereby the Premi-

' ſes

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'ſes may be rendred ineffectual, under pain of the *Greater Excommunication*: And moreover commands all the Biſhops of his Province to 'cauſe this preſent Sentence to be publiſhed throughout their Dioceſes. This Sentence bears Date in a Synod held at *Oxford* the nineteenth day of *May*, *Anno Dom.* 1308.

[2.] Ib.

The King accompanies his Favourite as far as *Briſtol*; who thence paſſes into *Ireland*.

Then [2.] the King, not daring, for fear of the Cenſures of th Church, any longer to retain his Favourite with him, bore him Company as far as *Briſtol*, from whence he went over into *Ireland*, with his Lady and Siſter; the King having aſſign'd him the whole Government of that Countrey for his Maintenance, beſides a great deal of Treaſure which was there ſpent.* Yet to give this Favourite his due, he gain'd much Love and Reputation there, by his great Courteſy and Liberality, and by making War againſt the *O Brians* and other Rebellious *Iriſh*, with good Succeſs: And it had been happy for his Maſter, as well as himſelf, if he had ſtill continued in that Kingdom.

* And it appears by yt Kings Letters Patents bearing Date at Reading yt 2d June [Pat. 1. Ed. 2. m. 3. Rls Coll. p. 93] directed to all Arch Bishops, & all other Degrees of Men in yt Kingdom, yt he now appointed Pierce de Gavestone Earl of Cornwall his Ld. Lieutenant in yt Kingdom with full Power to present to all Churches & Benefices, and yt they shd be as obedient to him as to the King himself.

[3.] Chron. de Lanercoſt.

The *Scots* invade *Galloway*, and ſubdue that Country.

In [3.] the mean while the *Scots* made this uſe of the Diſſentions between the King and his Nobility, that their King *Robert*, with his Brother the Lord *Edward*, again entred *Galloway*, and killing many of th Gentry and other Inhabitants, wholly ſubdued that Country to his Allegiance.

But ſince I find no other Civil Affairs of Moment to have happen'd this Year, I ſhall now give you an Account of the Eccleſiaſtical.

[4] Chron. N. T.

The Pope ſends into *England*, in favour of the Archbiſhop of *Canterbury*.

[4.] *Robert* ABp of *Canterbury* having been for above theſe two Year ſuſpended *ab Officio & Beneficio* by the Pope's Authority, and alſo cited to *Rome*, there to anſwer to what ſhould be laid to his Charge on th late King's behalf (as hath been already related in his Reign) upon his Death, obtain'd ſo much Favour of the Pope, as that he ſent over into *England* to the preſent King, to know if he would proſecute the Accuſation that had been laid by his Father againſt him. To which th King return'd this Anſwer, *That he neither knew of, nor intended* to charg *him with any Crime, but look'd upon him as his Good Father,* and Lawf *Paſtor*; whom he much deſir'd to ſee in *England*, that he might agai feed and govern his Flock. At this Meſſage the Pope's Diſpleaſur was not wholly abated, but he gave Orders to his Nuncio *William d Teſta*, who had been ſole Adminiſtrator both in Temporals and Spiritu als of that Archbiſhoprick during his Abſence, That he ſhould reſtor to him all the Arrears of the Rents and Revenues thereof, that ha been received while he was abroad, [5.] ſo that he became Richer tha ever he was before; and thus what was deſign'd for his prejudice, turn at laſt to his advantage. Then the Archbiſhop having taken his Leav of the Pope, with great Acknowledgments for his Favour and Juſtic left *Rome*, and arrived in *England* about the latter end of *March*.

Upon the K.'s withdrawing the Accuſation againſt him, he is reſtored to his Archbiſhoprick.

[5] Chron. Adam Murymuth's MS. in Bib. Herald.

The Order of *Knights Templars* diſſolved by the Pope. With a brief Hiſtory of them.

[1.] Matt. Paris, f. 67.

The next matter of Moment I find to have happen'd this Year, the Diſſolution of that Great and Wealthy Order of the *Knights Templars*; which tho it began the laſt Year in *France*, yet was not proſec ted in *England* until now. But before I give you the Reaſon of its Di ſolution, I ſhall ſet down a ſhort Account of its Original: This Ord had its Riſe in the *Holy Land*, *A. D.* 1118. [1.] by the Favour of *Bal win* King of *Jeruſalem*, who aſſign'd them part of his own Palace, ne the South Gate, adjoining to the *Temple* of the Lord, from whenc they were called *Templars*. Their firſt Profeſſion was, for the Remiſſio of their Sins, to guard the Highways for the ſafety of Pilgrims, an

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ſuch as came to viſit the Holy Sepulchre, and to defend them from Thieves and Robbers: And it is reported by the ſame Hiſtorian, that in the ſpace of One hundred and twenty ſix Years, they obtain'd no leſs than Nine thouſand Mannors in *Chriſtendom.* This great Increaſe of theirs in Revenues and Riches, as well as their Neglect and Non obſervance of the firſt Inſtitution of their Order, procured them Envy; their Luxury, Pride, and moſt horrid and deteſtable Crimes, which were reported, and objected to them, raiſed the general Hatred of *Chriſtendom* againſt them: So that within Sixty three Years after, *viz. A. D.* 1307. (when they were then poſſeſſed of Sixteen thouſand Lordſhips) on the Twelfth of *October* laſt paſt, by Command of *Philip* King of *France*, and with the Conſent of Pope *Clement* the Fifth, all the *Templars* in *France* were ſecured, their Houſes, Lands, Poſſeſſions, Goods, Treaſure, Church-Ornaments, and Writings ſeized on, and delivered to certain Guardians, under whoſe Cuſtody and Adminiſtration they remained for ſome time.

Id. p 615.

Mezeray ad hunc Ann.

Theſe things were tranſacted the laſt Year in *France*; and now in *England* (by the like Authority of the Pope) it was * ordain'd by the King and his Council, [1.] 'That all the *Templars* in every County 'in *England*, *Scotland*, *Ireland*, *Weſt-Wales*, *North-Wales*, and Earldom 'of *Cheſter*, but more particularly thoſe in *England*, ſhould be attach'd 'on *Wedneſday* next after the Feaſt of *Epiphany* (or Sixth of *January*) 'and that all their Lands, Tenements, Goods, and Chattels, as well Ec'cleſiaſtick as Temporal, with their Charters, Writings, and all Muni'ments, ſhould be ſeized into the King's hands; that their Goods and 'Chattels ſhould be inventory'd and appraiſed, and Indentures made of 'them in the preſence of the Guardian or Maſter of every Place, and in 'the preſence of two lawful men, whereof one to remain with the 'Guardian, and the other with the Sheriff; the Live Stock to be kept 'upon the Premiſes, and the Lands to be plowed up and ſown to the 'beſt advantage: That the Bodies of the *Templars* ſhould be kept ſafe 'in convenient places, other than their own, but not to be put in vile 'and baſe Priſons, unleſs the King ſhould order otherwiſe; and that 'every one according to his Condition ſhould receive a competent 'Maintenance from theſe Goods.' There is alſo contain'd in this Record the manner how this Ordinance was put in execution.

* Rot. Clauſ. 1 Ed. 2. m. 12. dorſ.

[1.] H.K. col. 2531.

The *Knights-Templars* order'd by the K and Council to be ſeiz'd all over *England*.

* whose Bulle for this affair is still preserved, & is printed in R—'s Coll. 3d. vol. p. 30.

Some time before this, the [2.] chief Crimes laid to the Charge of the *Knights Templars* being *Hereſy*, their Cauſe was removed from the Secular Courts in *France*, to the Pope himſelf; wherefore many of the principal *Templars* were carried to *Poictiers*, where the Pope then was; and being there interrogated concerning the Articles laid to their Charge, Seventy two of them confeſſed, that at their Reception into the Order, *they denied Jeſus Chriſt*, beſides many other Crimes, which were ſo horrible, that the Pope would not inſert them in his Bull; yet their Depoſitions were taken in writing, before the Biſhop of *Præneſte* and two Legates ſent into *France*, beſides three Cardinals. Upon this there was alſo by that King's Command, a Commiſſion granted to the Pope's Inquiſitor, and certain Gentlemen of the Country, to examine the reſt of the *Knights-Templers* upon the Articles laid to their Charge; of whom One Hundred and Forty confeſſed, that at their being admitted into the Order, they were made to deny *Jeſus Chriſt*, and ſpit three times upon a *Crucifix* that was preſented to them; and tho'

[2] P. Putean. de la Condemnation des *Templars*, p. 8, 9, 10, 11, & deinde.

The Proceedings againſt them in *France*.

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A great many of them confeſs the Crimes laid to their Charge.

tho' they forſwore the Carnal Uſe of Women, yet owned that it was Lawful whenever they pleaſed, to have Carnal Knowledge of each other; with divers other Particulars ſo very abominable, that it were nauſeous to relate them: Beſides which, (as ſome of them confeſſed) they Adored a Wooden Head gilt, with a great Beard; which was only brought forth at their General *Chapters*.

* Ad A. D. 1311.

[3.] P. Patean. ib. p. 38, 39, & dein. The reſt of the Proceedings againſt them in *France*.

Much the ſame Crimes were alſo laid to the Charge of the *Knights-Templars*, ſome time after, in *England*, as * *Walſingham* relates; who tho they confeſſed the Common Fame or Report, yet denied the Matter of Fact; of which you will hear more hereafter. But [3.] as for thoſe in *France*, the Author firſt cited tells us, the Grand Maſter *James de Molay*, or *Mauleu*, and *Hugh de Peraldo*, being examined among the reſt, confeſſed the ſame Crimes; and there were but Three of the whole Number, who affirm'd they had never ſeen any Ill in the Order. Yet nevertheleſs a freſh Examination of this Affair was ordered by the Pope, before certain Biſhops and other Clergymen, appointed by him as Commiſſioners for that purpoſe; who having cauſed the great Maſter of the Order, with his Superiors and the reſt of their Brethren, to be brought before ſome of them at *Paris*, *Penzard de Gyriac* one of the Superiors told the Commiſſioners, that the *Templars* in many Places had been grievouſly Racked; that all they had confeſſed was for Fear of Death, and that ſome of them died amidſt their Torments.

[4] Ib p. 47. The Sentence that was given in a Council in *France* againſt them.

[4.] And not long after, a Provincial Council of the Clergy of the Province of *Sens* being held at *Paris*, the Cauſe of the *Templars* was there again heard, and after a long and tedious Proceſs, divers of them were ſentenced, ſome to Penance, others to end their Lives between Four Walls; and Fifty Nine of them being degraded were deliver'd over to the Secular Power, and by that condemned to be burnt alive; the Chief of whom were the Great Maſter and ſeveral other Superiors of the Order; who at their Execution declared themſelves Innocent, and all that had been laid to their Charge was falſe; to the great Aſtoniſhment of all there preſent.

[5.] Ib. Four of the Knights offer to juſtify their Order.

Beſides theſe [5.] there were Four more of the Chief Knights who offered to defend their Order, and by their Procurators averr'd, that the Articles ſent by the Pope were deteſtable and wicked Lies, made and forg'd by ſome falſe Brethren and Enemies to the Order. And that the King of *France* firſt, and then the Pope had been deluded and impos'd upon by theſe men. That the Brethren of the *Temple* that had confeſſed and told ſo many Lies, had done it for fear of Death and Torments; as being hired and ſuborned ſo to do. And laſtly, they proteſted againſt whatſoever the Fugitives or Apoſtates from their Order, who had been caſt out for their Wickedneſs, ſhould depoſe againſt them, and whatever thoſe their Brethren that were impriſoned, as alſo thoſe that were corrupted by Money, Promiſes, or terrified by Fear of Death, ſhould confeſs to the Prejudice of their Order. Theſe and many other things contain'd in the Reaſon and Article of Defence deliver'd in Writing to the Pope's Commiſſioners, the Reader may find at large in my Author cited in the Margin. But they all proved of none effect; for Pope *Clement* by his Bull wholly diſſolved the ſaid Order, and about Eleven Years after procured his Sentence to be confirm'd by a General Council held at *Vienne* in *Dauphine*; as ſhall be mentioned more at large hereafter.

Anno Dom. MCCCVIII.

[1.] X. Script. Col. 1730. n. 10, 20, 30 *Tho. Stubbs's* Juſtification of the *Templars.*

But however guilty divers particular Members of this Order might have been, yet it is next to incredible to believe, that they ſhould almoſt all of them be ſo; not only of denying *Chriſt*, but of falling into direct Idolatry: And as for thoſe in *England* [1.] *Thomas Stubbs* in his Account of the Acts of *William Greenfield*, then Archbiſhop of *York*, gives this very ſhort Account of it. That at the Provincial Synods held at *London* and *York*, before the Archbiſhop and Biſhops of thoſe Cities, the *Templars* were ſolemnly cited and examined by the Pope's Apppointment, upon certain Articles framed againſt them; to which they gave competently Satisfactory Anſwers; and tho' they were accuſed of many Crimes, yet nothing was found for which the Order might ſeem juſtly to be diſſolv'd. So that it is very probable, the Pope and King of *France* envying the Riches, as well as Magnificence and Pride of this Order, might agree together to diſſolve it, that ſo they might ſhare their Wealth and great Revenues between them. And as the Pope had all their Moveable and Perſonal Eſtates, ſo the King of *France* hoped to have poſſeſſed himſelf of their Real: For * *Walſingham* gives us this ſhort Account of the whole Matter; That *Philip* King of *France* thought to have made one of his Sons King of *Jeruſalem*, to obtain for him all the Rents and Revenues of the *Knights-Templars*; therefore upon this Occaſion he cauſed many of them, and the Great Maſter of the Order, to be burnt in his own Kingdom, and procured the whole Order to be diſſolved in the Council of *Vienne:* But he miſſed of his Purpoſe; and the Pope not without a great Sum of Money gave them to the *Hoſpitallers:* But of this more hereafter. In the mean time (I hope) what I have here ſaid will not ſeem tedious to any Curious Reader, who perhaps may be deſirous to know the Beginning, Progreſs, and Diſtinction of this Great Military Order, which in former Ages, made ſo great a Figure, not only in *Europe*, but in *Syria* and *Paleſtine*.

* Ad. A. D. 1311. *Walſingham's* Account why the K of *France* was ſevere againſt them.

As for the Affairs of *Scotland*, I find nothing conſiderable done there, [2.] But that about the latter End of this Year, King *Robert*, during the Diſſentions between the Barons and King *Edward*, returned from his Faſtneſſes in the Mountains; and becauſe *Edward* was not as yet in a Condition to march againſt the *Scots*, he ſent about *Chriſtmas* the Earl of *Glouceſter* with ſome other Noblemen to make a Peace with King *Robert*; but all they could then procure was a Truce, to continue no longer than till the Feaſt of *All-Saints* next enſuing.

[2.] Chron. Wal. Hemingford in Bib. S. Trin. Cantab. The K. & Barons deſire Peace of the K of *Scots*, but obtain only a ſhort Truce.

Anno Dom. MCCCIX.

[3.] Chron. Lan. K. *Robert* is abſolved by the Pope's Nuncios for the Murther of L. *Comyn*; and the Pope alſo ſent Nuncios to him, commanding him not to moleſt K. *Edward*, who is forc'd to make a Truce with him.

In the Beginning of this Year, the *Scots* obtain'd ſo much Favour at *Rome*; [3.] that in *Lent* there came certain Nuncio's from the Pope (who had ſometime before abſolved King *Robert* for his Murther of the Lord *Comyn*) to King *Edward*, to require him not to moleſt the *Scots* any further; and he likewiſe ſent other Nuncio's to the *Scottiſh* King, to order him to keep the Peace, and on that condition he ſhould quietly enjoy whatſoever he had won from the *Engliſh* in *Scotland*. But he did not at all regard thoſe Propoſals, but went on Conquering more Places in *Scotland* during the greateſt Part of the enſuing Summer, when there was another Truce concluded between him and King *Edward* for ſome Months. But the King had then other Affairs in his Head: For being very Melancholy for want of *Pierce Gaveſton*'s Company, which he had been for ſome time deprived of, ſent for him over from *Ireland* in Autumn; and he returning into *England* about the beginning of *September*, the King upon the News of it was ſo

Anno Dom. MCCCIX.

[4] Chron. S. Aug.

P. Gaveſton returns into *England*, which diſcontents the *Engliſh* Nobility.

well pleas'd, that he took a Journey as far as *Cheſter* to meet him, and brought him along with him into the *South* Parts of the Kingdom; where he Adviſed and Govern'd as entirely as he did before: [4] Which was ſo highly ſtomach'd by the Nobility and Clergy, that the Archbiſhop of *Canterbury* would not be preſent in any Parliament this Year, not only upon this Account, but becauſe the King at that time ſtill unjuſtly detain'd *Walter* Biſhop of *Coventry* cloſe Priſoner at *York*, for the Reaſons already mentioned, contrary to the Rights and Privileges of the Church at that Time.

† Rot. Clauſ. 2 Ed. 2. m 4. in Scedula.

* Eod Rot.

A Parliament after *Eaſter*, wherein the K. confirms *Magna Charta.*

[5] C. *W. H.*

* Eod. Rot.

And it appears from the † Rolls of this Year, which is alſo mentioned in *Hemingford*'s Chronicle, that there were ſeveral Parliaments, or Great Councils then held; which are not mentioned in our Printed Hiſtorians; as particularly, * that Parliament at *Weſtminſter* in the Beginning of *Lent*, which was afterwards Adjourned till a Month after *Eaſter*; [5] wherein the King confirm'd the Great Charter, and that of Foreſts; in Conſideration of which the Lords and Commons then Granted him the Twenty Fifth Penny of all their Perſonal Eſtates: Yet they would by no means agree that *Pierce Gaveſton* ſhould be Earl of *Cornwall*, or continue in *England*.

× But I since find by ye Patent Rolls of this Year, [Pat. 3 Ed. 2. m. 43. d. & R—'s Coll. p. 147, 148.] yt ye King during ye sitting of this great Council, issued out his general Summons to all Earls, & Barons to be ready with their Horses & Arms at New Castle upon Tyne on Michaelmas Day next ensuing in Order to march against ye Scots; but why those Summons took no Effect you will see in ye next Page.

Another great Council at *Stanford*, where the Lords are more favourable.

[5] C. *W. H.*

* Rot. Clauſ. 3 Ed. 3. m dorſ.

And not long after this, another * Great Council or Parliament was held at *Stanford* on the Twenty Sixth of *July*, to Suppreſs *the Malice of the* Scots; tho' I do not find any thing done in perſuance thereof [5.] only that the King ſo far prevail'd with the Major Part of the Nobility there preſent, that they were content *Pierce Gaveſton* ſhould enjoy the Earldom of *Cornwall* during his Life; and this I ſuppoſe he procured by giving Gracious Anſwers to thoſe Articles of Grievances which had been preſented to him in the Laſt Parliament at *Weſtminſter*, tho' he did not promiſe to ſee them Redreſſed till this at *Stanford*.

[1.] C. *W. H.*

The K holds a Council at *York*, to which the Noblemen of the oppoſite Party refuſe to come.

[1.] After this the King held a Council of ſome of the Nobility of his Party on the Eighteenth Day of *October*, at *York*, but to this Meeting the Earls of *Warwick*, *Lancaſter*, *Oxford*, *Lincoln* and *Arundel* refuſed to come, becauſe *Pierce Gaveſton* appear'd there as Earl of *Cornwall*: Which ſhews that either theſe Lords were not preſent, or elſe did not agree to what the reſt of the *Barons* had done juſt before.

Walſingham, as alſo *Hemingford*, place the Marriage of *Pierce Gaveſton* with the Siſter of the Earl of *Gloceſter*, preſently after his Return out of *Ireland*, and the late Council at *Stanford*, in which they are miſtaken; for the two Manuſcript Chronicles in the *Bodleian* Library, do more rightly place it the Autumn before the King's Coronation, when not long after he held that great Tournament at *Berkhamſtead*, already mentioned. But however, we may thus far believe *Walſingham*'s Authority, that this Favourite had then ſo great an Aſcendant over the King, that he preſum'd to deſpiſe and reproach the Great Men of the Kingdom; and ſo powerfully wrought upon the Eaſineſs of his Nature, that without ever taking the Advice of the Great Lords of his Council, He acted all things by the ſole Influence of this Favourite; whoſe Indiſcretion as well as Covetouſneſs was ſuch, as to leave the King's Coffers ſo bare of Money, that He had not ſometimes wherewithal to defray the uſual Expences of his Family: and the Queen herſelf was ſo ſtraiten'd for her neceſſary Allowance, that ſhe was forced to write Letters of Complaint to her Brother the King of *France*; tho' all (it ſeems) to no purpoſe.

Gaveſton deſpiſes the Great Men of the Kingdom, and tranſacts all things without their advice.

At [2.] which the Earls and Barons were ſo enraged, that they plainly told the King, that unleſs he would baniſh *Pierce Gaveſton*, they would all riſe againſt him as a *Perjur'd* Prince; whereupon, by the Advice of his Favourite, he ſent for Aid into *Gaſcoigne* to the Earl of *Foix* and the Viſcount of *Henoy*; who as they paſſed with Three hundred Horſe through *France*, were ſet upon by that King's Order, and ſome of them kill'd, and others impriſon'd; which broke the Neck of that Deſign.

About the ſame time likewiſe, [3.] the Abbot of St. *Denis*, who was ſent Legate from the Pope, to demand the Legacy that the late King *Edward* had bequeath'd for the *Holy Land*, did earneſtly beſeech the King to remove *Pierce Gaveſton* from his Preſence; but it met with no effect. After which, the King hoping to divert this diſcontented Humour of his Barons, ſummon'd a Great Council to meet at *Northampton*, determining from thence to march into *Scotland*: But the Barons coming to this Aſſembly well armed and appointed, the King ſent them word he would not be there; yet at laſt he went as far as *Stony-Stratford*, whither came to him from the Barons, the Earls of *Warwick* and *Clare*, who requeſted him to come thither for his own Honour, and the Good of the Realm; ſo at length he was prevail'd upon to go thither, tho but in an ordinary Garb, and the Barons met him without any Arms: At laſt they agreed, and were outwardly made Friends, tho our Author does not tell us upon what Terms; but it is reaſonable to ſuppoſe that it was upon the King's Promiſe to give them all due Satisfaction concerning their Demands againſt the Earl of *Cornwall*, and for the Redreſs of thoſe other Grievances they complain'd of in the former Parliament. But I much doubt whether the Council ſaid by our Author to meet at *Northampton*, were any other than that mentioned by *Hemingford* to have been at *Stanford*; ſince the Cauſes and buſineſs of their meeting ſeem to be much the ſame.

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[2.] Chron. de Dunſt. *cited by* John Stow.

The King rather than part with him, ſends into *Gaſcoigne* for aſſiſtance.

[3.] Id. ib.

The Pope's Legate in vain beſeeches the K. to part with him; yet at laſt he calls a Council at *Northampton*; where he promiſes the Barons Satisfaction.

As for the Affairs of *Scotland*, the *Scots* having at the Inſtigation of the King of *France* broke the Truce which they had not long before concluded with the King (as appears by a Writ of Summons to a Parliament laſt Year) and having lately made ſeveral Incurſions into *England*, the King reſolved upon an Expedition in Perſon againſt them, and went as far as *York* for that purpoſe; as appears by his † Writs of Summons for a Parliament (dated there the 26th day of *October* precedent) which he intended ſhould meet at that City on the day after the Purification of the Bleſſed Virgin, next. However, this Expedition was now put off, by reaſon of the Domeſtick Diſcontents of his Nobility: So that all the King did the reſt of this Year, was, That [4.] about *Allhallontide* he ſent the Lord *Seagrave* with ſufficient Forces to guard the Eaſt Marches near *Berwick*, and at the ſame time diſpatch'd away the Lord *Clifford* with another Detatchment,x to defend thoſe about *Carliſle*: So that acting only upon the defenſive, they did no more than conclude a Truce with the *Scots* till *Chriſtmas*, if the King ſhould conſent to it. Whereupon the Lord laſt mention'd went to him, to receive his Directions about it; and he agreeing to it, the Truce was afterwards prolong'd till *Midſummer* enſuing; for the *Engliſh* could not conveniently invade *Scotland* before that time, for want of Forage; and thus all things continued in the ſame ſtate between the two Kingdoms during all the reſt of this Year.x(2)

The

The *Scots* break the Truce; whereupon the K. ſummons a Parl. at *York*, but to little purpoſe.

* Rot. Clauſ. 2 Ed. 2. m. 5. dorſ.

† Clauſ. 3 Ed. 2. m. 17. dorſ.

[4.] Chron. de Lanercoſt.

The K. ſends the Lords *Seagrave* and *Clifford* to defend the Marches; who only conclude a ſhort Truce with them.

(1) x (whom he had lately appointed his General & commander in Chief of all the other Forces. [Rot. Scot 3o. Ed. 2. m. 44. vid. R's 3. Vol. p. 161.]

x I can find no more relating to the Affairs of Scotland, but this, hat in September Gilbert de Clare, Earl of Glocester was appointed General of all ye King's orces; against King Robert Bruce, & ye Scots his accomplices; as appears by ye Commission Rot Scot: 3d. Edw. 2. R—'s Coll. p. 175] extant on ye Rolls of this Year. But what he did in Proecution of this Power I do not find: therefore I suppose ye subsequent Treaty hindred all further Proceedings at yt. Time

But I must not omit taking notice, that this Truce was made at ye Intercession of the King of France, as appears by the Commission granted by ye King [Rot. Scot. 3. Ed. 2. m. 12. Coll: p. 192.] to Robert de Umfreville, Earl of Angos, and others to treat with those of Scotland, concerning a Truce or Forbearance of Arms. This bears Date at Westminster ye 29th of Novbr.

Anno Dom. MCCCX.

[5.] *T. W.* *Clauſ 3Ed 2. m. 16. dorſ. The diſcontented Lords reſolve to drive *Gaveſton* out of the Kingdom.

The [5.] King having kept his *Chriſtmas* at *Windſor* with great Magnificence, not long after held a * Parliament at *London*, *viz.* at *Candlemaſs*, which (as I have ſaid above) had been appointed to meet at *York*: But now the Diſcontents of the Lords and Great Men of the Kingdom broke out more violent than ever; for *Pierce Gaveſton* ſtill continued his wonted Courſes, in taking of Bribes for the diſpatch of Buſineſs at Court, which Money he tranſported by Foreign Merchants beyond Sea: Whereupon the Great Men with other Faithful Subjects of the Kingdom, finding the King every day more and more to dote upon this Favourite, and that he cared for no man's Company, nor would follow any other Perſon's Counſel but his, ſo that no Affairs could be diſpatch'd without his Advice and Conſent; they were ſo highly provoked to ſee a Raw Young Man, and a Foreigner, without either Virtue or Wiſdom, preferr'd before and rais'd above them, not only in the King's Favour, but alſo in the Great Offices and Employments of the Kingdom, that they conſulted together, and reſolved to drive him out of it, leſt he ſhould bring in more of his Countreymen, and by their Aſſiſtance annull and deſtroy the Ancient Laws and Cuſtoms of the Nation.

[1.] Id. ib. To which end the Nobility in Parl. addreſs the K. to let them draw up Articles for the Government of the Kingdom.

And [1.] this Animoſity againſt him increaſed to ſuch a height, that according to the Cuſtoms of the *Engliſh* (when reduced to any great Straits) they reſolved they would firſt addreſs themſelves to the King, upon this as well as other Grievances; and therefore the Earls and Barons being now aſſembled in Parliament, in a great Body (yet without any Noiſe or Violence) attended him, and remonſtrated the Evil State of the Nation, and humbly beſought him to uſe their Advice in the Great Affairs of the Kingdom; and further preſſed him earneſtly, That he would give them Power to draw up certain Articles which ſhould be of great Advantage to the Realm, and Church of *England*. The King hereupon ſuſpecting what they chiefly aimed at, either that they would demand a further Confirmation of the *Great Charter*, and that of *Foreſts*, or elſe (which he was moſt afraid of) that they would inſiſt upon the Baniſhment of *P. Gaveſton*, would by no means at firſt comply with their Requeſt: But at length being overcome by their Importunities, and fearing to be made to do it by Force, he gave them Authority to chuſe a Committee of ſo many of their Body, who ſhould have Power to make Ordinances for the Good Government and Reformation of his Houſhold and Kingdom; both which were then very much out of Order, through the Profuſion and Miſmanagement of his Officers: And accordingly he granted his Patent or Commiſſion, as follows:

Which the K. at laſt complies with.

Rot. Pat. 3 Ed. 2. m. 16 indorſ. printed in *Royly's* Plac. Parl. f. 526. & in Dr. *B.*'s Append. n. 50. The K.'s Licenſe to the Lords of Parl. and others to chuſe Commiſſioners to ſettle Affairs.

The King, to all thoſe who ſhall ſee or hear theſe Letters; Greeting: Whereas to the Honour of God, and for the Good of Us and our Realm, we have of our Free Will granted to the Prelates, Earls, and Barons of our Realm, That they may chuſe certain Perſons of the Prelates, Earls, and Barons, and others whom they think fit to call to them, during the time of their Power, that is, to the Feaſt of St. Michael *next coming; and from that Feaſt for a Year then next following, to ordain and ſettle the Eſtate of our Houſhold, and of our Kingdom, according to Right and Reaſon. And we grant by theſe our Letters, to ſuch as may be choſen by the Prelates, Earls, and Barons, whoever they ſhall be, full Power to ordain* (or ſettle) *the State of our Houſhold, and of our Kingdom aforeſaid, in ſuch manner, as that their Ordinances be made to the Honour of God, to the Honour and*

Proſit

ofit of Holy Church, and to the Honour and Profit of Us, as well as of our
ople, according to Right and Reaſon, and the Oath which we made at our
ronation. And we will, that thoſe who are ſo choſen, and all under our
minion, and of our Ligeance, ſhall obſerve and keep the Ordinances ſo to
made, in all Points; and that for the better Obſervation of them,
y may bind themſelves, and ſwear to one another, without being queſti-
d by Us or our Friends: And if peradventure it ſhall happen, that part
thoſe who ſhall be ſo choſen to make the ſaid Ordinances, ſhall be hinder'd
Death, Sickneſs, or other reaſonable Cauſe, (which God forbid) ſo as
y cannot perfect the ſaid Ordinances, then it ſhall be lawful for ſuch as
preſent to proceed by themſelves, or call ſuch other to their Aſſiſtance,
ſhall be moſt for the Honour and Profit of Us and our People. In wit-
s of theſe things, we have cauſed to be made theſe our Letters Patents.
ven at Weſtminſter *the 16th day of* March.

Dr. B's Appendix, n. 51. An Inſtrument made by the Nobility to the King, concerning the *Commiſſion* aboveſaid.

The day following, the Prelates, Earls and Barons, or at leaſt as ma-
of them as were then in *London*, ſeal'd an Inſtrument to the King,
herein, after they had repeated this Grant and Commiſſion, they
ant and promiſe for them, their Succeſſors and Heirs, that the Grant
ich their moſt dear Lord the King, had now made, as aboveſaid,
uld not at any other time be drawn into Cuſtom or Uſage, nor turn
he prejudice of the King, or his Heirs, or of them, their Succeſ-
s, or Heirs, nor to the Damage of any one, againſt Right and Rea-
; nor that the Grant aforeſaid may in other manner be intended,
claimed but properly from his Courteſie, Free Will, or Pleaſure;
d that the Power of the ſaid *Ordainers*, as to making the Ordinan-
, ſhould not continue longer than the time limited. In witneſs
hereof they put their Seals to theſe their Letters Patents; Given at
ndon the 17th day of *March*, in the Year of Grace 1309. and the
ign of the Lord the King, the Third.

The Prelates and Lords loſt no time after they had their Commiſſi-
; * for within three days the Ordainers were choſen by them and
orn, being theſe under writren.

* MS. *Clauſ.* p. 2. in Bib. Cot. f. 295.

The Lords *Ordainers* are choſen; and their Names.

The Archbiſhop of *Canterbury*.

e Biſhops of	The Earls of	Barons.
London,	*Gloceſter,*	*Hugh de Ver.*
Saliſbury,	*Lancaſter,*	*William le Marſhall,*
Chicheſter,	*Lincoln,*	*Robert Fitz Roger,*
Norwich,	*Hereford,*	*Hugh Courtenay,*
St. David's,	*Pembroke,*	*William Martin,*
Landaff.	*Richmond,*	*John de Grey.*
	Warwick,	
	Arondel.	

* Their Oath was this, as 'tis tranſlated from the Old *French*.

* *Ib.* The Form of the Oath theſe Lords were to take.

Will make ſuch Ordinance as ſhall be moſt to the Honour of God, the
Honour and Profit of Holy Church, and to the Honour of our Lord the
g, and the Profit of Him and his People, according to Right and Rea-
, and according to the Oath which our Lord the King had taken at his Co-
ronation;

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ronation ; I will not forbear for any Man, Rich or Poor, neither for Love nor Hatred, nor any other thing ; but will make ſuch Ordinance, in Form above ſaid. * Then after the Form of taking this Oath, 'tis farther noted in *Latin*, *That the ſaid Oath was made, and taken in the Form aforeſaid, according to the King's Will and Special Command*; *Dated on* Friday *the* 20*th of* March, *in the Year of our Lord* 1309; *in the Third Year of the Reign of King* Edward, *the Son of King* Edward, *at* Weſtminſter, *in the* Painted Chamber *of the ſaid King*.

* *Ib.*

But what theſe Commiſſioners did in perſuance of his Commiſſion, you ſhall know in due time ; only the Reader may here obſerve, that the King's Commiſſion for the making theſe *Ordinances*, as well as the *Ordinances* themſelves, bear date *Anno Dom.* 1309 ; but according to our Account (in which we follow *Walſingham* and others of our Hiſtorians, who begin their Year at *Chriſtmas day*) theſe Tranſactions muſt be put under *Anno Dom.* 1310, and not within the Year 1309, according to the Date of thoſe Records, which according to the Law Terms, begin the Year at *Lady-day*.

* MS. in Bib. Dom. Sim. Dew's.

A Convocation held with this Parliamet, to which the Achbiſhop of *Canterbury* refuſes to come, and the reaſon why.

As to Eccleſiaſtical Affairs tranſacted in this Parliament, I cannot omit taking notice, that the Author of the * Manuſcript *French* Chronicle of *Chriſt-Church* in *Canterbury* relates, That King *Edward* having ſummoned a General Parliament at *Weſtminſter*, which I ſuppoſe wa the ſame with that above-mentioned, when there was alſo a Convocation of all the Clergy both Superior and Inferior held at th ſame time: And *William de Greenfield*, Archbiſhop of *York*, coming u to this Parliament, with his Croſs born before him, *Robert* Archbiſho of *Canterbury*, with his Suffragans, refuſed to come thither, whilſt th ſaid Archbiſhop thus bore his Croſs ; and though the King ſent to him the Earls of *Gloceſter* and *Lincoln*, with other Noblemen, to try if the could any ways compromiſe this Difference, yet the Archbiſhop of *Ca terbury* remaining reſolute in his Demand, that his Antagoniſt ſhoul firſt lay by his Croſs, the King was at laſt fain to diſmiſs the Archbiſhop of *York* from any farther Attendance at this Parliament, and the the Archbiſhop of Canterbury, with his Biſhops, came thither, an treated with the King and Great Men concerning the Publick Affairs o the Kingdom. I take notice of this, that you may obſerve how highly jealous the Archbiſhop of *Canterbury*, and the reſt of the Biſhops o his Province, then were of permitting any thing to be done by th Archbiſhop of *York*, that ſhould ſhew ſo much as an Equality betwee the Two Metropolitans. But to return to Civil Matters : I ſhall fa no more of the Parliament and Convocation above-mentioned, b that it was the ſame in which *Hemingford* relates the King had grante him the Twenty-fifth Penny of all Men's Eſtates ; and in which Conv cation the Pope exacted no leſs than three Tenths of the Clergy.

[2.] *C. W. H.* The King reſolves upon another Expedition againſt *Scotland*, and to that end ſummons all his Military Tenants.

[2.] King *Edward* being much incenſed at the late Succeſs of the Ki of *Scots*, who had now broke the Truce, and done a great deal of m chief on the Borders, was reſolved to repreſs his Inſolence, hoping wit all, by that means, to divert the Diſcontented Humour of his Nobili againſt his Favourite *Gaveſton*; and that if he got the Victory in th Expedition, he ſhould thereby render them and the Lords Ordaine whom he had appointed to reform the State of the Kingdom, more ea and favourable to him and his Favourite; wherefore he raiſed a great A

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my, and order'd all his Military Tenants to be ready with Horſe and Arms by the middle of *Auguſt*; and beſides them, the Earls of *Glocester*, *Surrey*, and *Cornwall*, with the Lords *Piercy* and *Clifford*, and divers other of the Great Men that attended him; and then he appointed the Earl of *Lincoln* to be Guardian of the Kingdom during his Abſence; but the Earls of *Lancaſter*, *Pembroke*, *Warwick*, and *Hereford*, refuſed to go along with the King; not only out of Hatred to *Pierce Gaveſton*, but becauſe they had been conſtituted (together with the Biſhops and other Great Men) *Ordainers* for making the new *Ordinances* that were then on foot for the Reformation of the State of the King's Houſhold, and other Grievances: And the Archbiſhop in the beginning of *November* held a Provincial Synod at St. *Paul's*, with the Biſhops of his Province; where, in the preſence of the Lords *Ordainers*, he (being in his *Pontificalibus*) declared all thoſe Excommunicated, who ſhould preſume to reveal the *Ordinances* they were then making, or any part of them, till they were all finiſhed and publiſhed by common Conſent, as alſo all thoſe who ſhould hinder the making of them; *Becauſe it was all their Intentions to ordain ſuch things as ſhould be for the Honour of God, the Exaltation of the Church, the common Benefit of the Kingdom, and the Peace and Proſperity of all the People in general.*

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The Earls of *Lancaſter*, *Pembroke*, &c. refuſe to go with him, and why.

The ABP holds a Synod, where he declares all thoſe Excommunicated, that ſhould reveal the *Ordinances*, till they were all finiſh'd.

[3.] In the mean while the King marched into *Scotland* with his whole Army, and meeting with no Oppoſition (for King *Robert* was again retired into his Faſtneſſes) he ſpoil'd and burnt all the Country before him, which way ſoever he marched, as far as the *Frith*; and Winter now approaching, he return'd to *Berwick*, where he reſided with his Queen, and the Great Men that ſtill attended him all that Seaſon. But [4] ſo ſoon as the King's Army was retired out of *Scotland*, King *Robert* and his Men came out of their Retreats, and entring *Lothian*, did much miſchief in thoſe Parts, to all that own'd the King of *England*: Who thereupon with great part of his Forces again entred *Scotland*, and perſued them, but in vain; for they quickly retired where they had lurked before; upon which his Majeſty, with the Earl of *Cornwall*, ſtaid at *Roxburgh* to ſecure thoſe Parts, whilſt the Earl of *Gloceſter* lay at *Norham* with ſufficient Forces to defend the Borders.

[3.] Id. ib.

The K marches into *Scotland* without oppoſition, K. *Robert* being retired into his Faſtneſſes.

[4] Chron. de Lan.

But when the K. was retired, he comes out again, and does much miſchief.

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[5.] About the beginning of *March* the King undertook another Expedition into *Scotland*; and though he found no more Reſiſtance than he did the laſt Year, yet Forage and other Proviſions failing, he was forced to go back again to *Berwick*, without doing any thing conſiderable: Yet ſometime [1.] after, he ſent the Earl of *Cornwall* with the Flower of his Army to St. *Johnſtown*, to ſtop King *Robert*'s Progreſs, who (they heard) was raiſing great Forces: The Earl having paſſed the *Frith*, marched a great way into the Countrey, and behaved himſelf very well in this Expedition; though it had but a ſmall effect, becauſe the *Scots* again retired into their Bogs and Mountains: In the mean while the King continuing at *Berwick*, ſent the Earls of *Gloceſter* and *Surrey* into *Scotland* by another way; who marching into the Great Foreſt of *Selkirk*, again reduced thoſe Parts to the King's Obedience. But it is time for us now to return to *England*.

[5] *C. W. H.*

The K. again enters *Scotland* without Reſiſtance, but returns for want of Forage.

[1.] Chron. de Lan.

Yet ſends the E. of *Cornwall* thither with the Flower of his Army, upon which the *Scots* again retire.

[2.] Whilſt the King continued in *Scotland*, the Earl of *Lincoln*, whom he had left Guardian of the Kingdom in his Abſence, deceas'd; whereupon the Earl of *Lancaſter*, having married his Daughter and Heir, came near *Berwick*, to do his Homage for that Earldom, but

[2.] Id.

Upon the E of *Lincoln*'s deceaſe, the E of *Lancaſter* attends upon the K. to do his Homage.

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would not go to the Town it ſelf to perform that Duty, becauſe it was within the Kingdom of *Scotland*; but deſired that the King would paſs over the River *Tweed* to receive it: Which He a great while refuſed to comply with; till hearing the Earl was about to return with Two hundred Horſe he had brought with him, and fearing his Diſpleaſure, he was at laſt perſuaded to go as far as *Hagerſton* (a Town Four Miles from *Berwick*) and there receive his Homage; which being done, the King and the Earl kindly diſcourſed together, and ſeemed outwardly to part Friends; for there had been, and ſtill was a great Difference between them, by reaſon of *Pierce Gaveſton*, whom (though he appeared there) the Earl would not ſo much as ſalute; but this Ceremony being perform'd, he return'd home.

[3. Id. ib. The Lords Ordainers having finiſh'd their Ordinances, deſire the K. to return and confirm them.

The [3.] King had now ſpent great part of this Summer in proſecuting the War againſt the *Scots* (tho he went not againſt them any more in Perſon after his Expedition in *March*); and the Lords the *Ordainers*, (who had been employ'd for near Two Years in framing Ordinances for the Reformation of the King's Houſhold and the Kingdom, according to the Power given them by his Charter) having finiſhed theſe *Ordinances*, ſent Meſſengers expreſs to deſire he would return into *England* to hold a Parliament, wherein they might be publiſh'd and confirm'd: Whereupon he iſſued his * Writ of Summons, bearing date the Sixteenth Day of *June*, for a Parliament to meet on the *Sunday* before the Feaſt of St. *Lawrence*, or Tenth of *Auguſt* following; before which time, the King (though unwillingly) left *Scotland*, and returned to *London*: Where the Parliament being met, the Lords *Ordainers* brought in the *Ordinances* they had made and agreed on; which being drawn up in Form of a Charter or Grant from the King, were openly read and publiſhed, to this effect: Firſt, After a long Preamble, they recite the Commiſſion formerly made, whereby they were empower'd to ſettle and redreſs the Abuſes of his Houſehold, &c. And then ſays, That the Archbiſhop of *Canterbury*, and the other Lords *Ordainers* there named, had agreed on certain Articles; which were introduced with theſe Reaſons:

* Clauſ. 4 Ed. 2. m. 1. dorſ. The K. ſummons a Parl. for that end.

The new Ordinances read in Parl. with the Effect of them. Rot. Ordin. Parl. 5. Ed. 2. n. 1.

The Reaſons of theſe Ordinances.

Inaſmuch as the King being deceived by Evil Counſel, the Countries of *Gaſcoigne*, *Ireland*, and *Scotland*, were in danger to be loſt, and the Realm of *England* to be ruined by Oppreſſions, Prizes, and other Deſtructions; Therefore the ſaid Lords above-mention'd have Ordain'd as follows:

* See theſe Ordinances in *French*, in Dr. B.'s Append. n 52.

1. '* That Holy Church ſhall have all its Franchiſes, as it had before, and ought to enjoy.

2. 'That the King's Peace ſhall be kept throughout the Realm, ſo as any man may ſafely go, come, and ſtay any where, according to the Law and Uſage of the Realm.

Ib. n. 3.

3. 'And we farther Ordain, That for the Payment of the King's Debts, and for the bettering and more Honourable Maintenance of his Royal Eſtate, nothing of Lands, Rents, Franchiſe, Eſcheat, Ward, Marriage, Office or *Bailiwick*, ſhall be given to any of the *Ordainers*, during the time of their making their *Ordinancs*, nor to any other Perſon, without the Advice and Aſſent of the *Ordainers*, or the greater part, or Six of them at the leaſt; but that all things may be improv'd to the Honour and Profit of the King, and Advancement of his Eſtate.

4. ‘That the Cuſtoms ſhall be received by Subjects of the Realm, and not by Strangers; that the Iſſues and Profits of them, and all other Things ſhall come entirely into the Exchequer; and be deliver'd thence by the Treaſurer and Chamberlains, to maintain the King's Houſhold or Court, and otherwiſe for his Profit; that he may live of his own, without taking any other things than of Antient Time have been due and accuſtom'd.

5. ‘That the * Merchants Aliens and their Goods be Arreſted, until they have given Account of the Cuſtoms, and other Profits and Iſſues of the Realm, they had received ſince the Death of King *Edward*, the Father of this preſent King, before the Treaſurer and Barons of the Exchequer, and others to be joined with them by theſe *Ordainers*.

* Note, Theſe were certain Foreign Merchants, who had farmed the King's Cuſtoms.

6. ‘That the Great Charter ſhall be kept in all its Points; and that the *Ordainers*, and ſuch as they ſhall call to their Aſſiſtance during their Power, ſhall declare all obſcure and doubtful Points in it.

Ib. n. 7.

7. ‘That the Crown having been ſo impoveriſh'd and diſmembred by divers Gifts, &c. we do likewiſe *Ordain*, That all Gifts granted to the Damage of the King, and diſtreſs of the Crown, after the Commiſſion to them made, as of Caſtles, Towns, Lands, Tenements, Offices, and Bailiwicks, Wards, Marriages, Eſcheats, and Releaſes whatſoever, both in *Gaſcoigne*, *Ireland*, *Wales*, *Scotland*, and *England*, ſhall be repeal'd, and are hereby declar'd repeal'd; without any re-granting to thoſe that had them, unleſs by Common Conſent in Parliament; or if any ſuch Gifts or Releaſes ſhall hereafter be made, without Aſſent of his *Baronage* in Parliament, *until the King's Debts be fully paid, and his Eſtate advanced*, they ſhall be held for Null, and the Procurer ſhall be puniſh'd in Parliament by Award of the Baronage.

8. The Eighth Article being much the ſame with the Fourth, I therefore omit it.

9. ‘And whereas the King ought not to engage himſelf in War againſt any, nor go out of the Realm, without the common Aſſent of his *Baronage*, for the many Dangers that might enſue to Him and his Realm, we do further *Ordain*, That henceforward the King ſhall not go out of his Kingdom, nor make War upon any one, without the common Aſſent of his *Baronage*, and that in Parliament; and if he ſhall do otherwiſe, and cauſe his *Service* to be ſummon'd, the Summons ſhall be Null and Void: But if it happen that the King ſhall make War upon any one, or go out of the Kingdom with the Aſſent of his ſaid *Baronage*, and that then it ſhall be neceſſary to appoint a Guardian over the Realm, he ſhall be appointed by the common Aſſent of his *Baronage* in Parliament.

10. ‘That there ſhall be no Prizes nor Takings for the King, but ſuch as are due of Antient Right; that none under Colour of Purveyance, ſhall take to the Uſe of the King, or any other, Corn, Goods or Merchandiſe, from any one againſt his Will, according to * *Magna Charta*, without paying the true Value for it; under Pain of being perſued by *Hue* and *Cry*; and if taken, ſhall be committed to the next Gaol, there to undergo the Common-Law as a Thief and a Robber.

* Cap. 9.

11. ‘That no New Cuſtoms or *Maletolts*, levied ſince the Coronation of *Edward* I. or Inhancements of the Old, ſhall be taken of Merchants, notwithſtanding the Charter made by the King to the

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'Merchant-Strangers, contrary to the Great Charter, and the Franchiſes of the City of *London*, without the Aſſent of *Baronage*, &c.

12. 'To the Honour of God, and Holy Church, We moreover *ordain* againſt ſuch as ſhall maliciouſly procure Prohibitions and Attachments againſt the Ordinaries of Holy Church, in caſe of Correction of Sin, and other things purely Spiritual, which belong not to the Lay-Court: In that Caſe, the Juſtices ſhall award Damages to the Ordinaries; and if the Plaintiffs have not wherewithal to pay them, they ſhall be committed to Priſon, ſo long as the Grievance ſo maliciouſly procured ſhall require it; ſaving the Eſtate of the King, his Crown, and other Rights.

13. 'That becauſe the King hath been Guided and Counſelled by Evil Counſellors, We likewiſe *ordain*, that all ſuch be removed from the King; that ſo neither They, nor any ſuch, ſhall be near him, or hold any Offices under him; but that other Fit Perſons ſhall be put into their Places: And in like manner it ſhall be done to his Menial Servants, and the Officers of his Houſhold.

14. 'And foraſmuch as many Evils have happen'd by ſuch Counſellors and Miniſters, We therefore *ordain*, that for the future the King ſhall make the Chancellor, Chief Juſtice of the One Bench, and the Other, the Treaſurer, Chancellor and Chief Baron of the *Exchequer*, Steward of his Houſhold, Guardian of the Wardrobe, Comptroller, and a Fit Clerk to keep the Privy Seal, with the Juſtices of the Foreſts on this ſide, and beyond *Trent*; and the Chief Clerk of the Common Bench, by the Advice and Conſent of his *Baronage*; and that in Parliament: And if it ſhall happen, and be neceſſary to chuſe any ſuch Officers, when there is no Parliament; then the King ſhall do it by the Advice of the Council he had about him, until there ſhould be a Parliament; and ſo it ſhould be for the future concerning ſuch Miniſters, when Need requir'd.

15. 'That all Governors of Ports and Caſtles upon the Sea, ſhall be placed and made according to the Form aboveſaid.

16. 'And for that the Countries of *Gaſcoigne*, *Ireland* and *Scotland*, were in Danger to be loſt for want of good Miniſters, We alſo *ordain*, that good and ſufficient Officers ſhall be placed there according to the Form of the Article (that is, the 14th) above.

17. 'That Sheriffs ſhall from thenceforth be named by the Chancellor, and Treaſurer, and ſuch of the Council as ſhall be preſent; and if the Council be not preſent, then by the Treaſurer, Barons of the Exchequer, and Juſtices of the King's Bench; and that ſuch only ſhall be choſen, as have Lands to anſwer the King and his People for their Doings, and no others to have Commiſſions under the Great Seal.

18. 'That the Guardians and Officers of Foreſts ſhall undergo juſt Tryals for their Grieving the People, Oppreſſions, and Miſdemeanors, by reaſon of ſuch Offices, notwithſtanding they have Grants of them for their Lives.

19. 'The XIXth directs the Manner of Tryal of Treſpaſſes of Vert and Veniſon in the Foreſts, according to the Charter of the Foreſt, and Declaration of King *Edward* I. which is there recited, and need not be more particularly mentioned here.

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'20. Whereas it has been found by the Examination of the Prelates, Earls, Barons, Knights and other good People of the Realm, that *Pierce de Gaveſton* had evil counſelled the King, and had prevailed upon him to do amiſs in divers manners; that he defrauded the King of his Treaſure, and ſent it beyond Sea; that he had taken to him Royal Power and Dignity, in making Alliances with certain People upon Oath, to live and die with him againſt all Men; That he had put from the King Good Officers, and placed about him thoſe of his own *Covin* and Party, as well Strangers as others; that he had eſtranged the King's Heart from his Liege People, inſomuch that he deſpiſed their Counſels; that he had cauſed the King to grant Lands, Tenements and Offices to himſelf and his Heirs, and divers other people, to the great damage and injury of the King and his Crown; that he had cauſed Blank Charters to be ſealed with the Great Seal, in Deceit and Diſinheritance of the King and Crown, and had maintained Robbers and Murtherers, and had cauſed the King to pardon them; and that King *Edward* the Father of the preſent King had ordered him to abjure the Realm of *England* for ever; and had likewiſe directed, that his Son the preſent King ſhould for ever forſwear his Company; and that for ſeveral Reaſons, as the nouriſhing of Concord between the King and his People, and the eſchewing many Perils and Diſcords, we do hereby *ordain*, by virtue of the Commiſſion of our Lord the King to us granted, That the ſaid *Pierce* ſhall be for ever baniſhed the Realm of *England*, *Scotland*, *Wales* and *Ireland*, and all the King's Dominions, either on this ſide, or beyond the Sea, between that time and the Feaſt of *All-Saints* next enſuing, (having *Dover* aſſigned him for his Port to paſs from, and no other;) and if he ſhould be found in *England*, or any other part of the King's Dominions beyond that day, then he ſhould be treated as an Enemy to the King and Kingdom.

'21. We *ordain*, That *Emery*, and thoſe of the Company of *Friſcombaud*, ſhall render an Account of the Treaſure they had received, as they were order'd, within the *Quindene*, or fifteen days after St. *Michael*, or otherwiſe the Bodies and Goods of that Company, which were found in the Power of the King, ſhould be arreſted, and *Emery* declared and holden the King's Enemy, and uſed as ſuch, if he were found within the King's Dominions, either on this ſide, or beyond the Sea.

These were *Lombard* Merchants who had receiv'd and tranſported the Money, *&c.* delivered to them by *Gaveſton*, and not for renting the King's Cuſtoms, as Dr. *Brady* vainly ſuppoſes.

'22. And foraſmuch as Sir *Henry de Beaumont*, to the damage and diſhonour of the King, had received of him the Kingdom of *Man*, after it had been ordered otherwiſe by theſe *Ordainers*, beſides other Rents, Lands, Franchiſes and Offices; and becauſe he had given Evil Counſel contrary to his Oath, we therefore *ordain*, That he ſhall be outed the King's Council for ever, and ſhall not come near his Perſon, unleſs he be ſummon'd to Parliament; or in time of War, if the King will have him, unleſs by Common Aſſent of the Archbiſhops, Biſhops, Earls and Barons in full Parliament; and that all his other Lands ſhall be ſeized into the King's hands, until he ſhall be ſatisfied the full value of what he had received of thoſe Lands ſo given him by the King, contrary to this *Ordinance*; and if he ſhall contend againſt this *Ordinance*, then for ever to be diſinherited of all Lands of the King's Gift.

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23. That whereas it was found by the Examination of the Prelates, 'Earls and Barons, that the Dame de *Veſey* had procured the King to give to Sr. *Henry Beaumont*, her Brother, divers other Lands, Franchiſes and Offices, to the damage and diſhonour of the King, and open diſheriſon of the Crown: It is farther *ordained*, That ſhe ſhall go to her Houſe within fifteen days after St. *Michael* next coming, without ever returning to Court, to ſtay there: And for all theſe things aforeſaid, and for the Caſtle of *Bamburgh*, belonging to the Crown, we *ordain*, that it ſhall be retaken into the King's hands, and ſhall not be given to her or any other, without the pleaſure and good-will of the King.

'24. That Acquittances ſhall be allowed for Debts paid, and Acounts made in the *Exchequer*; and if the Treaſurer and Barons of the *Exchequer* allow them not, or make them not in due form, the Plaintiffs ſhall have Remedy upon Petition in Parliament.

'25. For that Common Merchants, and many other people are received to plead in the *Exchequer*, Pleas of Debts and Treſpaſs, by reaſon they are avowed by Officers of the Place more than before, which ought not to be, whereby Accounts and other things touching the King are often delay'd, and the People much grieved; it is therefore *ordained*, That for the future no Pleas ſhall be holden in the *Exchequer*, but ſuch as concern the King and the Officers of the *Exchequer*, and their Menial Servants; and if any be received by Avowry of the Place, to plead therein contrary to the Form aforeſaid, ſuch as are impleaded ſhall have their Recovery in Parliament.

'26. Alſo, for that the People are much grieved, that the Marſhal and Steward hold many Pleas which belong not to their Office, be it *ordained*, That they ſhall not hold Plea of *Frank-Tenement*, or Debt, or Covenant, or Contract, nor Common Pleas of the People, but only Debts and Treſpaſſes of the Court, or King's Houſe, within the Verge, and Contracts, and Covenants of ſuch as belong to the Court, and no others; and that they ſhall be ſpeedily pleaded from day to day, and ended before the King paſſed out of the Limits of the *Verge* where the Treſpaſs was done; and if Pleas be held otherwiſe, they ſhall be null, and ſuch as ſhall be grieved, ſhall have redreſs by Recovery of Damages in the *King*'s *Bench*, by Writ out of *Chancery*.

'27. And for that before this time many Felonies had been committed within the *Verge*, and ſuffered to go unpuniſhed, becauſe the Coroners of the Country were not permitted to enquire of ſuch Felonies, but only the Coroners of the Houſhold, who were partial; it is there fore *ordained*, That the Country Coroners without the *Verge* ſhall be joined with them in the Caſe of Murther, *&c.*

'28. And whereas the People had been much grieved, that ſome Perſons combined together to kill and rob them, by reaſon the King through Evil Counſel gave them their Pardons againſt Law; it is *ordain'd*, That for the future no Charters of Pardon ſhall be granted for any manner of Felony, but in Caſe, where the King could do it by his Oath, Proceſs of Law, and the Cuſtom of the Land; and if any others were granted, they ſhould be void.

29. And

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'29. And inaſmuch as many people are delayed of their Demands in the King's Court (*i. e. Bench*) becauſe the Parties alledge, they ought not to anſwer the Demandants without the King's Conſent; and alſo many of the People are grieved by the King's Officers againſt Right, of which Grievances they can have no Redreſs but by frequent Parliaments; for remedy hereof be it *ordained*, that the King hold a Parliament once every Year, or twice, if there be need, and in convenient place; and in thoſe Parliaments, the Pleas which had been ſo delay'd, and thoſe wherein the Juſtices ſhould be of divers Opinions, ſhould be recorded and determined; and in the ſame manner Bills (*i. e.* Petitions) ſhould be delivered and ended in Parliament, according to Law and Reaſon.

'30. The Money ſhall not be altered without great occaſion, and then by Common Advice of the *Baronage* in Parliament.

'31. All Statutes made in amendment of the Law, and for the profit of the People by the King's Anceſtors, ſhall be kept and maintained as before, and as they ought to be, according to Law and Reaſon, if they are not contrary to the Great Charter, the Charter of the Foreſt, or theſe *Ordinances*; and if ſo, then to be null and void.

'32. That the Law, or Common Right, be not delay'd by Letters of Privy-Seal; and ſuch Letters to be void, if procured.

'33. Contains an Interpretation of the Statute of *Acton Burnel.*

'34. Concerns the Caſe of Appellants or Appealors, and the Sheriffs and Gaoler's Practices thereupon, now almoſt antiquated.

'35. That no Man be appealed of Felonies maliciouſly, or outlawed in the Countrey where he had no Land or Tenements, nor put to death, or diſinherited by ſuch Suit or Outlawry, he rendring himſelf to the King's Priſon, *&c.*

'36. For the abatement of Appeals in Suits, and ſlight Caſes in Murther and Robbery, if the Appellees are acquitted, they ſhall recover againſt the Abettors and Appellants according to the Statute.

'37. Is againſt Protections for the delay of Suits, as well in Pleas of Land, as of Debts and Treſpaſſes, by ſuch as feigned themſelves in the King's Service; that the Plaintiff or Demandant diſcovering the Deceit, ſhall have Damages awarded him at the diſcretion of the Juſtices, and the Tenant of the Land ſhall be adjudged to Priſon a Year and a Day for cheating the King and Court; and if the Deceit be found in a Plea of Debt, or Treſpaſs, upon Attaint, the Defendant ſhall be puniſhed to the King, and pay Damages to the Plaintiff.

'38. Alſo it is *ordained*, that the *Great Charter* of Franchiſes, and the Charter of the *Foreſt* of King *Henry*, the Son of King *John*, ſhall be holden in all Points; and if there were any thing doubtful in them, they are to be declared next Parliament after this by the *Baronage*, Juſtices and other Sages of the Law; and this was to be done after this manner, becauſe it was not in their power for want of time to do more.

'39. That the Chancellor, Treaſurer, Chief Juſtice of the one Bench, and the other, Chancellor of the *Exchequer*, Treaſurer of the Wardrobe, Steward of the Houſhold, all Juſtices, Sheriffs, Eſcheators, Anno Dom. MCCCXI.

‘tors, Conſtables, Enquirers into any Matter whatſoever, and all other Bayliffs or Officers of the King, ſhall be ſworn when they enter into their Offices, to keep and obſerve all the *Ordinances* made by the Prelates, Earls, and Barons, Choſen and Aſſigned for that purpoſe, and every one of them, without doing any thing to the contrary.

40. ‘Alſo it is *Ordained*, That in every Parliament there ſhall be aſſigned one Biſhop, two Earls, and two Barons, to hear and determine all the Complaints of thoſe that will impeach the King's Miniſters, whoſoever they are, for doing any thing contrary to theſe *Ordinances*, to the King, and to the Complainants, according to their Directions.

41. ‘Laſtly, It is *Ordain'd*, That the *Ordinances* abovesaid ſhall be maintain'd and kept in all their Points; and that the King ſhall cauſe them to be put under his Great Seal, and ſent into every County of *England*, to be publiſhed and firmly obſerved, as well within Franchiſes as without; and in like manner the *Warden* of the *Cinque Ports* ſhall be ſent to, to publiſh and command them to be kept through his whole Juriſdiction.

Theſe *Ordinances* were publiſhed ſome time this Autumn; and though the exact Date be omitted in the Record, yet it is likely they were paſſed in Parliament by the end of *September*, or beginning of *October*; as appears by the King's Confirmation of them, which follows upon the ſame Rolls, to this Effect:

Ib. The King's Confirmation of theſe *Ordinances*.

‘Theſe *Ordinances* being ſhewed to Us, and publiſhed on *Monday* before the Feaſt of St. *Michaël* laſt paſt, We do Agree unto, Accept, Confirm, Will and Grant, for Us and our Heirs, That all the ſaid *Ordinancs*, and every one of them, made according to the Form of our Letters Patents, ſhall be publiſhed, and hereafter firmly obſerved and kept. In Witneſs whereof We have cauſed theſe our Letters to be made Patent. Given at *London* the Fifth Day of *October*, in the Fifth Yea of our Reign.

* Ad huncAn. *Walſingham's* Miſtakes rectified, concerning the Time of theſe Tranſactions.

I muſt here obſerve, That * *Walſingham* hath committed ſeveral grea Miſtakes in his Relation of the Tranſactions of this Year; as firſt, i making the King to have kept his Chriſtmaſs at *Weſtminſter*, when h was then indeed in *Scotland*; and in placing the Parliament, in whic theſe *Proviſions* were confirm'd, preſently after that time; whereas i appears by the Writs of Summons, that the King did not return from his *Scottiſh* Expedition till after Midſummer; nor did the Parliamen meet till the beginning of *Auguſt*, and the *Proviſions* were not Confirm'd by the King until the beginning of *October*: Tho * he is no miſtaken in that he farther adds, concerning what was done in thi Parliament, when the King not only confirm'd the aforeſaid *Proviſion* under his Great Seal, but alſo took his Corporal Oath for their Obſervation; and that then the Archbiſhop of *Canterbury* with his Suffragan pronounced Sentence of *Excommunication* againſt all ſuch as ſhoul preſume to act contrary to the ſaid *Proviſions*: Which done, all the Articles therein contain'd being recited to be according to the Tenor o *Magna Charta*, and for the common Good of the Church and Kingdom were publickly read in St. *Paul's* Church, before all the Prelates, Peers and Commons of the Land, and the King himſelf was there preſent. The follows a Repetition of the Subſtance of theſe *Proviſions*; in which thi Autho

* Id ib. Who alſo takes an Oath to obſerve them; and Excommunication pronounced againſt all thoſe that ſhould infringe them.

uthor is right enough, except in making the Baniſhment of *Pierce* *aveſton* into *Ireland*, to have been now order'd, whereas he had been ere near Two Years ago; and being ſince return'd, was now again aniſh'd from all the King's Dominions; and in Obedience to that Sen-nce, about the beginning of *November* he paſſed over into *France*: Of hom you will hear more by and by. But to return to more weighty ffairs.

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Gaveſton being again baniſh'd, paſſes over into *France*.

After theſe Articles had been thus ſolemnly confirm'd, ſeveral of e Prelats, Earls and Barons, who thought it had been a very long ſſion, therefore made it their Requeſt to the King, That they might tire into their own Countries; whereupon, by their Advice and ſſent, He prorogu'd the Parliament unto *Friday* next after the Feaſt of *ll-Saints*, at *Weſtminſter*, and ſo gave leave to moſt of the Prelats, arls and Barons, in the mean time to go home, commanding them to eet again at the time and place aforeſaid; and farther ordered the Bp. of *Canterbury*, that he ſhould give notice to the Deans and Priors Cathedral Churches, as alſo to the Abbots and Archdeacons in their wn perſons, and the Clergy of the whole Province, by their Proctors, be again preſent in Parliament, eight days after St. *Martin*; dated *London* the eighth day of *October*.

Rot. Clauſ. 5 *Ed.* 2. M. 25. Dorſ.

The Parliament prorogu'd till after *Martinmas*; as was alſo the Convocation.

By virtue of which Prorogation, the Archbiſhop (without doubt) ok the longeſt time, as did others of the Prelats, Earls and Barons, ho delay'd their coming until the Clergy ſhould meet; ſo that it is ery likely there was a farther Adjournment of this Parliament to me day in *November*, though the Writ is not extant; for on the 28th that Month, the King iſſued out his * Writs to *Gilbert* of *Clare*, arl of *Gloceſter* and *Hereford*, *Thomas* Earl of *Lancaſter*, *Humphry Bohun* Earl of *Hereford* and *Eſſex*, *Adomar de Valence*, Earl of *embroke*, *Guy Beuchamp*, Earl of *Warwick*, and *Edward* Earl of *Arun-el*; ſignifying to them, that He was inform'd they were coming to his Parliament, (which was continued at *Weſtminſter*,) with orſe and Arms, after an undue manner, which would hinder the iſpatch of the Buſineſs in Parliament, that concern'd Him and the tate of the Kingdom, would affright the people, and diſturb the Peace; herefore He commanded them upon their Faith and Homage, not to ome in ſuch a terrifying manner, but only as they uſed to come in His ather's time, without Arms; nor to attempt any thing elſe which ight diſturb the Peace.

Ib. M. 22. Dorſ.

The King iſſues out his Writs, commanding ſeveral Noblemen therein mentioned, not to come to Parliament with Horſe and Arms.

What ſhould be the reaſon of their thus offering to come armed, I do ot find; only it is probable that they found the King reſolved not to bſerve the late *Ordinances*: for ſo much is certain, that this Parliament as ſoon diſſolved, [1] and the Buſineſs left undiſpatched, by reaſon *Pierce Gaveſton*; who in obedience to the late Sentence, ent over into *France*, (as has been already ſaid) yet not thinking imſelf ſafe there, becauſe that King hated him on the Queen his aughter's Account, he went from thence into *Flanders*, where be-g alſo uneaſie, and relying upon the King's Favour, and his Alliance the Earl of *Gloceſter* (and being, I ſuppoſe, underhand encouraged the King Himſelf)* he reſolved once more to venture into *England*; and .] therefore being accompanied with ſome of his Friends and Fol-wers, arrived here a little before *Chriſtmas*, and preſented himſelf to e King, who received him with all the joy imaginable, though much to

[1]. *T. W.*

Pierce Gaveſton returns, notwithſtanding the late *Ordinance*.

* For it appears upon Record that he had the Kings [2]. C. Eveſ. Protection & safe conduct for his coming over. [Rot. Pat. 5. Ed. 2. p. 1. m. 15. R–s Coll p. 278.]

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And is received by the King with great ſatisfaction.

* *Comp.* Hiſt. p. 112.

the diſcontent and vexation of the Great Men of the Kingdom; who would not have endured ſuch an open Affront to their Authority, had they been permitted to continue their Seſſion any longer; and therefore to prevent their meeting, it was neceſſary to ſend them home under a pretence of the near approach of *Chriſtmas* Holy-days, but indeed it was the ſudden coming over of this Minion, that cauſed this haſty Diſſolution; *though Dr. *Brady* does not mention the true Cauſe thereof.(1) ^ But before I conclude this Year, I ſhall ſay ſomewhat more of the Affairs of *Scotland*.

(1). But notwithstand-ing ye King was so awed by ye Earls & Barons, yet he durst not at first keep his Minion with him, so yt he was forced to skulk up & down from one castle to another, insomuch as ye King was prevaild upon by ym to issue out his Writt or Commission [Rot. Pat: 5. Ed. 2. pt. 1. m. 7] to Hugh de Court-ney, & William Martyn for his apprehension if he shd be found within the Counties of Cornwal, Devonshire, Somersetshire, & Dorsetshire. dated 30th November.

[3.] Chron. Lan.

The King of *Scots* raiſes an Army, invades *England* twice, plunders the Country, and returns home.

When [3.] King *Robert* heard that the King of *England* was returned home with moſt of his Forces, he thereupon rais'd a great Army, and about the middle of *Auguſt* entred *England* by *Solway-Frith*, and having burnt and plundered the Country of *Gilleſland*, and great part of *Tindale*, after eight days ſtay he return'd into *Scotland*, with a good Booty, without any oppoſition: Nor did he reſt contented with this, but in the beginning of *September* entred again by *Redeſdale*, and burnt and ſpoil'd all thoſe parts as far as *Corbridg*, killing many of the people; then turning aſide into *Tindale*, he deſtroy'd whatever was left before, and after fifteen days ſtay, returned home. And it ſeems the *Scotiſh* Army was ſo powerful, that the Wardens of the Marches were not able to defend themſelves with thoſe ſmall Forces that were left them, ſo that the reſt of the people of *Northumberland*, fearing another *Scotiſh* Invaſion, ſent Meſſengers to that King, offering Two thouſand Pounds in ready Money, to obtain a Truce but till *Candlemas* following, which was granted them upon thoſe Terms.

The *Marches* not being able to defend themſelves, thoſe of *Northumberlrnd* pay him Money for a Truce.

[3] Id Ib.

The Knights *Templars* confeſſing their Crimes, are confined to Monaſteries, there to do Penance during their Lives.

* Ribaldi.

C. W. H.

As for Eccleſiaſtical Affairs, I find nothing conſiderable, [3.] but that there was this Year held a Provincial Council at *London*, wherein all the Knights *Templars*, who were before impriſon'd, were now judicially accuſed of Hereſie, and other moſt enormous Crimes, but tho' they all deny'd the Facts, unleſs one or two raſcally * Fellows, yet at laſt moſt of them, ſeeing they could not eſcape, whilſt the Pope and King were their Enemies, confeſs'd, they found they could not clear themſelves canonically of the Crimes laid to their charge; and thereupon they were all condemned to be confin'd to ſeveral Monaſteries, there to perform perpetual Penance, where the moſt part of them behaved themſelves without Offence. * Alſo this Year deceas'd that ambitious Prelate *Anthony Beke*, Biſhop of *Durham*, a Patriarch of *Jeruſalem*, and was ſoon ſucceeded by *Richard de Beaumont*, a Monk of that Church, and one of a Noble Family.(2) x

(2) x I have nothing else to add as to Ecclesiastical Affairs, only that ye Pope having summoned a General Council at Vienne in Dauphine for ye confirmation of his Decree concerning the Dissolution of the Order of Templars, & the Disposal of their Lands & Revennues. the King & Clergy of England sent yr Ambassadors, & Procurators to it, as appears by his Commission [Rot: Rom. 4 Ed. 2. m. 23. in Sced:] granted to Otto de Grandison for that Purpose: as also by the King's Licence [Rot. Claus: 5. Ed. 28. R-'s Coll: p. 276.] or commission to Bishop of Worcester, then his Treasurer to go thither as one of the Proctors for the clergy of England

concerning Pierce Gavestons Return.

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[4] *T. W.*

The King keeps *Chriſtmas* with *Pierce Gaveſton* at *York*, to the great diſcontent of the Queen, *&c.*

The King had made a Secret Proteſtation againſt this *Ordinance* before he confirm'd.

The King (I ſuppoſe) to avoid the Complaints and Reproaches of his Great Men, concerning the Return of *Pierce de Gaveſton*, [4.] remain'd ſtill in the *North*, and kept his *Chriſtmas* with him and certain Foreigners at *York*, being extremely pleaſed, that He had again recover'd his Beloved Favourite; but the Queen and the whole Court were very much grieved and concern'd at it, becauſe they now ſaw the King irreclaimable, for He was reſolved to juſtifie his Minion's Return by colour of Law; and therefore though the Lords had ſo ſolemnly adjudg'd him to Baniſhment, and that Decree was likewiſe confirm'd by the King Himſelf upon an Oath, yet it ſeems at the ſame time, when He confirm'd thoſe Ordinances, He had entred a private Proteſtation againſt 'em to this effect, *viz.* That if they contain'd any thing to his damage or prejudice, or contrary to the Commiſſion granted to the *Ordainers*, all ſuch

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ſuch things ſhould be looked upon as not granted or confirm'd by Him; further reſerving to Himſelf in that Proteſtation, Power by Good Advice of the ſaid *Ordainers* and *Others*, to correct and amend the ſame; as is more at large contain'd in a publick Inſtrument made of this *Proteſtation*; which, as Dr. *Brady* well obſerves, was never enter'd on the Parliament Roll, nor ever made publick, till ſome time after, *viz.* in the ſixth Year of this King's Reign, and then it is found enter'd on the *Patent Roll: Nor indeed would the Prelats and Great Men of the Kingdom have ever admitted ſuch a Proteſtation, for that would have made the King ſole Judge of what was to His damage or prejudice, and conſequently then it would have been in His power to correct or alter it as He pleaſed, not only by the Advice and Conſent of the *Ordainers*, but any others whom He had a mind to chuſe.

*Rot. Pat. 6. *Ed.* 2. Part 2. M. 20. intus. printed in Ryley's Plac. Parl. f. 541.

And, I ſuppoſe, it was by virtue of this ſecret Proteſtation, that whilſt He continued at *York*, He publiſhed a Declaration to juſtifie what He had done in receiving *Gaveſton* (which is ſtill upon * Record in the *Tower*) directed to the Sheriff of *Yorkſhire*; reciting, That whereas the Lord *Pierce Gaveſton* Earl of *Cornwal*, was lately baniſh'd from the Realm, *contrary to the Laws and Cuſtoms thereof, which He was bound by the Oath He had taken at his Coronation, to obſerve and maintain*, and that the ſaid Earl had been during his Exile, faithful and loyal, but was now returned into the ſaid Realm at His Commandment, being ready to ſtand to Right before Him (*i. e.* the King) againſt all Men who ſhall challenge and demand it, according to the Laws and Cuſtoms of the Kingdom aforeſaid; wherefore He held him for a good and lawful Subject within His Fealty and Peace, and ſhould always hold him for ſuch; and therefore commands the Sheriff by His Royal Power or Prerogative, that he likewiſe eſteem him as ſuch; and that he cauſe this Declaration to be publiſhed through his whole Bailywick: Given at *York* the eighteenth of *January*.

* Rot. Clauſ. 5 Ed. 2. M. 15. Dorſ. printed in Dr. *Brady's* Appen. N 53.

The King iſſued out a Declaration juſtifying his receiving *Gaveſton*, and the reaſon of it.

The like Letters were ſent to all the Sheriffs of *England*; and on the ſame Roll is entred, That the Form of this Writ was made by the King Himſelf; and the Seal with the Writs delivered to the * *Clerk* to ſeal them, at the day and place therein appointed; and that as ſoon as they were ſealed in the King's preſence, He took them into His Hand, and laid them on His Bed: This is left untranſlated by Dr. *Brady*, but I have thought fit to take notice of it, becauſe it diſcovers to us, how that theſe Writs were drawn up by the King, and ſealed without any one's advice or privity, except *Gaveſton's* and the Clerk's that tranſcribed them, and he that put the Seal to them.

*In the Record he is called *le, Spigurnel* (*i.e.* the Sealer of Writs in old *French*.

Theſe Writs ſealed in the King's preſence, without any being by, but the Clerk and *Gaveſton* himſelf.

But I cannot forbear taking notice, that the Dr. is miſtaken in his Tranſlation of part of * this Record thus, *That ſeeing he* (viz. *Gaveſton*) *had in the Inſtrument of Exile no other Appellations, but of Good and Loyal, he had return'd at his Commandment:* Which is directly contrary to the Twentieth Article of the above recited *Ordinances*, wherein he hath ſuch things laid to his Charge, as by no means could conſiſt with thoſe Appellations: But the Reader may ſee the true Reading in the Margin, with the miſtaken one made by the Doctor.

* In *French* thus, *En le quel Exil, il fu non, autre que bon & leal & meiſmes celui Counte par noſtre maundement, &c* note where the Dr. for *non autre* hath here put *nome autre*, which is not Senſe, nor Grammar.

Then on the ſame Roll with the former Writ follows another to the Sheriffs of thoſe Counties where the ſaid *Pierce Gaveſton* had Lands, to reſtore them with the Profits they had received, ſince they had ſeized them, into his Hands: Theſe were dated two days after the former.

Another Writ to reſtore *Gaveſton* to the poſſeſſion of his Eſtate.

Anno Dom. MCCCXII.

5] *T W.*

The Lords being highly diſcontented at *Gaveſton's* Return, and the breach of the late *Ordinances*, the King iſſues a *Declaration* to ſatisfie the people's Minds.

But to perſue to our Hiſtory: So [5]. ſoon as the Lds. and Great Men knew of the return of this Favourite, and of the King's ſtrange Indulgence to him, they could not forbear openly declaring, That the Laws and Cuſtoms of the Kingdom were not obſerved, nor the *Ordinances* lately made, regarded, but openly violated and broken at his pleaſure; wherefore to obviate the Effects of ſuch Reports and Clamours, the King iſſued forth a Declaration, which He commanded and firmly enjoined the Sheriffs of all Counties to proclaim in full County Court, in all Cities, Boroughs and Market Towns, and other places, where they ſhould think expedient; ſetting forth, That it was his great care and main deſire, His Peace ſhould be every where obſerved, and that all the approved Laws and Cuſtoms of the Kingdom, uſed in the time of his Progenitors, and alſo all the *Ordinances* lately made to the honour of God, and Holy Chuch, and his Own, to the profit of Him and the People, *which were not to the damage or prejudice of Him, or his Crown, or contrary to the Laws and Cuſtoms aboveſaid, ſhould be maintained and kept:* Witneſs the King at *York*, the Twenty ſixth Day of *January*.

He writes to the Mayor and Common Council of *London* to ſecure the Peace of the City.

And not long after, fearing ſome Diſturbance from the Lords, He wrote to the Mayor, Aldermen and Common-Council of *London*, to ſecure the City; ſo that by the meeting of the Prelates, Earls, Barons or any others, there might happen no hurt or danger, either to Him or the City: Witneſs the King at *York*, the eighth day of *February*.

This Declaration and Order not availing, the King (as He ſaid) being reſolved to preſerve the Rights of His Crown and Dignity Royal, the Peace and Tranquility of Holy Church, and the whole People committed to his Charge in all things, wrote to this purpoſe to all Sheriffs (the neareſt to the place where He was) to ſignifie this His Will and Pleaſure to all people, ſo ſoon as poſſible, leſt by contrary Reports it might be ſuſpected, He could not do it; and commanded them to make Proclamation thereof by Themſelves and their Deputies once a Week, in all Cities, Burghs, Mercat-Towns, and other places in their Counties: And that his Intention might yet be more plainly known, He directed the Sheriffs to come and attend upon Him, and every one to bring with him a Perſon of Credit, whom He could truſt, to hear what he had farther to ſay to them, that ſo they might acquaint the people with it, as He ſhould there openly enjoin them: Witneſs the King at *York*, the Twenty fourth day of *February*.

The King appoints certain Commiſſioners to reviſe the late *Ordinances*.

This way likewiſe proving ineffectual (for it ſeems the people were but little edified with all theſe Declarations, ſo long as they ſaw the late *Ordinance* thus apparently broken; wherefore the King meant to take another Courſe, and proceed amicably and fairly with the diſſatisfied Biſhops and Barons; and according to the Power reſerved in the late *Proteſtation* He made when He confirmed the *Ordinances*, He appointed new Commiſſioners, *viz.* the Biſhop of *Norwich*, *Guy Terr*, *John de Crumberwell*, *Hugh de Audley*, *William Deyncourt*, *Henry Spigurnell*, *Henry le Scrope*, Knights, (the two laſt of which were Juſtices) and *Thomas de Cobham*, *Robert de Pickering*, *Walter de Thorp*, *Gilbert de Middleton*, *John Frauncеys, and Andrew Briggs*, Clerks, or ſo many of them as could be preſent, to treat with the Prelates, Earls and Barons who had made the *Ordinances* (upon which were grounded all the late Diſputes and quarrelling with the King) to correct and reform by their

Good Advice, all ſuch things in them, as they thought were pejudicial and injurious to Him, or contrary to the Form of the Commiſſion granted to them, if any ſuch were. Witneſs the King at *Tork*, the 18th day of *March*.

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But the diſcontented Prelates, Earls and Barons, who were then at *London*, excuſed themſelves from treating concerning the ſaid *Ordinances*, in the abſence of the King, and therefore * ſent Him this Anſwer, *That in his Preſence, whenever He pleaſed to call them together, they would treat upon the ſaid* Ordinances, *and ſhould be ready to do all things according to the* Proteſtation *He had made, and alſo according to the* Proteſtation *they made at the time of publiſhing thoſe Ordinances :* And thus things remain'd ſtill in the ſame State as they were.

* Pat. 6. Ed. 2. Part 1. m. 20. intus printed in Ryl. Plac. Parl. f. 541.

The diſcontented Bps. and Barons refuſe to meet or treat with them, unleſs in the King's preſence.

But laying aſide Records, we ſhall now from our Hiſtorians give a more exact account of the Actions of the diſcontented Earls and Barons, upon the coming over of *Gaveſton*: [2.] So ſoon as the Report of it was ſpread throughout the Kingdom, the Great Men being mightily provoked at it, met and conſulted together what Courſe to take, to put an end to that Diſturbance they foreſaw muſt riſe about him ; and tho' they were very loath to raiſe a Civil War againſt the King, yet when they had conſidered the danger on both ſides, and found that ſo long as this Favourite lived, the Kingdom could have no peace, nor the King any Money, nor yet the Queen enjoy his Conjugal Affection, as ſhe ought ; therefore when they had for ſome time maturely weighed all the Circumſtances of this Affair, both preſent and future, they at laſt reſolved to endure the worſt that could happen, rather than thus to be ſlighted and contemned by a Foreigner ; to prevent which, they choſe for their Leader, *Thomas* Earl of *Lancaſter*, the firſt Prince of the Royal Blood, as being Son to *Edmund*, who was younger Brother to the late King *Edward*, a perſon very remarkable for his Valour and Probity; who beſides his natural averſion to Arbitrary Power, was the more encouraged to engage in this Cauſe, by the Dying Speech of his late Father-in-Law, the Earl of *Lincoln*; which (as my [3] Author relates) was to this effect, *That ſince God had bleſſed him with a greater Eſtate than any Nobleman in* England, *therefore he was bound the more to honour him; and now ſince he ſaw the Church of* England, *that was wont to be free, brought into Servitude by the Oppreſſions of the* * Romans, *and the unjuſt Exactions of our Kings ; and the People alſo which were wont to enjoy many Liberties, were brought into the ſame Condition by divers Tallages and Taxes unjuſtly impoſed on them, he therefore adjured him, by the Bleſſing of God and his own, that whenever he had an Opportunity, he ſhould free and defend the Church and People from ſuch Oppreſſions for the Honour of God; that tho' he ſhould pay all due Honour and Reverence to the King, that was his Lord, yet ſhould he cauſe him to remove from his Court Evil Counſellors and Strangers, and effectually to obſerve the Tenor of* Magna Charta, *and the other Articles* (i. e. *the late* Ordinances) *demanded by, and granted to the Clergy and Laity ; and that in order to the accompliſhing theſe things, he ſhould contract a ſtrict Alliance with* Guy *Earl of* Warwick, *who better underſtood them than any other.* Having ended this Speech, he took his leave of the World ; and after his Funeral, the Earl of *Lancaſter* entred into a Confederacy for this purpoſe with *Humfry de Bohun* Earl of *Hereford*, *Adomer de Valence*, Earl of *Pembroke*, *Guy Beuchamp*, Earl of *Warwick*, the Earl of *Arundel* and other Barons, too many to be here recited;

[2.] *T. W.*

[3.] Id. ib.

* *i. e.* The Court of *Rome*.

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ted; but as for the Earl of *Warren* and *Surry*, who at firſt inclined toward the King, he was brought off to their Party by the Archbiſhop of *Canterbury*, who now *undertook to relieve his* Holy Mother *the Church from Oppreſſion, and recover the due Liberty of the Kingdom.*

[4] Id. ib.

[4.] The Earl of *Lancaſter*, being choſen Captain General by all that undertook this Cauſe, before they took up Arms, by Common Agreement ſent to the King then at *York*, a very reſpectful and humble Meſſage, beſeeching Him either to deliver *Pierce Gaveſton* to them, or elſe as it had been already *ordained*, command him to avoid the Kingdom. The King took ſmall notice of their Supplications, and reſolving not to grant them (ſo great was this Minion's power over Him) He for his ſecurity carried him from *York* to *New-Caſtle* upon *Tine*; upon which News, the Earl of *Lancaſter* and the Confederate Lords having already raiſed an Army, march'd towards that place; not that they *intended* (ſays my Author) *any injury to their Lord the King*; but only to ſeize *Pierce Gaveſton*, and judge him according to the *Laws* and *Ordinances* lately made; and though the King had ſecured that Town by a Gariſon, yet durſt they not ſtay there; but leaving the Queen at *Tinmouth*, not far off, (notwithſtanding ſhe was great with Child, and beſought Him with Tears not to quit her Company) He took a Veſſel, and ſailed with his beloved *Gaveſton* to *Scarburgh*, where He placed him (as He thought) ſecure enough, with *Henry de Beaumont*, a *Frenchman*, whom He made Governor of it; and having given farther Orders for the victualling and defence of the Caſtle, in caſe it ſhould be beſieged by the Barons, He Himſelf went again to *York*, hoping to raiſe ſome Forces thereabouts to relieve it, but He found himſelf miſerably miſtaken, none coming into his aſſiſtance; then preſently after the King's departure, the E. of *Lancaſter*, and the Confederate Earls and Barons came with their Forces to *Newcaſtle*; and [1.] *Tricklow*'s Chronicle farther relates, That the Earl of *Lancaſter*, before he left that place, in order to perſue *Gaveſton*, ſent a Meſſenger to the Queen, then at *Tinmouth* Caſtle, to comfort Her, aſſuring Her, that He would not give over his perſuit, until he had revenged Her Quarrel, and removed that Minion from the King; and the Earl alſo made his Excuſe for not coming to Her in Perſon, leſt for Her ſake he ſhould incur the King's farther diſpleaſure.

[5.] Chron. Lan.

The K. leaves the Queen at *Tinmouth*, and goes with *Gaveſton* to *Scarburgh*, and then returns to *York*, to raiſe freſh Forces.

[1.] MS. in Bib. Cot.

The Earl of *Lancaſter*, with the Confederate Earls, *&c.* come to *Newcaſtle*, and ſend a Compliment to the Queen at *Tinmouth*.

Then [2.] the Lords ſeized upon *Pierce Gaveſton*'s Horſes, and other Goods he had left at *Newcaſtle*, cauſing them to be valued, and put into ſafe Cuſtody, and then marched with what ſpeed they could to *Scarburgh*, and beſieged it; but the Earl of *Lancaſter* finding no oppoſition, return'd home with his Forces, that ſo he might not be burthenſome to the Adjacent Countrey, and left the Earls of *Pembroke* and *Surrey* to take the Caſtle of *Scarburgh*, who in a ſhort time ſo weary'd out the Gariſon within by conſtant Aſſaults, that they were not able to defend it; × whereupon, when *Gaveſton* ſaw there was no Remedy, he ſurrender'd himſelf upon certain Conditions; which a MS. *French* Chronicle of *Chriſt* Church, *Canterbury*, hath ſet down at large in an Inſtrument, drawn up by way of Indenture, between the Earls of *Pembroke* and *Surrey*, and the Lord *Peircy*, on their Part and *Pierce Gaveſton*'s; whereby they engaged and ſwore on the Holy Sacrament, 'Not to do him any hurt, or permit any to be done him, but that they would 'convey him ſafely to the King then at *York*, and deliver him in the 'preſence of the Earl of *Lancaſter*; and if He aſſented to theſe Articles, 'then

[2] I. W.

They alſo ſeize upon all *Gaveſton*'s Goods, and ſo retire.

Scarburgh Caſtle being cloſely beſieged by the Earls of *Pembroke* and *Surrey*, *Gaveſton* ſurrenders himſelf on certain Conditions.

× notwithstanding ye King did all he could to hinder them from taking it by sending his Commands under the Broad Seal [Rot. Pat. 5. Ed. 2. p. 2. m. 6. R. cot: p. 327, 328] directed to all Barons Knights & others engaged in the siege of that Place to desist & retire from the same, on Pain of Forfeiture of their Lives or Estates.

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then the ſaid Earl *Gaveſton* was to remain in the Cuſtody of theſe Lords till the next Parliament; but if they ſhould not grant what was now agreed to, the ſaid Lords were to convey him back, together with thoſe of his Retinue, to the Caſtle of *Scarburgh*, without any Fraud or delay: Theſe things being ſolemnly confirm'd under their Seals, was dated at the Caſtle the Nineteenth of *May*: Whereupon *Pierce Gaveſton*, with thoſe that were with him, came out of the place, and ſurrender'd themſelves to the Noblemen above-mention'd.

When [3.] the King heard that His Favourite was thus taken, and being ery deſirous to ſee him, once more interceeded that his Life might be aved; promiſing them, upon that Condition, to ſatisfie the Deſires of His Great Men in all things; and the Earl of *Pembroke* relying on this oyal Promiſe, perſwaded the Barons to yield to the King's Requeſt, romiſing, under pain of loſing all his Lands, to keep him ſafe, and hen to reſtore him to them at a day and place prefixed, but indeed intended to have carry'd him to *Wallingford* Caſtle; when in his way thiher, at *Dadington* (or *Deddington*) in *Oxfordſhire*, four or five Miles rom *Bambury*, the Earl having committed him to the care of his Serants, while he went to lodge with his Lady at a neighbouring place, he Earl of *Warwick* having notice of it, came privately with a great ultitude of Armed Men that Night, and took him from his Guard, nd carried him to *Warwick* Caſtle; where (as [4.] ſome Hiſtorians elate) the Earls of *Lancaſter*, *Hereford* and *Arundel* being then aſſemled, it was debated what they ſhould do with him, whether carry him o the King, or put him to death: Then a certain cunning Man among hem interpoſed, *That it was to no purpoſe, having been at ſuch charge nd trouble in taking him, to hazard the loſing or the ſeeking of him again*; nd therefore added, *That it were much better he ſhould ſuffer Death, than have a new War raiſed in the Kingdom.* All there aſſenting to this dvice, they preſently took him out of Priſon, and having paſſed entence of Death upon him, by certain Juſtices whom they had appointed for that purpoſe, he was carried to a riſing Ground, about a Mile North Eaſt of *Warwick*, called *Blackloe*, and there (as a publick nemy of the Kingdom) they cut off his Head on the nineteenth day f *June*.

[3.] Id ib. The King deſires to ſee him, and interceeds for his Life, which is agreed to by the Earl of *Pembroke*, who takes him into his protection.

The Earl of *Warwick* carries him away in the Night to *Warwick* Caſtle, where he is ſentenced to loſe his Head.

[4.] Chron. *Eveſ.* MS.

Who is executed at a place called *Black-Loe*.

His [5] Body was carried to *Oxford*, and there depoſited for a hile, in the Church of the Fryers Preachers; but about two Years afer, it was removed to *Langley*, where the King had built, and richly ndowed a Religious Houſe of the ſame Order, on purpoſe to pray for is Soul.

[5.] *T. W.* His Body buried for a time at *Oxford*.

Such was the Fate of this inconſiderate and unfortunate Young an, who too much relying on his Maſter's Favour, which he had btain'd by Evil and Vicious Courſes, became proud, inſolent and preming; but this not being able to be ſuffer'd by a powerful and highpirited Nobility, produced his Ruin, as you have heard; though he ſudden and violent manner of doing it contrary to the Articles t his Surrender, is not any way to be commended, much leſs ſtified.

But to make ſome farther Remarks on the manner of his being deliered up to the Barons, whereas Dr. *Brady* relates from a Record in he * *Tower*; that it was not the Earl of *Pembroke*, but the ord *Henry Piercy*, to whom *Pierce Gaveſton* then ſurrender'd himſelf; yet

* Rot. Pat. 6. *E.* 2. P. 1. m. 21. printed in Dr. *Brady*'s Appen. n 56.

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yet for all this Writ or Warrant directed to *John de Mowbray*, Governor of *York*, I cannot be of the Doctor's Opinion, that the Earl of *Pembroke* was none of the Lords to whom *Gaveſton* was then delivered, becauſe this Record does not ſay ſo: And beſides, the *French* Chronicle above-mention'd, ſays expreſly, that he was a Party to the Inſtrument, upon which he truſted himſelf in their hands; and though it is true, he is not nam'd in the preſent Record, yet he may be very well comprehended under the *Aliis*; Thoſe others, to whom (as this Record ſays) he then ſurrender'd himſelf. X

X But I am now better satisfy'd yt the Ld. Henry Peircy was ye chief Person to whom Gaveston then surrendred up himself upon Condition of having his Life preserved and this appears from ye Kings writt [Rot: Pat. 6. Edw. 2. p. 1. m. 20. R-1 Coll. p. 334] or commission under the Great Seal, directed to John de Mowbray Guardian of the County & City of York, commanding him to seize the Estate & Person of Henry de Peircy for permitting ye s. Piers de Gaveston to be killd, & then withdrawing himself from the Kings presence, by both which he rendred himself obnoxious. These bear Date at London Julij 9.

[1] T. W. The Great men ſend to the King, demanding the obſervation of the late *Ordinances*, whereupon the King thinks fit to treat with them, and ſends for 'em to that purpoſe.

The [1.] Great Men, thus having obtain'd their Wills againſt *Gaveſton*, ſent to the King, poſitively demanding the former *Ordinances* to be confirm'd and put in execution; threatning withal, that if it was not done ſpeedily, they would come and force Him to it; and not having a ſatisfactory Anſwer, they preſently raiſed and united their Forces, and quarter'd themſelves in the Countrey about *Dunſtable*, the King being then at *London*.

* Rot. Pat. 6 *Ed.* 2. Part. 1. m. 20. printed in *Ryley*'s Placit. Parl. f. 541.

When He found himſelf in this great hazard, He thought it beſt for Him to treat with the Confederate Barons; and therefore * ſent *Joh de Beneſtede*, one of his Juſtices, to the Earls of *Lancaſter*, *Hereford* and *Warwick*, (three of the Lords *Ordainers* of the late *Ordinances*) commanding them to be with Him at *London* or *Weſtminſter*, on the *Sunday* next after St. *Bartholomew*, to treat in His preſence about correcting and reforming the ſaid *Ordinances*, if any thing ſhould be found in them injurious or prejudicial to Him; and was farther to enjoin them by their Faith and Homage, that they ſhould not come with Horſ and Arms. Witneſs the King the fourth of *Auguſt* at *Canterbury*.

* Ib. m. 20. printed in Dr. *B*'s Ap. n. 58. The Earls to whom the Meſſage is directed, do not think to obey the King's Summons, but take Arms, which is forbidden by his Writ.

But the Earls, to whom theſe Letters were directed, did not think i ſafe to obey them; and * therefore notwithſtanding the ſaid Inhibition, they marched about the Countries with Horſe and Arms, encou raging the people to join with them; whereupon the King not long af ter, iſſued out a new Commiſſion to the Biſhops of *Norwich*, and *Bath* an *Wells*, together with the Earls of *Richmond* and other Noblemen; wher in reciting the moſt material parts of the former Commiſſion to *Jo de Beneſtede*, it farther proceeds; 'That ſince the aforeſaid Earls ha 'not come to Him, as they had been order'd and enjoin'd, nor had ſe 'any one to anſwer for them; and ſince He underſtood that the ſai 'Earls with Horſe and Arms, and a great multitude of Armed Me 'were coming towards Him, to the great terror of the People, He o 'der'd the ſame Commiſſioners to forbid the ſaid Earls, and every o 'of them, by the Faith and Homage they owed Him, to approach wi 'Horſe and Arms any nearer to Him; and if the Earls would not ob 'the Prohibition, then to forbid all and every one coming with the 'to proceed farther, under pain of Treaſon. Witneſs the King at *Weſ minſter*, the third day of *September*. What was done upon the Co miſſion, I find not, but if it were executed, it was without a effect.

[2.] T. W. The Bps. with the E. of *Gloceſter*, uſe their Endeavours for a Peace,] who with the *Pope's Nuncios* mediate between the K. and the Lords.

[2.] Whereupon the Biſhops, with the Earls of *Gloceſter*, perceivi this Diſſention would prove dangerous to the Church, as well as Kin dom, uſed all their Endeavours for a Peace: They meet at St. *Alb* with the Pope's *Nuncios*, who were lately ſent by Him as Mediators procure a Reconciliation between the King and the Lords: Theſe *N ci*

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The Lord's refuſe to treat with the Legats, and the bold Anſwer they ſent 'em.

cios ſent certain Clerks from St. *Albans* to *Whethamſted*, about three or four Miles diſtant (where the Barons and their Forces then lay) with the Pope's Letters, perſuading them to Peace; but they would not receive them, ſaying, *They were not Book-learned, but bred up to Arms, and therefore cared not to ſee them:* Then the Meſſengers deſired to know if they would ſpeak with the *Nuncio's*, who would willingly come to them to propound and treat with them about a Project of Accommodation; but this alſo they utterly refuſed, ſending for Anſwer, *That there were many Learned Biſhops in the Kingdom, whoſe Advice they would take, and not that of Strangers, who knew nothing of the Cauſe of this Diſſention.* The *Nuncios* being ſtunn'd at this bold Return, early the next Morning made haſt to *London*, after they had ſtaid at St. *Albans* about a Month to no purpoſe; yet at laſt, ſays our Author, the Biſhops, and Earl of *Glceſter*, by great Induſtry, concluded a Peace: But this cannot be wholly true, for the Record of the Articles of Peace ſhew plainly, that the Pope's *Nuncio's* had a hand in it, as you will find by and by: Then about the middle of *October* the King and Lords met in a great Council at *Weſtminſter*, where after they had ſat till towards *Chriſtmas*, they were, thro' the Legate's Mediation, reconciled on theſe Conditions, in the following Form, tranſlated from the *French* * Original, on Record in the *Tower*.

A great Council at *Weſtminſter*, where a Reconciliation is made between the K. and Lords, and upon what Terms.

'This is the Treaty of Peace, Upon certain Diſpleaſures the King 'had conceiv'd againſt the Earls of *Lancaſter*, *Hereford* and *Warwick*, 'and other Barons and Great Men of his Realm, ~~being~~ made and accord'ed before the honourable Father Monſieur *E*~~[illegible]~~ rnaud, by the Grace of 'God Prieſt and Cardinal, by the Title of St. *Priſca*, Monſieur *Arnold*, 'Biſhop of *Poictiers*, ſent into *England* by our Holy Father the Pope, 'alſo Monſieur *Lewis* of *France*, Earl of *Eureux*; before whom the Earls 'of *Gloceſter*, *Richmond* and *Hereford*, and the Lords *Robert de Clifford* 'and *John Botetorte*, were ſent to *London* with ſufficient power to do, 'treat and agree on the part of the Earls and Barons; the Lords *Hugh Le 'Diſpenſer* and *Nicholas de Segrave*, being alſo deputed by the King to hear 'the ſaid Treaty, and report it to him in the manner following. The firſt Article was;

The Articles of this Treaty of Peace.

'*1ſt.* That the Earls and Barons ſhould come before the King in *Weſtminſter-hall*, and with great Humility on their Knees make their Sub'miſſion, and ſwear, if He would ſo have them, That what they did, 'and for which they had incurr'd his Diſpleaſure, was not done in de'ſpight of Him, and they ſhould humbly pray his Forgiveneſs, and re'ceive it with a good will; and ſhould reſtore all that was taken at '*Newcaſtle* upon *Tine*, or other places from *Pierce Gaveſton*, deceaſed, 'whatever it was, *viz.* his Jewels, Horſes and other things, *&c.*

'*2d.* The Second Article contain'd a Bill for the ſecurity of the 'ſaid Earls and Barons, their Adherents and Allies, which was to be 'paſſed into a Statute at the next Parliament, to be holden on the Third '*Sunday* in *Lent*; and farther, that the King ſhould releaſe and quit 'the Earls, Barons, their Adherents, Friends and Allies, all Rancor, 'Diſpleaſure, Actions and Accuſations, *&c.* which had aroſe by the 'occaſion of *Pierce Gaveſton*, whether it were for the taking, detain'ing, or Death, or the ſeizing any Town or Caſtle, or beſieging of 'them, or for bearing of Arms, or impriſoning any perſons in order 'thereunto.

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* Rot Clauſ. 6 *Ed.* 2. m. 8. dorſ. printed in *Riley's* Placit. Parl. f. 538.

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3*d*. Alſo it was agreed, 'That if this Security pleaſed the Earls, 'tho they would not come to Parliament in their proper perſons, yet 'they might ſend their Proxies with ſufficient power to receive and con-'ſent to a Security to be made in that Parliament, for the Adherents 'and Receivers of *Pierce Gaveſton*; which Security was then treated of 'and agreed, and is there recited.

4*th*. Alſo the ſaid *Treators* agreed, 'That in the next Parliament 'there ſhould be proviſion made by the Common Aſſent of the Pre-'lates, Earls and Barons, that in all Parliaments, Treaties and other 'Aſſemblies in *England*, for that time forward, for ever, all Men ſhould 'come without Force and Arms, peaceably, to the honour of the King, 'and the Peace of Him and the Realm; and the three Lords Treators 'promiſed to uſe their utmoſt Endeavour, with the Earls of *Lancaſter* 'and *Warwick*, by themſelves or Proxies, that they would conſent to 'this *Proviſion*: And farther it was order'd, That no Buſineſs ſhould 'be propounded in this next Parliament, before the ſaid Securities, and 'this Proviſion was made and confirmed; nor any to come with Arms; 'and then they might treat of other Parliament-Matters, as there 'might be occaſion.

5*th*. Alſo the *Treators* promiſed, 'That after this Reconciliation 'was made, they would do what in them lay, and uſe their utmoſt 'Endeavours with their Peers, that the King ſhould have an 'Agreeable Aid of the whole Realm for his War againſt *Scot-'land*.

'6. Alſo whereas the ſaid Treators complain'd, that the King, ſince 'the ſafe Conduct given for this Treaty to the Lords and their Adhe-'rents, had cauſed the Lands and Goods of Sir *Griffin de la* '*Pole* to be ſeized, and alſo of Sir *Fouk L'eſtrange*; therefore there were 'to be two Juſtices (not ſuſpected of Partiality) appointed by the King 'to examine theſe Matters, and do them right.

'7. Alſo that the Goods of Sir *Henry de Piercy*, which were ſeized 'by the King, ſhould be reſtored by Pledges or Sureties by the next 'Parliament.

8. Alſo it was agreed on behalf of the King, 'That all Men might 'ſafely paſs and repaſs through the Kingdom of *England*, or elſewhere, 'for the diſpatch of this Buſineſs under his Protection, they neither do-'ing nor receiving any Wrong. This Conduct and Security was to 'continue until *Pentecoſt* next coming; and of this the King was to 'grant Letters under the Great Seal to the Earls, Barons and their Ad-'herents. Then follows this Memorandum.

'The Collation of this Indenture was made and read in the Year of 'Grace 1312, on the *Wedneſday* next before *Chriſtmas*, in the Cardi-'nal's Chamber at *London*, in the preſence of the ſaid Cardinal, the 'Biſhop of *Poictiers*, the Biſhop of *Worceſter*, the Earl of *Pembroke*, and 'many others: In Witneſs whereof, one part of the Indenture re-'main'd with the King, and the other part was given to Maſter *John* '*Waleweyn*, and *Michael de Meldon*, to be carried to the Earls and 'Barons. X

X And I find by ye Records in the Tower, that in Pursuance of this Agreement, all the Jewels, Plate & Horses belonging to the late Piers Gaveston were delivered by the Earls of Lancaster and Warwick, & other Lds & Barons there mentioned to the King's Chancellor & Treasurer according to an Inventory [Pat: 6. Ed. 2. pt. 1. m. 3. in Sced.] then made of them under the King's Broad Seal dated 7th of Feb: following

Yet for all this, the Securities mention'd in the Second Article of the *Treaty*, were not paſſed into Statutes, nor the Submiſſion made by the Lords in the next Parliament, which was ſummon'd on the twentieth of *January*, in the Sixth Year of the Reign of this King, to meet on

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on the Third *Sunday* in *Lent*, nor yet in the next to that, which was ſummon'd on the Twenty third of *May* next following, to meet fifteen days aſter the Nativity of St. *John Baptiſt*; but being ſtill put off, was done in that which was ſummon'd on the Twenty ſixth of *July*, in the Seventh year of his Reign, to meet on *Sunday* next aſter the Feaſt of S *Matthew* the Apoſtle, as you will find hereaſter, and alſo appears by the old Edition of Statutes, printed 1540.

Thus a Peace was concluded at length between the King and the Earl of *Lancaſter*, and the reſt of the Earls and Barons that were of his Party: But the King took the Death of *Pierce Gaveſton* ſo heavily, that He never forgave thoſe that had a hand in it, but ſeverely revenged it upon moſt of them, as you will read in due time. I meet with little elſe of moment to have happen'd this Year, [3.] but that on the Thirteenth of *November*, the King received ſome Comfort for the loſs of his Favourite, by the Birth of his eldeſt Son at *Windſor*, to the great joy of the whole Nation; who (upon his Father's Depoſition and Reſignation of the Crown) ſucceeded to it by the Name of *Edward* the *Third*.

[3.] *T. W.* The Birth of P. *Edward*, afterwards King *Edward* the 3d.

[4.] In the mean while, if we look into the North Parts of *England*, we ſhall find them in a moſt miſerable Condition; for King *Robert* hearing of theſe Diſſentions between the King and his Nobility, with a great Army again invaded *England* about the middle of *Auguſt*, and burnt the Towns of *Hexham* and *Corbridg*, and waſted all the *Weſtern* Parts; and no Forces being left able to reſiſt him, he ſent a great part of his Army as far as *Durham*, who coming thither on the ſudden, plunder'd and burnt great part of it, killing thoſe that made any reſiſtance; yet the Caſtle and Precinct of the Church and Abby being well fortified, they could not ſtay to beſiege them, but the People of that Biſhoprick, fearing what farther Miſchief the *Scots* might do them, compounded with them for the ſum of Two thouſand Pounds, to enjoy the benefit of a Truce till *Midſummer* next enſuing, which the *Scots* would not grant, unleſs upon this Condition; That they might have free Ingreſs and Regreſs through that County, whenever they had a mind to invade *England*; and then the People of *Northumberland* fearing the like Conſequences, paid Two thouſand Pounds more to be included in the ſame Truce; as did alſo the Counties of *Cumberland* and *Weſtmorland*; but they not having ready Money ſufficient to pay the whole down, were forced to give Hoſtages for the Remainder: This done, King *Robert* and his Army return'd into *Scotland* with a great ſtore of Priſoners and Plunder. Some time aſter this, in the beginning of *December*, the *Scots* had like to have ſurpriz'd the Town of *Berwick*, by the means of certain Scaling Ladders of Ropes, which they hung by hooks upon the Walls; but they being diſcover'd by the barking of a Dog, were forc'd to retire with Loſs: But though King *Robert* was diſappointed here, yet He had better Succeſs in his own Countrey; where not long aſter, by means of the like Ladders, He ſurprized St. *John*'s-*Town*, and put the *Scots* that were of the *Engliſh* ſide to the Sword; but as for the *Engliſh* themſelves, they had their Lives and Liberties given them by the Conqueror, who now almoſt quite demoliſhed the Town, becauſe the *Engliſh* ſhould not fix there any more.

[4] Chron. Lan.

The King of *Scots* invades *England*, waſtes the Countrey, and burns part of *Durham*, and makes the whole Biſhoprick compound for a very large Sum.

The *Scots* had like to have taken *Berwick* by ſurprize.

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The [5] King this Year kept his *Chriſtmas* at *Windſor*, being attended by few *Engliſh*, but many *French* Noblemen, who by their private Whiſpers and Detractions increaſed the King's Averſion againſt the Ba-

[5] *T. W.*

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The King is incited against the Barons by certain *French* Noblemen

rons, and made him not at all value their Counſels; ſo that the former Differences between the King and them began to revive, for what pleaſed one of them ſtill diſpleaſed the other.

* Rot. Clauſ. 6 *Ed.* 2. m. 3. Dorſ.

The King reſolves to make a Voyage into *France* with his Queen, and goes to *Paris*.

[1.] Chron. ad Mur.

After which I find nothing conſiderable until the Month of *May*, when the King reſolved to make a Voyage, together with his Queen, into *France*, to tranſact ſome Affairs with his Father-in-Law King *Philip*, as appears by the * Writs of Summons for a Parliament, to meet fifteen Days after *Midſummer* next enſuing, and bears Date the Twentieth of *May*, at *Dover*, though it was then put off, and afterwards diſſolved, without doing any thing conſiderable.

Then [1.] the King having appointed *John de Brokensford*, Biſhop of *Bath* and *Wells*, Guardian of the Kingdom in his Abſence, paſſed over to *Calais*, and from thence went to *Paris*, where He was preſent at the Solemnity of Knighting *Lewis*, eldeſt Son to the King of *France*, with his Brothers *Charles* and *Philip*, which was perform'd on *Whitſunday* following, with great Solemnity.

[1.] Chron. S. *Auguſt.* MS.

* Rot. Clauſ. 7 *Ed.* 2. m. 27. Dorſ.

The King at his Return ſummons another Parliament.

[2] *T. W.* Chron. Lan.

In which the King complains of the Injuries he had received by their taking *P. Gaveſton* and cutting off his Head; with the Anſwer of the Lords.

[1.] King *Edward* and his Queen remain'd in *France* till towards the middle of *July*, then they return'd into *England*, as appears by the * Writ of Summons to another Parliament; wherein it is ſet forth, That little or nothing having been done in the laſt Parliament (which was held during the King's Abſence), He therefore ſummon'd another to meet at *Weſtminſter*, the *Sunday* after St. *Matthew*'s-day (or Twenty first of *September*) next enſuing, which Writ bears date at *Dover* on the Twenty ſixth of *July*, in the Seventh Year of his Reign, not long after his return. [2.] This Parliament being met on the Day aforeſaid, the Earl of *Lancaſter* appeared there with a great number of Armed Attendants rais'd from his own Tenants; the King began to renew his Complaint before the Clergy and Laity, concerning the Affronts and Injuries that had been done Him at *Newcaſtle*, and of their taking *Pierce de Gaveſton*, and cutting off his Head, contrary to the Articles he had made at his Surrender; but the Confederate Earls and Barons on the other ſide unanimouſly anſwered to theſe Accuſations, That they had in no ways offended the King in what was laid to their Charge, but rather deſerved his Thanks and Good Will, ſince they did not bring an Army thither in Contempt of his Authority, but that they might deſtroy a Publick Enemy of the Kingdom, who had been often baniſhed by the *Community* thereof, and which Sentence had been confirm'd by the King Himſelf, as being a Perſon who had not only injured the King's Reputation, but had robb'd the Crown of its Revenues, and had raiſed perpetual Diſſention between the King and his Natural Subjects: And they alſo boldly declared, That they would no more truſt to his vain Promiſes, or be deferr'd any longer of their Security; which the Queen with the Prelates, and the Earl of *Gloceſter* (who now again ſtood Neuter) perceiving, they did what they could, by mitigating the Diſpleaſure of both Parties, to make Peace between them; and at laſt it was concluded by their Mediation, ^ That the King ſhould wholly remit his Diſpleaſure towards them, provided thoſe Barons, with their Partakers, did in *Weſtminſter-Hall*, in full Parliament, perform what had been ſometime before agreed on, *viz.* That they ſhould humble themſelves before Him, and beg his Pardon in whatever they had offended Him, and thereupon the King ſhould receive them again into his Grace and Favour, and ſhould look upon them for the future as his Leigemen

The Queen and Earl of *Gloceſter* mediate an Agreement between the King and Barons, and on what Conditions.

X And also of Lewis Count of Evreux and the Ingelram de Margny, who were sent over by the King of France for that Purpose, as appears by King Edward's Letter to him concerning it entred on ye Roll of this year. [Rot. Rom. & Fran. m. 14. d. R. I. Coll. p. 434. [Rot Rom & Fran: m.

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men and Subjects; and confirming all the Articles required, ſhould never again queſtion any man for the Death of *Pierce Gaveſton*; but ſhould grant his Charter of Pardon and Indemnity to all that ſhould deſire it: All which Particulars being agreed to by the King, and perform'd by theſe Barons, they and the reſt of the Great Men of the Kingdom conſidering the King's Neceſſity, granted Him a *Fifteenth* of all their moveable Goods, and ſo the Parliament was diſſolved, every man going home with joy and ſatiſfaction.

and there is on ye Rolls of this year ye King's Letters Patents to his Cousin ye Earl of Lancaster [Rot: Pat: 7. Ed 2. m. 15. & 1 Coll. p. 443. 444] with ye Earls of Hereford & Warwick & to divers other Barons, Knights, & Gentlemen, who had been engag'd in the late War against the sd Pierce, remitting & pardoning all Rancours, Quarrels, Actions, & Accusations by Reason of his Death, & the taking of ye King's Towns and Castles.

The Reader is alſo to take notice, that * there were paſſed in this Parliament two ſeveral Statutes, the former of which hath this Title, *Ne quis occaſionetur pro morte Petri de Gaveſton*; *i. e.* That no Man be proſecuted for the Death of *Pierce Gaveſton*: And the other was for the ſecurity of ſuch as had adhered to, or received him, as this Title ſhews; *Ne quis Occaſionetur pro Reditu Petri de Gaveſton, viz.* That no Man be proſecuted for the Return of *Pierce de Gaveſton*: But why theſe Securities did not paſs in either of the laſt Parliaments, (as had been already agreed to) I cannot tell, unleſs it ſhould be by reaſon of the King's Abſence, and becauſe the Lords thought themſelves ſafe enough without them, and did not care to humble themſelves, and beg the King's Pardon for what they had done; tho' without this they had no right to demand the ſaid Act of Indemnity.

* Vid. the Old Edit. of Stat. printed 1556. p. 42^{b}. 44^{a}.

I ſhall conclude this Year with the unhappy Succeſs of the *Engliſh* Forces that were left in *Scotland*, where [3.] King *Robert Bruce* taking advantage of the late Diſſentions and Differences between the King and his Nobility, had now reduced moſt part of *Scotland* to his Obedience, having the Year before taken St. *John's*-Town by ſurprize (as hath been already related) upon which, not long after, the Gariſons in *Dumfrees*, *Ayre*, and ſeveral other Places, ſurrender'd to the *Scotiſh* King; and this preſent Year the Caſtle of *Roxburgh* was ſurprized by *James Douglas*, which they demoliſhed, and that of *Edinburgh* was alſo taken by *Thomas Randulph*; for whilſt the *Scots* made a feign'd aſſault on the *South* Gate, and the Gariſon was employ'd in the defence of it, ſome others clamber'd up the Rock, and clapping Scaling-Ladders to the Walls, entred and let in the reſt of their Countreymen: [4.] Yet a Manuſcript Author here obſerves, that one great Reaſon why all theſe Caſtles made no better a reſiſtance, was, becauſe moſt of them had been by the King put into the cuſtody of Foreigners, who would not venture any hazard in their defence.

[3.] Boeth. Lib. 4. Buchan Lib. 8.

The King of *Scots* reduces *Scotland* to his Obedience, taking St. *John's* Town, *Edinburgh* and other Places.

[4.] Scala Chron. in Bib. Ben.

In the mean while [5.] *Edward Bruce* the King's Brother, cloſely beſieged the Caſtle of *Sterling*, in which was *Philip Mowbray*, a ſtout and provident Governor, who ſeeing the late great Succeſs of the *Scots*, had ſtrongly fortified, and very well victualled it; ſo that the Lord *Edward Bruce*, after ſome time lying before it, deſpaired of taking it by force, wherefore both ſides agreed on theſe Conditions: That if the *Engliſh* did not relieve the Caſtle within a Year from the Day of the Treaty, it ſhould be delivered unto the *Scots*; and that the Gariſon ſhould have ſafe Conduct to go whither they would, with all their Goods; which was afterwards perform'd accordingly.

[5.] Id. *Buchan.*

The Caſtle of *Sterling* cloſely beſieged.

As to Church Matters, this Year [1.] *Robert Winchelſey*, Archbiſhop of *Canterbury*, deceaſed on the 20th Day of *May*, after he had held that See 18 Years; he was a ſtirring intrieguing Prelate, and being highly devoted to the Papal Intereſt, had given the late King *Edward* a great deal

[1.] Chron. Will. Thorne ad hunc Ann. Col. 2278.

The deceaſe of *Robert* ABP. of *Canterbury*.

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[2] *T. W.*

He is ſucceeded by *Walter Reynolds* Bp. of *Worceſter.*

deal of Trouble, as you have ſeen in his Reign; and it was chiefly thro' his encouragement that the Earl of *Lancaſter* ſo ſtrongly reſiſted the King's Exorbitant Courſes. [2.] Upon his Deceaſe the Monks of *Chriſt-Church Canterbury* choſe *Thomas de Cobham*, Doctor in Divinity, a Perſon of great Worth and Learning, Archbiſhop, but the Pope vacated the Election, and by the King's Interceſſion nominated *Walter Reynolds*, Biſhop of *Worceſter*, then Chancellor, one of more Secular Prudence than Learning, but a great Favourite of the King's, who was conſecrated in the beginning of *October* following; but however the Pope, to make Dr. *Cobham*, whom he had ſet by, ſome Amends, not long after promoted him to the See of *Worceſter*. *(1)

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[2.] *T. W.* Chron. Lan.

The *Scots* again invade *Northumberland*, and aſſault *Carliſle*; whereupon the King reſolves upon an Expedition againſt them, and ſummons the *Militia* of the Kingdom to *Newcaſtle* for that purpoſe.

The Earls of *Lancaſter*, *Warwick*, &c. refuſe to attend him, and for what reaſon.

The K. draws out his whole Army to fight the *Scots*, and receives an entire defeat, with great loſs of men

[3.] Buchan. Lib. 16.

[2.] K. *Edward* this Year kept his *Chriſtmas* at *London*, and preſently after *Eaſter*, (2) receiving the ill News, that the *Scots* were enter'd *Cumberland*, and had ſpoiled the Country, kill'd the Inhabitants, and burnt many Towns, and aſſaulted the City of *Carliſle*, though they could not take it, by reaſon that ſo many of the People of thoſe Parts had fled thither for refuge: To revenge theſe Injuries, the King reſolved to make a Royal Expedition againſt the *Scots*, to drive them back into their own Countrey; wherefore He ſummon'd the whole *Militia* of the Kingdom to meet him at *Newcaſtle* upon *Tine*, three Weeks after *Eaſter*, and march from thence againſt his Enemies; and all that owed him Service came in to Him, except the Earls of *Lancaſter*, *Warwick*, *Warren*, and *Arundel*, who refus'd to perform their Services, becauſe the King had not effectually obſerved and put the late *Ordinances* in due execution; yet notwithſtanding He marched with a vaſt Army of near a Hundred thouſand Men (as the *Scotiſh* Hiſtorians relate) to the relief of *Sterling* Caſtle; near which being encamp'd, ſome of the *Engliſh* Army made Sallies toward that of the *Scots*, which lay before the Caſtle, and challenged them to come out of their Trenches, and fight them; and they coming out accordingly, were too hard for the *Engliſh*, and ſlew many Gentlemen; at which the King much provoked, was perſwaded to draw out his whole Army the next day, being the Feaſt of St. *John Baptiſt* (or *Midſummer* Day) in order to fight the *Scots*: Then the *Engliſh* Generals drew up their Armies in three Battalions; the middle or main Body conſiſted of Pikemen and Archers to defend whom, the Horſe were placed in the two Wings; the *Scots* had but few Horſe, and were likewiſe drawn up in three Diviſions [3.] King *Robert* Himſelf marched in the head of the middlemoſt, whilſt his Brother, the Lord *Edward*, commanded the Right Wing, and Sir *Thomas Randulph* the Left; when the two Armies met, there was for a while a moſt terrible Conflict, but the Right Wing of the *Engliſh* Horſe advancing to fall upon the Left of the *Scots*, which *Randulph* commanded, were overthrown in certain deep Trenches which King *Robert* had ordered to be made, and being cover'd over with Hurdles were not taken notice of by the *Engliſh* Horſe that fell into them but this cauſed ſuch a terror and diſorder in the reſt that followed that they preſently retreated; in the mean while King *Robert* gave ſuch a vigorous aſſault upon the main Body of the *Engliſh*, as made them give ground; for ſeeing a great number of the *Scotiſh* Servants and Boys of the Camp drawn up on the ſide of an adjoining Hill, and taking them for another Body of Men coming down upon them, thoſe that were next began to run, and in their flight diſorder'd them that

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(1) and I cannot but take notice, that the Pope and Council of Vienne having * conferr'd all the Lands, Revenues & Goods of the late dissolved Order of the Kts on the Kts Hospitallers, that were in England, & other Kingdoms. When this Decree be put in Execution, the King was so ill satisfyed with the Power of ye sd Council of ye sd Goods and Estates, that in the presence of a publick Notary, reciting ye sd Act in so do of the Pope & Council, he entred a Solemn Protestation against it; and that tho' for of the Dangers that might otherwise arise to ye Kingdom, he was forced for the present to submit to it, yet yt he would still preserve his own Right & yt of his Subjects to ye sd Goods & Revenues, notwithstanding any rendering of them to the sd Kts Hospitallers: and he further protests, that he wd still act against ye sd Ordinances and Decrees, whenever it shd seem convenient for himself & his sd Subjects so to do, & wd have Recourse to ye ancient Right which they had to the same: And of this he now sealed an Instrument under his Seal dated ye 7. of ye Kal: of December vid: Orig. publish'd in R—'s Coll. p. 451-452.

From this we may observe yt ye King & his Council did not then think, yt ye Pope & Council had any Power to dispose of temporal Estates, & Fees within his Dominions.

Yet about ye same Time he issued out several Writts in ye [Claus: 7. Ed. 2. m. 10. R—'s Coll. p. 454, 455.] on ye Close Rolls, directed to ye Keepers or Guardians of ye sd Lands & Revenues in ye several Counties, commanding them to deliver the Premisses to ye Procurators of ye sd Order of Kts Hospitallers therein named, for ye use of ye sd Order according to ye Decree of ye sd Council; he ye King having already entred a Protestation for ye Preservation of his own Right, & yt of his Subjects thereunto. This bears Date at Westminster 28. Novbr.

(2) But there is an Errour in ye Time as set down by Walsingham for this Expedition; for it appears by ye Writts of Summons [Claus: 7. Ed. 2. m. 14. d. R—'s Coll. p. 463 were to Thomas Earl of Lancaster, & other Earls & Barons, yt ye Day for their meeting King at Berwick was on Monday before the Feast of St. Barnabas, or ye 16. of June, when they were to be ready there with their Horses & Arms. dated Westminster ~~of~~ 23d of December.

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vere behind: [3.] When the Earl of *Gloceſter* perceived this ill Succeſs, beng highly concern'd at it, he drew up together all his Soldiers and Miliary Tenants, who falling pell-mell upon the *Scots*, made a conſiderable laughter among them for a time; but they being few in compariſon f the Enemies, were ſoon over-powered, and he himſelf, tho fighting nanfully, was ſlain: the King ſeeing the main Body of his Army routd, wherein He himſelf (engaged) behaved himſelf with ſufficient Courage, till being overpower'd, He was forced to fly toward the Cale of *Dunbar*, as did alſo the Earls of *Hereford* and *Pembroke*, but the ormer was taken Priſoner by the way, as was alſo the Lord *de Mounhermer*, who had married the King's Siſter, Mother to the young Earl te deceaſed.

[3.] *T. W.*
The Earl of *Gloceſter* is ſlain.

The King is forced to fly to the Caſtle of *Dunbar*.

Beſides [4.] the Earl of *Gloceſter*, there fell that day the Lord *Robert e Clifford*, with many other Barons, beſides Seven hundred Knights nd Eſquires; ſo that there were no leſs than an hundred and fifty four arls, Barons or Baronets killed and taken Priſoners: As for the number of Common Soldiers ſlain on both ſides, our Hiſtorians are ſilent, hich ſhews they were a vaſt number; but the [5.] *Scotiſh* Writers rete, That no leſs than Fifty thouſand *Engliſh* were then ſlain, and of heir own Nation only Four thouſand; the former of which Accounts eems very incredible; but we muſt give them leave to magnifie their Victories as much as they pleaſe, to make ſome amends for their ſo may Defeats. This bloody Battel was fought on the 25th day of *June*, ot far from the Caſtle of *Sterling*, and from a ſmall River called *Banock*, hich near that place runs into the Sea, (and in which a great number of he *Engliſh* Horſe thinking to paſs over, by crowding upon one another, ere drowned) is therefore called the Battel of *Banocksbourn*, and was o fatal to the *Engliſh*, that they did not in two Years after make any olerable Defence againſt the *Scots*, tho they were provoked to it by diers Invaſions: And this Battel may ſerve as one of thoſe many Exámles in Hiſtory, where a few reſolute and well diſciplin'd men have put o flight a vaſt number of preſuming and inſolent Enemies; for the *Scots* ere not above Thirty thouſand in all.

[4.] Id. ib.
The number of the ſlain on the *Engliſh* ſide.
[5.] Boeth and Buchan. ib.
Much augmented by the *Scotiſh* Hiſtorians.

This Fight is called the Battel of *Banocks Bourn*.

[5.] After the Battel, King *Robert* having cauſed the Dead Bodies to e buried, bountifully divided the Spoils of the Slain among his Soldiers, y which *Scotiand* was very much enriched, the *Engliſh* having brought heir beſt Equipage to this Battel, beſides a great deal of ready Moey.

[5.] *T. W.*
King *Robert* divides the Spoil among his Soldiers, and ſends back the Bodies of the ſlain Noblemen.
[1.] Id. *Buchan.* ib.

King [1.] *Edward* ſtaid not long at *Dunbar*, but went by Sea to *Berick*, and upon his arrival there, the King of *Scots* ſent him the Bodies f the Earl of *Gloceſter*, and the Lord *Clifford*, and generouſly diſmiſs'd he Lord *Mounthermer* without any Ranſom, becauſe he had been formerly ery well acquainted with him: As for the Earl of *Gloceſter*, he was a oung Nobleman of great Hopes and Valour, and dying without any ſſue, his vaſt Eſtate fell to be divided between his three Siſters, who beng married to three conſiderable Barons, raiſed as many great Families n *England*. Upon this late Defeat at *Banockborn* (the Diſcontented Baons, of whom the Earl of *Lancaſter* was chief) laid all the fault on the ounger *Le Diſpencer*, and that it was by his Advice that this Misforune had happened, as being too favourable to the King of *Scots*; but ſince find this only in one [2.] Author, and he a Foreigner, I will not paſs y Word for the truth of it.

[2.] *Froyſart* L. 1. cap. 5.

King

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[3] C. A. M. The King ſummons a Parliament at *York*, where little is done.

King [3.] *Edward* leaving *Berwick*, went into *York*, whither He had ſummon'd a Parliament to meet on our *Lady's Aſſumption*, (or fifteenth of *Auguſt*) but the Nation being in a great Conſternation, by the late great Loſs, though this Aſſembly ſat from that time until *Michaelmas*, yet nothing was then concluded about the *Scots*, more, than That they agreed to exchange the Lady of King *Robert*, who had been above nine Years Priſoner in *England*, for the Earl of *Hereford*; and ſome other Noblemen taken in the late Battel, were exchanged for the Biſhop of *Glaſco* and the Earl of *Mar*; but as for the reſt of the Priſoners, they were forced to ranſom themſelves as well as they could.

[4.] T. W. Chron. Lan. The King returns into the South of *England*.

After his Departure the *Scots* invade *Northumberland* and lay it waſte.

So [4.] ſoon as the Parliament was diſſolved, the King return'd into the South Parts of *England*, where He ſpent the Winter: But though an Account of the *Scotiſh* Devaſtations this Year, is not very pleaſant to relate, yet I cannot omit, That ſo ſoon as the *Scots* had notice of King *Edward's* leaving *Scotland*, about the beginning of *Auguſt* the Lord *Edward Bruſe*, and the Lord *James Douglas*, with other Noblemen, invaded *England* on *Berwick* ſide, with a great Army, waſting and reducing into their Power all *Northumberland* (except ſuch ſtrong Caſtles as held out) and then marched into the Biſhoprick of *Durham*, where they did not ſo much miſchief, becauſe the People ranſom'd themſelves from plundering and burning, by laying down a great ſum of Money, after this entring that Part of *Yorkſhire* about *Richmond*, they did much worſe, driving away a great Booty of Cattel, and taking many Priſoners, without any reſiſtance, all perſons that could flying away before them; then they returned home by *Swaldale*, and burnt *Appelbey* and *Kinkwold* and other Towns in thoſe Parts, but thoſe of *Coupland* redeemed themſelves by paying a great ſum of Money: And not contented with this, [5.] even whilſt the laſt Parliament was ſitting, the *Scot* again entred *England* by *Redeſdale* and *Tindale*, driving away the Cattel, burning the Towns, and deſtroying the Inhabitants, none bein able to reſiſt them; then they went and reduc'd all *Gilleſland*, ſo that th People in all thoſe Parts ſwore Allegiance to the King of *Scots*, and pai Him Tribute; in the ſpace of Six Months, the County of *Cumberlan* alone, paid no leſs than Six hundred Marks for its ſhare: And *Walſingham* farther ſays, The *Engliſh* were ſo diſpirited, that a hundred of the would run away from two or three *Scotchmen*; which ſhews us ho much a Nation, (though otherwiſe ſufficiently courageous) may b caſt down and diſheartened by a long courſe of unexpected Misfortunes. In the mean while the Civil Differences, and Miſunderſtandings between the King and the Diſcontented Nobility ſecretly i creaſed, of whom the Earls of *Lancaſter* and *Warwick* were th Chief.

[5.] Id. Ib. They make another Incurſion, and reduce the Countrey to the Obedience of their King.

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[1.] T. W.

* Rot. Clauſ. 8 Ed. 2 m. A Parliament ſummon'd, wherein the Prizes were ſet on all ſort of Victuals.

This Year the King having kept his *Chriſtmas* at *Windſor*, pr ſently after removed the Body of *Pierce Gaveſton* his late Favourite, an new buried it at *Langley* in *Hartfordſhire*, with great Solemnity, th Archbiſhop of *Canterbury*, and divers other Biſhops being preſent from thence He return'd to *London* a little before *Candlemas*, whither *H had ſummon'd a Parliament the day after that Feaſt, or (as the Recor more rightly places it) eight days after St. *Hilary* (or 20th of *January* when the Prelates, Peers and Commons were all there aſſembled, the began firſt to treat of the ſad Condition of the Kingdom, and how t abate the exceſſive price of Victuals, which by reaſon of the late ba

Year

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Years was grown ſo intolerable, that the Ordinary People had much ado to live; whereupon according to the Record, the Archbiſhops, Biſhops, Earls, Barons, and others of the Community of the Kingdom, petitioning to the King and His Council, *'That Oxen, Cows, 'Muttons, Hogs, Geeſe, Hens, Capons, Chickens, Pigeons and Eggs, 'were intolerably dear; it was thereupon enacted and proclaim'd in every County, That the beſt Ox not fed with Grain, ſhould be ſold for '*16 s. and no more; and if he were fed with Corn, then for 24 s. 'at the moſt; the beſt live Fat Cow for 12 s. a Fat Hog of two Years 'old, for 3 s. and 4 d. a Fat Weather, or Mutton unſhorn, for 20 d. 'and ſhorn for 14 d. a Fat Gooſe for 2½ d. a Fat Capon for 2 d. a Fat 'Hen for 1 d. two Chickens for 1 d. four Pigeons for 1 d. and twenty 'four Eggs for 1 d. and thoſe that would not ſell theſe things at theſe 'Rates, ſhould forfeit them to the King: Which Petition being granted in Parliament, immediately it became a Temporary Statute; yet it could not take any ſufficient effect, by reaſon that the ſcarcity of all Proviſions ſtill increaſed, a Quarter of Corn, not long after, being ſold for 20 s. and Barley for a Mark; but the Sheep having been moſt dead of the Rot, and Corn being ſo very dear, Hogs and Poultry could not be afforded to be kept, whereby all manner of Freſh Meats became ſo ſcarce, that the King going to St. *Albans* about the beginning of *November*, had much ado to get Bread to ſuſtain his Family. But to return to ſome more material Matters.

* Rot. Parl. 8 *Ed.* 2. n. 35, 36.

* *Note*, Silver was then at 20 *d.* the Ounce.

This Parliament above mention'd gave the King a Twentieth part of their Goods or Moveables; * which Tax, when it came to be raiſed in *Staffordſhire* and *Shropſhire*, ſome diſſatisfy'd People refuſed to pay, and hindred the Collectors appointed by the King from gathering it, pretending it was granted upon certain Conditions; to wit, That He ſhould cauſe the Great Charter of the Liberties of *England*, and the Charter of the Foreſt, with the *Ordinances* lately made by the Prelates, Earls and Barons, and the Perambulation of the Foreſts to be obſerved, which were not then duly obſerved: At which the King was much ſurpriz'd and diſpleas'd, ſeeing He had commanded them to be kept, and had aſſigned Commiſſioners in all Counties to make their Perambulations; therefore that He might be throughly ſatisfy'd about the nature of the Action, and have the Names of the Actors; He then appointed one of his Clerks, with the Collectors, to make Enquiry by themſelves, and if it were needful, by the Oaths of ſo many Lawful Men of thoſe Parts, of all Particulars concerning the ſame, and certifie him diſtinctly of them.

* Rot. Pat. 8 *Ed.* 2. Part 2^da^. m. 12. Dorſ.

The Parliament gives the King a 20th part of their Perſonal Eſtates; which ſome refuſe to pay.

[2.] After this another Parliament met fifteen days after *Eaſter* following. But here is no particular cauſe expreſſed in the * Writs, why they met again ſo ſoon, though it may be ſuppoſed, it was to repreſs the Malice of the *Scots*; but becauſe divers of the Great Men making ſome Excuſes for their Abſence, did not then come up, thoſe that were in Town did nothing but trifle away the Time; and even thoſe that were bound to defend the Kingdom, permitted the *Scots* to waſt *Northumberland*, and all the *North* of *England*, as far as *York*; ſo that no Place was ſafe, unleſs it were *Carliſle* and *New-caſtle* upon *Tine*, and a few other ſtrong Caſtles. And ye King was now so much put to it for want of Money, that he was forced to direct his Writts [Rot: Claus: 8. Ed. 2. n. 12. d. R— Coll. p. 511, 512.] of privy Seal to the Abbots & Priors of most of the Monasteries of England to borrow of some 200li, of others 100 Marks, and of others 50. (according to ye greatness & Richness of their Foundation) to repress the Rebellion & Malice of ye Scots. Those Writts bear Date ye 15th Day of March.

[2.] *T.W.*
* Rot. Claſ. 8 *Ed.* 2. m. 27. dorſ.

Another Parliament, wherein nothing is done; during which the *Scots* waſt *Northumberland.*

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* *Ad hunc Ann.* A more particular Account of the Miſchiefs done by the *Scots.* *Carliſle* beſieged by them, tho' in vain.

And ſince the * Chronicle of *Lanercoſt* gives us a more particular Account of what the *Scots* did in *England* this Year, I ſhall here inſert it; About the beginning of the Spring, they entred the Biſhoprick of *Durham*, and plunder'd the Town of *Herlepool*, the Inhabitants flying to the Ships in the Harbour with ſuch Goods as they could carry with them: The *Scots* return'd from thence with a conſiderable Booty; and about the end of *July*, King *Robert* came with a great Army before *Carliſle*, and laying cloſe Siege to it, aſſaulted it both by Engines and ſtorming, for about 10 or 11 days; but the Townſmen ſo well defended it, that the *Scots* deſpairing of Succeſs, raiſed the Siege; whereupon the Gariſon ſallying out on the ſudden at their Backs, took the Lords *Murrey* and *Bardolph* Priſoners, and carried them into the City: After this the *Scots* endeavoured to have ſurpriz'd *Berwick*, by means of certain Veſſels from the River; but being diſcover'd, were repulſed with loſs. The

[3] *T. W.* The *Welſh* rebel.

[3.] *Welſh* alſo being encouraged with theſe ill Succeſſes, roſe under the Conduct of *Lhewellyn Bren*, a *Welſh* Nobleman, and rebell'd and burnt divers Towns, and kill'd a great many of the *Engliſh*; but he was at laſt taken by certain Knights of the King's Houſhold, and ſent up Priſoner to *London*, with his two Sons.

[4] *Mezeray* Hiſt. de *France.* The Death of Pope *Clement* V. and Character. [5] Contin. Annal. Baron. Tom. 14. Coll. 234.

England affording us nothing more conſiderable, we will ſee what happened in Foreign Parts this Year; where we ſhall find two very great Perſons to have deceaſed, (*viz*) [4.] Pope *Clement* the Fifth, who departed this Life at *Roquemaure* upon the *Rhoſne*, as he was returning to his Native Countrey, to take the Air for his Health. He was a high ſpirited Prelate, and of great Parts, and it was He [5.] that compiled the Seventh Book of the *Decretals*, commonly called the *Clementines*, tho' they were confirm'd and publiſhed by his Succeſſor: He alſo promoted the Study of *Greek* and *Hebrew*; for by a Decree in the late Council of *Vienne*, he appointed Profeſſors to teach thoſe Languages in the Univerſities, which were then underſtood by very few; He alſo ordained thoſe Rules or Laws that are obſerved in the *Conclave* to this day, for the Election of a Pope: But theſe Rules were then made to little purpoſe; for immediately after his Deceaſe, the Cardinals met, and were ſhut up in the *Conclave* according to Cuſtom, where not agreeing upon their Choice, but quarrelling among themſelves, whether they ſhould chuſe a *Frenchman* or an *Italian*; at laſt their Attendants growing weary of their delay, ſet fire to ſome old Buildings that were near the Place where the *Conclave* was held, which at laſt took the Room it ſelf, wherein the Cardinals were; but inſtead of frightning them into an Agreement, they all run away, and diſperſed themſelves into divers places, and not meeting again, the Papal Chair continued vacant for above two Years.

[1.] *Mezeray ad hunc Annum.* The Death of King *Philip* the *Fair* and Character.

The [1] other was *Philip*, ſirnamed the *Fair*, King of *France*, who died the Twenty fourth of *November*, at *Fountainbleau*, in the Twenty ninth Year of his Age: He was one of the handſomeſt and moſt accompliſhed Princes of his Time; Ingenuous, Couragious and Magnificent; yet ſo covetous of Money, that He exercis'd all ſorts of Oppreſſions upon his Subjects to raiſe it; and was ſevere even to Cruelty, and rather vindicative than merciful. This is *Mezeray*'s Character of Him; and I have been the more particular in it, becauſe this Prince by his Daughter *Iſabella*, Queen of *England*, was the Grandfather of King *Edward* the Third, and from whom that Prince afterwards laid Claim to the Crown of *France*. But to return to our Relation; *Lewis*, ſirnamed

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Hutin (who was alſo in Right of his Mother, King of *Navarre*) ſucceeded the late King his Father, and reigned but a ſhort time.

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This Year the [2.] King kept his *Chriſtmas* at *Clipſton* in *Sherwood* Foreſt, where he beſtowed many *Newyear's-Gifts* among His Courtiers; but ſtay'd not long there, and returned to more ſerious Affairs: * For fifteen days after St. *Hillary* (or the Eight and twentieth of *January*) as appears by the Parliament Roll, the King held a Parliament at *Lincoln*, where at the firſt opening of it, he deferr'd the declaring the Buſineſs of the Parliament, becauſe *Thomas* Earl of *Lancaſter* and other Great Men were not as yet come, according to whoſe Advice He intended to proceed; But on *Wedneſday* next after the day of their meeting, the Chancellor, Treaſurer and Juſtices of both Benches were enjoin'd to bring in Briefs of ſuch Matters as depended before them in their ſeveral Places, and which out of Parliament could not be determined, that in this Seſſion they might do in ſuch caſes what ought to be done.

[2] *T. W.*
* Rot. Parl. 9 *Ed* 2 n. 1.
A Parliament called at *Lincoln* to repreſs the Violence, of the *Scots*.

On * the Twelfth of *February*, being *Thurſday*, the Earl of *Lancaſter* and other Great Men being preſent, the Cauſe of calling the Parliament was declared, being for their Advice and Aſſiſtance againſt the King's Enemies, the **Scots**, who had poſſeſs'd themſelves of the greateſt part of that Kingdom, and renounced their Allegiance to the King, who then enjoin'd the Prelates, Noblemen and Other his Liege Subjects there preſent, to adviſe and aſſiſt Him therein: * Upon this it was agreed, That the Prelates, Peers and Others ſhould meet on the morrow, being *Friday*, to treat of Parliament-Buſineſs; accordingly they met that day, and diſcourſed of many things; and it was then agreed, and alſo commanded by the King, That they ſhould meet the next day to treat of the ſame Matter; where they reſolved, That the late Edict or Statute about the Prices of Oxen, Cows, Sheep, and other Victuals, ſet the laſt Parliament, ſhould be revoked, and that they ſhould be ſold as formerly, at as reaſonable Rates as they could be afforded: For which *Walſingham* hath given us a very good Reaſon; becauſe after that Statute, they grew much dearer: and ſays, That it could not be otherwiſe; for the Dearth that had began the Year before, ſtill continued, the Autumnal Rains having fallen ſo prodigiouſly, that no Grain could ripen, and ſuch as there was, could not be got in, by reaſon of the continual Wetneſs of the Seaſon, till the beginning of *September*; and it was ſtill ſo moiſt, that they were fain to dry it on Kilns before it could be ground. But to return to the Affairs of this Parliament, from the Rolls:

* Ib.

* Ib.

The late *Ordinance* concerning the price of Victuals repeal'd.

* On *Tueſday* following, the King, by the Biſhop of *Norwich*, promiſed to obſerve all the *Ordinances* formerly made by the Prelates and Great Men; and alſo the *Perambulations* of the *Foreſt*, made in his Father's time; *Saving to the King his Reaſons againſt them*; and thereof Writs were made accordingly.

* Rot. Parl.
Ib.
The *Ordinances* formerly made are promis'd to be obſerv'd.

On * the *Friday* after, the Great Men and *Community* of the Kingdom, granted to the King, in aid of his War with *Scotland*, out of every Town in the Kingdom, one ſtout Footman, except Cities and Burghs, and the King's Demeaſns; and theſe Footmen were to be armed and furniſhed with Swords, Bows, Arrows, Slings, Lances, and other Armour fit for Footmen, at the charge of the Towns, and their Ex-

* Ib.
The Number of Men appointed to be found by each Town againſt the *Scots*.

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Expences to be paid, until they came at the Place of Rendezvous, an their Wages for ſixty days after, and no longer, if the King's Servic required it, at Four Pence the day; and Market Towns that were abl to be farther charged with Men, were ſo to be charged; the King promiſing to give his Letters to the Great Men and *Community* of the Kingdom, and to their Heirs, That this Grant ſhould be no Preſident, no drawn into Example for the future.

The whole *Militia* of *England* are alſo ſummon'd for this purpoſe.

The ſame day the King, by Advice of the Prelates and Great Men, ordered the whole Service due to Him, (*i. e.* all the *Militia* of *England*) to be ſummon'd for this Cauſe, to be at *New-caſtle* upon *Tine*, fifteen days after *Midſummer*.

* Ib. The Commons grant the King a *Fifteenth* of their Goods.

Then *the Knights, Citizens and Burgeſſes, granted the King, as an Aid for this War and Expedition, a *Fifteenth* part of all their Moveable Goods, as alſo from thoſe of the King's *Demeſns*, which they had at *Michaelmas* then laſt paſt.

* Ib. The Bp. of *Norwich* on the King's behalf aſſures the Earl of *Lancaſter* and the other Great Men of his Good Will towards them.

*On *Shrove-Tueſday*, the Biſhop of *Norwich* on behalf of the King moved in Parliament, That the Earl of *Lancaſter* would diſmiſs all Suſpicions he might have concerning him, for that He had a ſincere Good Will towards him, and all the other Great Men, and held them to be his Faithful Leige-men; and farther told him, The King deſired to have him the Chief of his Council; requeſting him, on behalf of the King's Prelates and Great Men there preſent, to take upon him to aſſiſt and adviſe in the Affairs of the King and Kingdom: Thereupon the Earl thanked the King, and humbly requeſted time to deliberate, and then make anſwer; which he did in a very ſhort time, and was ſworn of the King's Council in the Form following:

* Ib. n. 4. The Earl of *Lancaſter* is ſworn of the King's Council, with the Form and Conſtitution of it.

'* Whereas our Lord King *Edward*, by the Grace of God King of '*England*, hath with the Prelates, Earls and Barons of the Land, in full 'Parliament, requeſted his Dear Couſin, the Lord *Thomas*, Earl of *Lancaſter*, That he would be Chief of his Council in all great and weighty 'Affairs, touching Himſelf and His Realm; together with other Prelates, Earls and Barons, who ſhall, between the King and him, take care, 'that it may be for the Profit of the King and the Realm; the ſaid 'Earl, for the great Love he hath for his Lord the King, and for the 'Common Profit of the Kingdom, and the *Ordinances*, which He had 'entirely granted to obſerve, and the right Laws to maintain in all 'Points, and in hopes to make Amendments in ſuch things as had been 'ill done in his Court, and the Eſtate of his Realm, did grant to be of 'the King's Council, with the Prelates, Earls and Barons; ſo as at 'any time, if the King ſhall not do according to his Directions, and thoſe 'of His Council, concerning the Matters of His Court and Kingdom, 'after ſuch things have been ſhown Him, and that He will not be directed by the Council of him, and others, the Earl without Evil Will, 'Challenge, or Diſcontent may be diſcharged from the Council; and 'that the Buſineſs of the Realm concerning Him, ſhall not be done, or 'perform'd without the Aſſent of him and the other Prelates, Earls and 'Barons, which ſhall be ordain'd or appointed to adviſe Him; and if 'any of the Prelates, Earls and Barons, ſhall adviſe the King, or do other 'thing, which ſhall not be for the profit of Him and His Realm, then 'at the next Parliament, by the Advice of the King and His Friends, 'they ſhall be removed; and ſo it ſhall be from Parliament to Parliament, as to them, and every of them, according to the Faults found

'in

them. In Witneſs whereof, this Bill was to be enter'd on the Parliament Roll. Then follows a *Memorandum*; That the aforeſaid Bill, ntaining the Form above-written, was delivered to *William Ayremin*, erk, by the Hands of the Lord *Walter* of *Norwich*, and *Bartholomew Badleſmer*, commanding the ſaid *William*, by Order of the King, to rol it Word for Word.

It appears farther, by the * Rolls of *Scotland*, that over the Army ich was to be raiſed this Summer againſt the *Scots*, the Earl of *Lanſter* was appointed General, as alſo the King's Lieutenant in *Scotland*; o' Dr. *Brady* ſays, That he cannot find by any Record or Hiſtory, that Army was then ſent againſt the *Scots*; yet had he conſulted the Chronicle of *Lanercoſt*, he might there have found under this Year, at the Earl of *Lancaſter*, at the King's Command, marched againſt em with an Army as far as *New-caſtle*; but that the King not following him with the reſt of the Forces (as had been agreed) the Earl prently returned home without acting any thing further; for indeed ither of them truſted each other; and it is very probable the Earl was lous, leſt the King ſhould take this Opportunity of his abſence, to do mewhat prejudicial to his Intereſt, or to revoke the late *Ordinances* hich ſtill continued in force.

* Tho' perhaps it might be only the great Scarcity of Proviſions that inder'd this Expedition; for *Walſingham* tells us, That about the Feaſt f *Eaſter*, the Lords and Great Men of the Kingdom met at *London*, to eat of the Affairs thereof, when, during this Parliament, the Scarty ſo encreaſed, that before *Midſummer* a Quarter of Wheat was ſold r above 30 *s.* and by the midddle of *Auguſt* for 40*s.* ſo that the Noblemen were forced to diminiſh their Families, and many of thoſe Serants that were diſmiſſed away, turn'd Thieves and Robbers; and his Famine produced ſo great a Mortality, by reaſon of the ſcarcity nd badneſs of Victuals, that the Living ſcarce ſuffic'd to bury the Dead. nd certainly it was the moſt miſerable time that ever this Nation ſaw, f what our Author relates be true, That Parents often eat their own hildren, or ſtole away thoſe of others, and the very Malefactors eat ne another in the Priſons; and if the King had not iſſued out a Prohiition, that no more Corn ſhould be turn'd into Malt, moſt part of the eople would have died of Hunger.

As for the *Scots*, under [1.] the Conduct of their King, they about *Midſummer* invaded *England*, as they had done before; and entring *orkſhire*, waſted the whole Country as far as *Richmond*; but the Genemen of the Country being retired into the Caſtle of that Place, comounded with the *Scots* for a ſum of Money, to ſpare burning the Town, r doing any farther miſchief in thoſe Parts; having receiv'd the Money, hey turn'd another way, waſted and burnt the reſt of *Yorkſhire*, towards he Weſt, for about 60 Miles, carrying away many of the Inhabitants; which cauſed ſuch a Scarcity, that a Quarter of Wheat was ſold in the North Parts for 40 *s.* ×

After [2.] this Expedition, King *Robert* paſſed over into *Ireland*, to aſſiſt his Brother, the Lord *Edward Bruce*, who had invaded that Kingdom, and met with ſuch unexpected ſucceſs, that he had now taken the Title of King of *Ireland*, and had by the aſſiſtance of the *Iriſh*, made himſelf Maſter of moſt part of *Ulſter* and *Leinſter*, except ſome ſtrong Caſtles and walled Towns near the Sea, which they could not take;

* the

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* Rot. Scot. 9 *Ed.* 2. m. 6. The Earl of *Lancaſter* appointed General againſt the *Scots*, but did little, with the reaſon of it.

* In Bib. Cot. The Earl of *Lancaſter* marches againſt the *Scots*, and returns without doing any thing, and why.

* *Ad hunc An.* The great Scarcity of Proviſion this Year follow'd by a cruel Famine.

[1.] Chron. Lan. The *Scots* with their King again invade *England*, and march as far as *Richmond*, ſpoiling all that Countrey, which cauſes a great Scarcity.

[2.] Id Ib. King *Robert* paſſes over into *Ireland*, to aſſiſt his Brother, who had now taken upon him the Title of King there.

× what ye King then did to resist this Invasion I do not find, only yt he came to York about ye middle of August & from thence issued out his Writts of Summons to the Earl of Lancaster, & other Earls & Barons to be at New Castle upon Tyne [Claus: 10. Ed. 2. m. 16. d. R—'s Coll. p. 568.] on ye Octaves of St Michael with their Horses and Armes to defend ye Kingdom against their Enemies ye Scots. This bears Date 20th of August. [Rot. Scot: 10. Ed. 2. m. 4. R—'s Coll. p. 582.] But why the King did not march against them in Person I do not find: yet it is certain the continued at York till the latter end of Novbr. as appears by a Writ there dated 23d of that Month, whereby he authorizes Robert de Hasting, & two others there named to meet about a Truce or Cessation of Armes with Robert de Bruce and those of his ~~own~~ Party in Scotland, till Christmass next ensuing. But whether this Treaty took Effect I do not find.

(1) I find nothing else worth noting to have happen'd in England, but that the South Welsh presuming upon the King's being engag'd in a war with the Scots, in the begining of this year, being headed by a Nobleman of Glamorganshire, call'd Lewellyn ap Rees, or Lewellyn Bren, falling upon the English Colonies in those Parts did a great deal of mischief; But they were repress'd, & a Peace settled in those Parts by the Power & Interest of Humphrey Earl of Herefor[d] & William de Montacute whom the King had appointed his Generals over the English Forces in those Parts. as appears by three several Letters Patents, ~~now~~ on the Rolls of this year. [Pat. 9. Ed. 2. p^t. m 34. ib. m. 28. R—s Coll. p. 546, 547, 548, 551, 555]

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* the chiefeſt of which was *Dublin*, which being new fortified by the Mayor and Citizens, the *Scots* durſt not beſiege, but approaching near it, turn'd back to *Leyſlip*, which they burnt, and then march'd to the *Naas*, and plundering it, went back into the *North*; ſo that I do not find King *Robert* perform'd any great matter in *Ireland* this Summer, but return'd home about *Whitſontide* the next Year, before the Battel between his Brother *Edward* and the *Engliſh*.*

[3.] Id ib. The *Pope* ſends a *Bull* into *England*, enjoining a Truce or Peace with the *Scots*.

This [3.] Year the Pope ſent a *Bull* into *England*, enjoining the King to make a Truce or Peace with the *Scots*, which was joyfully received here; but the *Scots* were ſo much encouraged by the Civil Diſſentions between the King and the Earl of *Lancaſter*, that they refuſed to obey it, and ſo incurr'd the Sentence of *Excommunication* from the Pope, which they ſeem'd not to regard. As for other Eccleſiaſtical Affairs; [4.] This Year deceaſed *William de Greenfeild*, Archbiſhop of *York* and was ſucceeded by ~~*Walter*~~ William *de Melton*, a Man of a ſtrict and Religious Life, ~~but~~ and recommended by the King. On the ſixth of *September*, about Noon, there was a great *Eclipſe* of the Sun.

[4.] Id. ib.

(2) × Whilst he continued here he undertook the Crusado, or voyage to ye Holy Land, as appears by ye King's Commission to ye Bishops of Norwich & Ely, & the Earl of Pembroke & others to give their consent on his behalf to the preparations & settling ye time of his said voyage with the Pope. This bears Date at Elikstron 4 Jan. in ye 10th year of his Reign. but I do not believe ye King ever realy design'd to undertake yt Expedition, only pretended so, to engage the Pope more heartily to take his Part against ye Scots.

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[5] T. W.

The [5.] King again kept his *Chriſtmas* at *Clipſton* in *Sherwood*, as he had done the Year before; and I ſuppoſe the reaſon was, becauſe there was greater plenty of Proviſions in thoſe Parts than elſewhere; yet before *Eaſter* He remov'd to *Clarendon*, and there kept that Feſtival; after which I can find nothing worth noting, till the latter end of *May*, or the beginning of *June*, when the Wife of *Thomas* Earl of *Lancaſter*, only Daughter of the late Earl of *Lincoln*, was carry'd away from her Houſe at *Canford* in *Dorſetſhire*, by a certain deform'd and crooked Knight called Sir *Richard* of St. *Martyn*, a Retainer to the Earl of *Surrey*, who was certainly privy to, if not a Promoter of the Fact, ſince this St. *Martyn*, with his Accomplices, brought the Lady to the Caſtle of *Rygate* then belonging to that Earl; and the King himſelf was thought to be too favourable to this wicked Action, or elſe ſo deſpicable a Fellow never durſt to have preſum'd, not only to have done ſuch an Injury to the Greateſt Man in *England* next Himſelf and his Children, but alſo to lay claim in the King's Court to the Earldoms of *Lincoln* and *Salisbury*, upon Pretence of a Pre-Contract with this Diſſolute Counteſs; of whom he ſaid, he had alſo Carnal Knowledge, as ſhe her ſelf was not aſham'd to own; which Proceſs, though it came to nothing, yet was ſo much to the Earl's Diſhonour and Vexation, that it is no wonder if he never forgave thoſe that had a hand in it: And therefore Dr. *Brady* hath not done well to omit this Remarkable Tranſaction, ſince it ſhews us the true cauſe why this high-ſpirited Earl was now again ſo incenſed againſt the King, that he could not come any more to any Parliament or Council this Year upon his Summons.

The Wife of the Earl of *Lancaſter* elopes from him with an Adulterer, who laid claim to her.

[1.] Id. ib. A Woman fantaſtically attired, rides into the Great Hall at *Weſtminſter*, and delivers a Paper to the King, with the Contents of it.

And [1.] becauſe we have now no great Matters of moment, I will here inſert another Relation from the ſame Author, ſince it ſerves to ſhew the Spirit and Humour of the Time: The King keeping the Feaſt of *Pentecoſt* in the Great Hall of *Weſtminſter*, and being at Dinner with the Great Men of His Kingdom, a certain Woman fantaſtically attir'd and diſguis'd like a Comedian, came into the Hall on Horſeback, and riding about the Tables, had the Confidence to mount the Steps to the where the King ſat, where flinging down a Letter or Paper before Him ſhe preſently departed; the King immediately cauſed it to be opened and read, being to this effect; *Our Lord the King may take notice, that He hath not kindly regarded thoſe Knights who ſerved his Father and Himſelf*

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ith their Lives and Fortunes; but hath too much enriched Others, who ver perform'd any thing conſiderable: Which when the King heard, He as very much incenſed, and thoſe who guarded the Door, were ſharp- rebuked for letting her in; they excuſed themſelves, alledging it not be the faſhion of the King's Houſe at Feſtival Times to keep out any ho came diſguiſed in that manner, ſince they thought they only came make the King Sport: But ſearch being made for this Woman, ſhe as found, and examined who ſet her on, whereupon ſhe confeſs'd, a night gave her Money to do as ſhe did; ſome time after the Knight as found, and upon examination boldly confeſs'd, he did it for the ing's Honour, and to no other end, and ſo eſcaped without any farer queſtion, and the Woman her ſelf was diſcharged; the Matter ing too true. But let us now proceed to things of greater moent.

Many [2.] Gentlemen and Commoners of the *North* of *England* had me time ſince taken up Arms, and reſiſted the *Scots*, without any help aſſiſtance from the King, or the Great Men of the Kingdom, yet at ſt theſe very Men, when their Money and Proviſions fail'd, became hieves, and from being Defenders, became Enemies of the Country, d ſo getting together in great numbers, robbed and ſpoiled the Inhatants of the *Northern* Parts, of all they had, without any reſiance.

[2] Id. Ib. Many Gentlemen and others of the *North* of *England*, not having wherewithal to ſubſiſt, turn Thieves, and rob the Countrey.

In the mean while the Pope had ſent two Cardinals, as his Legates, to *England*, to make Peace between that Kingdom and *Scotland*, and reconcile the Earl of *Lancaſter* to the King; they alſo brought the ope's Bulls of Excommunication to be denounced againſt the *Scots*, in ſe they refuſed to agree to a Peace; and one of the firſt things theſe egates did, after they came over, was to take a Progreſs as far as *Durm*, there to Inſtall Maſter *Lewis de Beaumont*, on whom the Pope had nferr'd that Biſhoprick, and to make void the Election of One that d been choſen by the Monks; but tho' theſe Legates were warn'd, at they ſhould ſtay in *Yorkſhire*, and not proceed farther without a uard from the King, becauſe of the great number of Robbers that then feſted thoſe Parts, yet the Cardinals relying upon their Legantine ower, ſlighted this Advice; but when they came near the Town of *erlington*, in that Biſhoprick, certain Robbers, led by two Gentlemen, *ilbert de Middleton*, and *Walter de Selbey*, fell ſuddenly upon the rain of the Cardinals and Biſhop Elect, but to their Perſons, they d no violence, only took away all their Horſes and ready Money, d Apparel; and tho' the Cardinals had ſometime after their Horſes d Furniture ſent them back, yet they never obtain'd a full Reſtitutin of what they had loſt; however, the King afterwards made them ore than ample ſatisfaction for their Damage; but in the mean me, [3.] the Cardinals went on to *Durham*, where they ſtaid me days, expecting an Anſwer from the *Scots*, but when they could ceive none, they return'd under the King's Conduct to *York*, where ey denounced Sentence of Excommunication againſt all the Thieves d Adherents in *Northumberland*; which Sentence was publiſhed all er *England*. So ſoon as theſe Cardinals returned, the firſt thing they d, was to reconcile the Earl of *Lancaſter* to the King, and a Peace as thereupon made between them upon certain Conditions, and they et, and embraced, and kiſſed each other upon a Plain near *Leiceſter*.

* *Henry*

The *Pope's* Legats come into *England* to make Peace between that Kingdom and Scotland.

The Legats are robbed in their way to *Durham* of their Horſes and Money, and for which the King makes them ſatisfaction.

[3.] Id. ib.

* This is further confirmed by ye Popes Bulle to King Edward, exhorting him to make Peace with his Adversary Robert de Brus, that so the King may be able to prosecute ye Crusado against the Infidels, as he has lately undertaken. vid: R—'s Coll. p. 611. 612. 613. where you may find this Bulle, as also his Commission to ye two Cardinals therein nam'd to mediate & conclude the sd Peace with Threats of Excommunication upon which of those Princes should presume to refuse it: and the Pope in consideration of his undertaking ye Crusado, granted ye King the Continuation of the Tenths of all Ecclesiastical Benefices within his Dominions for 5 years, as appears by another of ye sd Popes Bulls of this year published in R—'s Coll: p. 617.

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*Col. 2534. The Legats make a Reconciliation between the King and the Earl of *Lancaſter.*

* *Henry de Knighton* farther relates, (tho', by a Miſtake, under the Year 1318,) That the Cardinals, together with the King and Queen, and the Archbiſhop of *Canterbury*, attended by the reſt of the Biſhops of tha Province, as alſo many Earls and Barons, came to *Leiceſter*; fro whence, upon the News of the Earl of *Lancaſter*'s approach, they wen out to meet him as far as *Syroches Brigge*, which is now called *Sotesbrygge*, where the Earl being with no leſs than Eighteen thouſand Men met the King, and having ſaluted and kiſſed each other, they were outwardly once more made Friends: And this Author alſo relates, Tha the Cardinals from thence proceeded on their Journey towards th *North*; which is more likely than *Walſingham*'s Relation, who place their Journey before this Reconciliation.

Another relates it to have been done in a Great Council, but by the Mediation of the Legates.

And I cannot here omit what the Manuſcript Continuator of *Nicholas Trivet* farther tells us, concerning the Peace above mentioned, (th he alſo falſly places it under *Anno Dom.* 1318; That about the beginning of *Auguſt*, the King held a Colloquy at *Northampton*, with many Noble Perſons of the Kingdom, both of the Clergy and Laiety, wher they treated concerning the making a firm and laſting Peace betwee him and the Earl of *Lancaſter*, in the preſence of the Cardinal Legates to which Meeting the Queen Her ſelf, who was the Earl's Niece, al came in Perſon; by whoſe Interceſſion there was a firm Reconciliation made between the King and the Earl, which was confirmed by many Signs of Friendſhip, and that it was near *Leiceſter* wher this Affair was concluded, to the great ſatisfaction of all the Nation However this Reconciliation did not laſt long, for *Walſingham* ſays,*Th King ſoon broke all thoſe Conditions; which might very well be, what he relates be true; That not long after a certain Knight, who ha formerly been of the Earl's Family, was taken near *Pomfret*, with Blank Charter under the King's Great Seal, as alſo other Letters und the King's Private Signet, directed to the King of *Scots*, offering Hi what Conditions He pleaſed, provided He would procure the Death the Earl of *Lancaſter*; who having made the Meſſenger to confeſs th Fact, cauſed him to be hanged, and his Head ſet on the top of *Pomfr* Caſtle: But the Earl Kept the Letters and Charters by him, as a T ſtimony of the Fact; which being noiſed about *England*, brought off great many from the King's to the Earl's Party, which was before muc weaker.

**Ad hunc Ann.* The Reconciliation is ſoon broke off, and for what cauſe.

[4.] Id. Ib. Thoſe that robbed the Legats are taken and executed.

I cannot forbear here taking notice of the deſerved End that the la Robbers met with, before the concluſion of this Year; [4.] for *Gilbe de Middleton*, with his Accomplices, having done many great Injuri to the Priory of *Tinemouth*, as well as to ſeveral other neighbourin Places, making it alſo his Trade to ſeize upon the Gentl men of thoſe Parts, and keep them Priſoners in a certain Caſtle he ha until they would ranſom themſelves for Money; ſome of the Frien of thoſe who were thus taken, being reſolved to ſet them free, came this *Gilbert* under his ſafe Conduct, and offer'd to ranſom them for Sum of Money that was to be brought thither, and paid at a day pr fixed, which happen'd to be at a time when this *Gilbert*'s Accomplic were gone out to rob; ſo when the Gentlemen came thither, they pr tended they had brought the Money, but that it was ſecured in the a joining Town, for fear it ſhould be taken from them by others; wher upon thoſe in the Caſtle coming out to receive this Money, theſe Ge

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lemen with their Attendants, being well armed, ruſhed in, and killing thoſe that kept the Gate, eaſily maſter'd all the reſt, and having bound them faſt, they ſent them, and *Gilbert* their Leader, together with a Brother of his, in Fetters to *London*, where he was ſoon after condemned and executed as he deſerved; but as for the reſt of their Comrades, who being abroad, were not then taken, they went to their Conſort, *Walter de Selbey*, who from a ſmall Fortreſs had committed the like Spoils on the adjacent Countries.

We ſhall now ſee what was done abroad in the beginning of this Year, [5.] *Philip* Count of *Poictiers*, and Brother to the King of *France*, cauſed the Cardinals to meet at *Lyons*, where being ſhut up in the *Conclave*, after forty Days delay, and great Diſputes between the *French* and *Italian* Cardinals, which Nation ſhould obtain the *Papacy*, the former at laſt prevailed, and choſe *James Doſſa*, a Cardinal, and Biſhop of *Porto*, *Pope*, which Election was carried but by one Voice, and that his own too; yet He was nevertheleſs admitted, and took the Name of *John* the Two and twentieth; He was but the Son of a poor Cobler of the Province of *Query*, however was very learned for that Age; and it was He, who ſo ſoon as He was ſetled in His new Dignity, ſent the *Legates* abovementioned into *England*.(1)

[5.] *Mezeray ſub hoc anno.*
The Election of Pope *John* XXII.

(1) and about ye same Time the King sent the Bishops of Norwich & Ely wth Amery de Valence Earl of Pembroke to congratulate his Election, & sollicit the Promotion of one of the King's Clerk to ye Bishop of Hereford, as appears by ye King's Letters to the Pope on that Subject. [Rot. Rom: & Fran: Ed. 2. m. 3. vid. R–'s Coll: p. 600. 601.

[1.] About the ſame time *Lewis* the Tenth, King of *France*, commonly called *Hutin*, deceaſed at *Boys de Vincennes*, at the beginning of *June*, being poiſon'd (as it was ſuppoſed); He reign'd little more than a Year and an half, and was not Eight and twenty Years of Age, of whom I(2) find little worth remarking, only, that from his Quarrelſome Temper, he was nicknamed *Hutin*, which in Old *French* ſignifies quarrelſome, or contentious.(2)

[1] Id. ib
The Death of *Lewis* King of *France*.

(2) [illegible] succeeded by [illegible] Philip [illegible] the King from [illegible] of his [illegible]

This being the Eleventh Year of King *Edward*, [2.] He kept his *Chriſtmas* at *Weſtminſter*, where few of the Great Men were preſent, becauſe there was a great Difference again ariſen between the King and them. They alledging, That He had not obſerved the *Articles* ſo often demanded, and as often promiſed by Him; yet, ſince the Kingdom was then in great danger, by reaſon of the Incurſion of the *Scots*, who had advanc'd as far as *York*, burning and deſtroying the Country without any reſiſtance, there was a neceſſity of applying a ſpeedy Remedy to theſe Grievances.

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[2.] *I. W.*
New Differences ariſe between the K. and the Barons, and the Occaſion of them.

Wherefore [3.] the Chief Prelates of the Kingdom having prevail'd upon the *Pope's Legates* to join with them, went to the King, and humbly prayed Him, that He would at laſt confirm and duly obſerve thoſe *Articles* which He had ſo often granted for the good of the Church and Kingdom; at laſt the King ſeeming to be touched with the Intreaties of the Cardinals and Prelates, he appointed *Midſummer-day* for the meeting of a Parliament at *Leiceſter*, where He promiſed to give ample ſatisfaction to all the Requeſts of the Clergy and Laity; but when the Commons, together with the Lords, appear'd at the Day appointed, the King indeed granted, after his wonted and general manner, that the foreſaid *Articles* (which, I ſuppoſe, were no other than the *Ordinances* formerly made by the *Lords Ordainers*) ſhould be obſerved; but it ſoon after appear'd, that this Conceſſion was not only frivolous, but wholly fraudulent; however, the Cardinals ſuppoſing they had ſufficiently ſetled this Affair, and having alſo declared the King of *Scots* Excommunicated,(3) and put the whole Kingdom under an Interdict, took their Leaves of

[3.] Id. Ib.
The Legats and Prelats pray the King that he would obſerve the *Articles* he had granted; whereupon a Parliament is ſummon'd at *Leiceſter*, where the K. grants the Requeſts of the People after a general manner.
The Legates leave the Kingdom.

cause he had refus'd to accept the two Years Truce, which the Pope would have [illegible] him to observe, as appears by a full and large Account of this Affair by a Fryar who had been employ'd as a Messenger to carry that King the Pope's Bulls, as for given by the sd Cardinal Legates, which bears Date at Berwick & is published in [illegible]: 3d. Vol: p. 684.

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of the King, and ſo went over into *France*; yet I do not find, that either the *Scotiſh* King, or his Subjects, much regarded this *Excommunication*, or were any thing the more inclinable to Peace.

[4] Chron. Lan. *T. W. Ad ann.* 1319, *ſed falſò.* *Berwick* taken by the *Scots.*

* Pol. Virgil. The difference in Authors concerning the manner of it.

For, on the 2d of *April* this [4.] Year, *Berwick* was betray'd to the *Scots* by *Peter Spalding*, then Governor, for a conſiderable Sum of Money, who permitted them to ſcale the Walls in the Night, at a place where he and his Men then kept Guard: Yet *Thomas de la More*, and * other Writers relate, That the Town of *Berwick* was taken by force from the *Engliſh*, by King *Robert Bruce*, who yet uſed his Victory with moderation, killing none that would yield to him; which Contradiction to our Authors cited in the Margin, I know not how to reconcile, unleſs we ſhould ſuppoſe, that *Spalding* was only Governor of the Caſtle which he betray'd, but that the Town was taken ſome time after by force, tho the taking of the Caſtle might be a great help to it: But be it as it will, this is certain, that ſo ſoon as the *Scots* were poſſeſſed of the Town, they turn'd out all the *Engliſh*, having firſt plunder'd them of their Goods; [5.] after which ſucceſs, they marched from thence to the Caſtle of *Weark* and *Harbottle*, which they beſieged and took, for want of being relieved in due time: They alſo ſurprized the Caſtle of *Middeford*, and by that means became Maſters of all *Northumberland*, except *New-caſtle*, and ſome few other ſtrong Places. And in *May* the *Scots* again enter'd *England* farther than ever they had done before, and burning the Towns of *North-Allerton* and *Burrough-brig*, in their March went as far as *Rippon*, which they likewiſe plunder'd of all that was in it, and beſides, made ſeveral of the Inhabitants, who defended themſelves in the Church, to pay a thouſand Marks for not burning them with the Town. Then having ſet fire to *Scarburgh* and *Skipton* in *Craven*, they returned home with a great deal of Plunder, and a conſiderable number of Priſoners, whom they drove like ſo many Sheep before them. So ſoon as King *Edward* receiv'd this Ill News, He put off the Parliament that was ſuddenly to have met, as appears by a * Writ on Record in the *Tower*, reciting, 'That whereas the King had ſummon'd a 'Parliament to meet on the Morrow of *Holy Trinity*, at *Lincoln*, He thereby revok'd it for this Reaſon, Becauſe his Enemies and Rebels the *Scots*, 'had lately invaded *England*, and enter'd *Yorkſhire*, committing 'many Murthers, Plunderings and Devaſtations, beſides burning the 'Country, ſo that He reſolved ſuddenly to march againſt them with an 'Army to reſtrain their Incurſions, and bring them to a due ſubmiſſion: And therefore the Parliament was put off; whereas indeed it ſhould have rather produced the quite contrary Effect: For what fitter Proviſion could be made againſt this Invaſion of the *Scots*, than the Unanimous Advice and Aſſiſtance of the Clergy and Great Men of the Kingdom: Wherefore I rather incline to believe, that the true Reaſon why the King put off this Parliament, was, becauſe he would not grant without any Reſervations, the Great Men's Demands concerning the late *Articles* or *Ordinances*, which He knew they would again inſiſt upon whenever they met; and I alſo doubt whether the Parliament, which *Walſingham* tells us was ſummon'd this Year at *Leiceſter*, was any other than that which the Record mentions to have met at *Lincoln*, but was now put off; and I am the more induced to believe it, becauſe there appears no Writs of Summons upon the Roll, of any Parliament that was to meet at *Leiceſter* this Year; yet however, the King might at a Treaty or Great

[5.] Chron. Lan. Ib. After which they take ſeveral Caſtles in *Northumberland*.

* Rot. Clauſ. 11 *Ed.* 2. m. 8. Dorſ. The King puts off the Parliament, and for what Reaſons.

Council of the Nobility held at ***Leiceſter***, give that Anſwer to their Demands, as I have already mentioned from our Author.*

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15 * But I am now better ſatisfyed from the Cloſe Rolls [Claus: 12. Ed. 2. m. 29.] of this year, that y^e was a Parliament held at York three ~~we~~ weeks after Michaelmaſs in which as alſo appears by the Patent Rolls [Pat: 12. Ed. 2. p^t. 1 m. 17. R—'s Coll. p. 734] the Earl of Lancaster, & his adherents there nam'd, with the aſsent of the Prelates, chief Men and Commons, were pardon'd all Felonies & Tranſgreſsions committed by him till y^e 7th of August last past. & this bears Date 22 of October.

But this is more certain, which the ſame Author relates, [1.] That the King held a Parliament at ***London***, about *Michaelmas*, in which it was again ordained, That every City and Town of ***England***, that was able to do it, ſhould raiſe and find ſo many Men to aſſiſt the King againſt the *Scots*, and the City of ***London*** maintained Two hundred Men armed at all Points; *Canterbury* Forty, the Town of St. *Alban*'s Ten, and ſo conſequently did the other Cities and Towns according to their Rates; and theſe being muſter'd, made a great Army, and might have proved formidable to their Enemies, had they not been mutinous and ill diſcipli'd; ſo that when they came to *York*, this, with other Obſtacles, made them to be disbanded and ſent home again.

[1.] *T. W.* A Parliament at *London*, wherein every City and Town in *England* are rated at ſo many Men to march againſt the *Scots*, which yet comes to nothing.

Not long after, on the [2.] Fourteenth of ***November***, happened the greateſt Earthquake that had been known in ***England*** in the Memory of Man; inſomuch that it ſtruck the Minds of the Superſtitious People with Panick Fears, [3.] for many Churches and ſtrong Buildings were either ruin'd, or ſorely ſhaken by it.

[2.] Id. ib. A terrible Earthquake in *England*.

[3] Chron. Lan.

But to make ſome amends for ſo much Ill Fortune, the *Engliſh* obtain'd a ſignal Victory over the ***Scots*** this Year in ***Ireland***,* where the Lord *Edward Bruce* having in this, as alſo the laſt Year, fought againſt the *Engliſh* with ſuch ſucceſs, that he had cauſed himſelf to be crowned King of ***Ireland***; he was ſo elated with it, that he thought himſelf ſtrong enough with about Six thouſand of his Countrymen, and as many *Iriſh*, that joined them, to give Battel to the ***Engliſh***, under the conduct of the Lord ***John Bermingham***, and the Lord Primate of ***Armagh***, with other Barons, who fought with the ***Scots*** and ***Iriſh*** about four Miles North of ***Dundalk***; the Fight was for a while very ſharp, but at laſt the ***Scots*** were routed, and their Titular King, with about Twenty nine Baronets, beſides Two thouſand Common Soldiers, ſlain on the Place. His Dead Body being found among the Slain, was cut into four Quarters, which were ſent to ***Dublin*** and three other chief Towns of ***Ireland*** in the ***Engliſh*** poſſeſſion; but his Head was by the Lord ***Bermingham*** carried over into ***England***, and preſented to the King, who for this Service conferr'd the Earldom of ***Louthe*** upon him and his Heirs Male: (2) This Victory was obtain'd on the Fourteenth Day of ***October***, and indeed is the only one that was gain'd againſt the ***Scots*** in all this King's Reign.

* *T. W.* *Annal. Hib.*

(2) As appears by y^e Letters Patents on the Cloſe Rolls of this year [Pat: 12. Ed. 2. p. 2^d. m. 11] vid. R—'s Coll. 3^d vol. p. 767.

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The [4.] King kept his ***Chriſtmas*** at ***Beverly*** in *Yorkſhire*, with many Noblemen and Prelates, when being highly concern'd for the loſs of ***Berwick***, He provided Himſelf of a numerous Army to march againſt the ***Scots***, that He might free ***England*** from their Incurſions, as alſo to recover that conſiderable Place out of their Hands; but whilſt He was muſtering His Army, and marching thither to lay ſiege to it, the ***Scots*** in the mean time rais'd another of about Twenty thouſand Men, and enter'd ***England*** on the other ſide, hoping to have ſurprized and taken the Queen at *York*, where She then remain'd during the King's Abſence, (for it ſeems the City was to have been ſold to the ***Scots*** by ſome *Engliſh* Traytors); but the Queen having had timely notice of the Deſign, fled from thence to a ſafer Place; upon which the ***Scots*** being enraged at this Diſappointment, fell upon the Country, and deſtroyed it with Fire and Sword.

[4.] T. W. While the King raiſes an Army, the *Scots* invade *England*.

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[5.] Id. Ib. The King beſieges *Berwick*, but is forced to raiſe the Siege, and for what cauſe.

In [5.] the mean while (as our Author Relates) the King beſieged *Berwick*, and when it was very near being taken, He according to His uſual Inconſiderateneſs openly ſaid; *We will make the Lord* Hugh Spencer *Governor of the Caſtle, and the Lord* Roger Tamery *Captain of the Town, if we take it:* Which when the Earl of *Lancaſter* heard, he was ſo incenſed at it, that looking upon thoſe two Lords as his Enemies, he preſently withdrew himſelf from the Siege, with divers others of his Party, for which he was called a Traytor by the whole Army, ſince if he had not thus gone away, the Town and Caſtle might have been ſurrender'd into the King's Hands. And if this Relation be true, as the King's unadviſed Declaration is no ways to be commended, ſo the Earl is much more to be blamed, who would thus prefer his own private Piques before the good of his Country: Yet ſince I find this Story in no other Author but *Walſingham*, and that the Earl of *Lancaſter* was, not long after, in as great Reputation as ever, I believe this to be taken up from ſome lying Tradition or Report: For the Chronicle of *Lanercoſt* (whoſe Credit I moſtly rely upon in theſe Northern Affairs) relates it otherwiſe; That the King and the Earl of *Lancaſter* being now outwardly reconcil'd, entred *Scotland* with their Forces about the middle of *Auguſt*, and having beſieged *Berwick*, the *Engliſh* at the firſt Aſſault mounted the Walls, and had they been timely ſeconded, might have taken the Town; whereupon the *Scots* taking freſh Courage, new fortified the Works, and burnt a certain Engine called a *Sow*, which the *Engliſh* had brought to cover the Aſſailants, whilſt they undermined the Walls; whereby the Siege being protracted, the *Scots* thought beſt to act by way of Diverſion, and the Earl of *Murrey*, and the Lords *Randolf* and *Douglas* entring *England* by another way, deſtroyed the Country, carrying away their Plunder and Priſoners as far as *Burroughbrig*.

1.] Chron. Lan. *T. W.* The ABp. of *York* raiſes an Army of raw Soldiers, who are ſoon routed by the *Scots*, and many ſlain.

[1.] Then the *Yorkſhire* Men being reſolved to put a ſtop to theſe Depredations, under the Command of *William de Melton*, ABp. of *York*, raiſed an Army of about Ten thouſand Men, a great many of whom were Prieſts or Fryars, with which they marched againſt the *Scots*, who lay then encamped at *Mitton*, near the River *Swale*, about twelve Miles from *York*, exerciſing their wonted Depredations, and having a well armed and diſciplin'd Army, upon the approach of the *Engliſh*, preſently ſet upon them, who, being only raw Men, and half armed, without any skilful Commanders, were eaſily routed, and about Three thouſand of them were there ſlain; beſides a great part of thoſe that fled, being driven into the River *Swale*, were drowned. This unfortunate Fight happened on the Twenty firſt of *September*.

[2.] Id. Ib. The King raiſes the Siege of *Berwick*, and thinking to meet with the *Scots*, is diſappointed.

[3.] Chron. Lan. The *Scots* again invade *England*, and do much miſchief.

[2.] When the News of the Defeat came to the King's Ears, He preſently raiſed the Siege of *Berwick*, and made haſt with all his Army to meet the *Scots* before they ſhould get into their own Country; but they having notice by their Scouts, or Spies, of the King's Deſigns, took another Courſe, and returned home with much Cattel, and other Plunder: Nor were they ſatisfied with this, [3.] but about *All-Hollandtide* they again entred *England* with another Army, under the Conduct of the Lord *James Douglas*, and waſted all *Gilleſland*, burning the very Corn in the Barns, and this they did as far as *Burough* under *Stanmore*; then returning home by *Weſtmorland* and *Cumberland*, did the like in both thoſe Counties.

Wherefore [4.] the King, finding the Damages and Miſchiefs done y the *Scots* daily to increaſe, did by the common Advice of his Barons, ake a Truce with his Enemies for a time, which they willingly ac-pted of; for they were now ſo enriched with the Plunder of *England*, at the Country would ſcarce afford any more.

[4.] *T. W.* The King makes a Truce with the *Scots*.

[5.] When the King was return'd into the South Parts of *England*, He ought fit to call a Great Council at *Northampton*, on the Firſt of *Au-ſt*, where the Biſhops, Earls and Barons being aſſembled, were very nſible of the ill ſucceſs of His Majeſty's Affairs, which they imputed his late unadviſed Actings, without the Advice of the Earl of *Lanca-er*; (wherefore, as appears on * Record) they agreed to ſend ſome of ch Order, whoſe Names immediately follow, to diſcourſe and treat ith Him about the Honour and Welfare of the King and Realm; and it as then agreed between Him and thoſe Commiſſioners that were ſent Him, That a ſtanding Council of certain Biſhops, Earls and Barons ould conſtantly remain with the King, to adviſe Him in all Matters of ublick Concern, until the next Parliament; concerning which and her Matters, an Inſtrument was drawn up between the ſaid Earl d thoſe Commiſſioners, which is thus tranſlated from the *French* riginal.

[5.] Contin. Nic. Trivet. The King calls a Great Council at *Northampton*, where 'tis agreed to ſend Commiſſioners to treat with the Earl of *Lancaſter*; with the Effects of that Treaty.

* Rot Clauſ. 12 Ed. 2. m 22. Dorſ. printed in Dr. B's Ap. n. 61. and in *Ryley*'s Placit. Parl. f 560.

'This *Indenture* Witneſſeth, That the Honourable Father, the Arch-iſhop of *Dublin*, the Biſhops of *Ely*, *Norwich* and *Chicheſter*; the Earls f *Pembroke* and *Arundel*; the * Lords *Roger de Mortimer*, *John Somery*, *artholomew de Badleſmere*, *Ralph Baſſet*, and *John Botecourt*, by the Will and Aſſent of the King, have diſcourſed and agreed with the Earl of *Lancaſter* concerning certain Things, touching the Profit of Himſelf and the Realm, in the Form following: To wit, *That the Biſhops of* Norwich, Chicheſter, Ely, Saliſbury, *St.* David*'s*, Carliſle, Here-ord *and* Worceſter; *the Earls of* Pembroke, Richmond, Hereford *and* Arundel; *Sir* Hugh de Courtney, *Sir* Roger de Mortimer, *Sir* John e Segrave, *Sir* John de Grey, *and one of the Bannerets of the Earl of* Lancaſter, *which he ſhould name, ſhall remain with the King for one Quar-er of a Year, or until the next Parliament; and that two Biſhops, one Earl, one Baron, and one Banneret of the Earl of* Lancaſter's, *at leaſt, ſhould always be with Him, and that all conſiderable Matters, that might, or ought to be done out of Parliament, ſhould be done by their Aſſent, other-iſe to be void and amended in Parliament, by the Award of the Peers; nd ſuch as ſhould remain with the King Quarterly, ſhould be choſen and ſſigned out of them, and Others in Parliament, to Act and Adviſe the King, s aforeſaid; and the above-named Prelates, Earls and Barons, by the Will and Aſſent of the King, undertook that He ſhould Releaſe and Ac-uit the Earl of* Lancaſter, *his People, or Retinue, and thoſe of his Par-y, of all manner of Felonies and Treſpaſſes againſt the Peace, until the Day of St.* James *this Year; and that the Charters of Releaſe and Acquit-ance ſhould be plain and abſolute without Condition; and if better Securi-y for them might be found at the next Parliament, they ſhould have it here confirm'd by the King and his* Baronage. *And the Earl of* Lanca-ter *Granted, that he would make Releaſes and Acquittances to all thoſe hat on behalf of the King ſhould demand them, for any Treſpaſſes done to His Perſon, as ſoon as the Things aforeſaid ſhould be confirmed; nor that He would bring Suit of Felony againſt any one, from the time they had His etters; ſaving to Him all Plaints, Actions and Suits which He had againſt the*

* In the *French* there is Monſieur before every one of their Names, which I have alter'd to Lord.

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* *i. e.* In carrying away his Wife

‘ *the Earl of* Warren, *and all thoſe that were Aſſenting and Aiding to th*
‘ * *Felonies and Treſpaſſes which the ſaid Earl had done to Him againſt th*
‘ *King's Peace.*

‘ *And that the ſaid* Ordinances *ſhould be kept and obſerv'd, as they ar*
‘ *under the King's* Great *Seal ; and that theſe Things aboveſaid ſhould be per*
‘ *form'd and kept in all Points, the ſaid Honourable Fathers in God, th*
‘ *Archbiſhops of* Canterbury *and* Dublin ; *the Biſhops of* Norwich, Ely
‘ Chicheſter, Salisbury, Cheſter, (*or* Litchfield) Hereford *and* Wor
‘ ceſter ; *the Earl* Marſhal, Edmund *his Brother* ; *the Earls of* Richmond
‘ Hereford, Ulſter, Arundel *and* Anegos ; *Sir* Roger de Mortimer
‘ *Sir* John de Somery, *Sir* John de Haſtings, *Sir* John de Segrave
‘ *Sir* Henry de Beaumont, *Sir* Hugh le Diſpenſer *the Son, Sir* John de
‘ Grey, *Sir* Richard de Grey, *Sir* Bartholomew de Badleſmere, *Sir* Ro
‘ bert de Mohant, *Sir* Ralph Baſſet, *nnd Sir* Walter de Norwich *hav*
‘ *undertaken by the Will and Aſſent of the King. In Witneſs whereof th*
‘ *Prelates, Earls and Barons aforeſaid have put their Seals to one part*
‘ *this Indenture, and the Earl of* Lancaſter *hath put his Seal to the other*
‘ *Written at* * Leek, *the Ninth Day of* Auguſt, *in the Twelfth Year of Kin*
‘ Edward.

* This is a Town in *Staffordſhire*, which then belonged to the Earl of *Lancaſter*.

After this *Indenture*, in the ſame Record, there is an Account wha
was done in the ſucceeding Parliament, in perſuance of what was or
dered in this Great Council.

[1.] Contin. Nic. Trivet. Another Reconciliation patch'd up between the K. and Earl of *Lancaſter*.

* Rot. Clauſ. 12 Ed. 2. m. 28. Dorſ.

But before I ſpeak any thing of that, I ſhall make an end with the reſ
of the Proceedings of this preſent Aſſembly, [1.] in which I find (tho
this Record doth not expreſly mention it) that there was another Re
conciliation again patch'd up between the King and the Earl of *Lanca*
ſter; and it was there alſo *Ordain'd*, That a Parliament ſhould not long
after meet at *York*, three Weeks after *Michaelmas*, (as appears by th
* Writs of Summons ;) which being met accordingly, the Proceeding
of it are particularly ſet down in that above cited Record ; and th
Indenture above-mention'd to have been made between the Earl of *Lan*
caſter, and the Lords Commiſſioners that were ſent to him, was rea
in the preſence of all aſſembled in that Parliament ; and all things in i
being maturely conſidered, the Prelates, Earls and Barons agreed, ‘ T

A Parliament called, and what was done in it.

‘ Pray and Requeſt the King, for the Honour of Himſelf, and the Pro
‘ fit of Him and the Realm, That for the great Affairs that concern'
‘ Him, and which does happen from day to day, would pleaſe t
‘ aſſent, That two Biſhops, one Earl, one Baron or Banneret of th
‘ Family of the Earl of *Lancaſter*, ſhould in his Name and for Him, b
‘ preſent and remain with the King in their Turns, according to the fou
‘ Quarters of the Year, to deliberate with, and adviſe Him in due man
‘ ner, and that they might deliberate and adviſe about all conſiderab
‘ Matters out of Parliament, until a Parliament ſhould otherwiſe dete
‘ mine concerning them ; ſo as none of theſe things ſhould be debate
‘ without the Counſel and Aſſent of the Prelates, Earls and Others, wh
‘ were to remain with the King, according to the Term of the ſaid *In*
‘ *denture* ; and if any thing was done otherwiſe, it ſhould be void.

‘ The King underſtanding this Requeſt, and deſiring to be Adviſe
‘ by all means which may or ought to make moſt for the Honour an
‘ Profit of Him and His Realm ; and conſidering that when He receiv'
‘ the Government, He found *Scotland* in Rebellion againſt Him ; an
‘ ſince that there had been War in *Ireland*, with many other Diſtu

‘ bance

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bances that had happen'd in His Dominions, for which He thought it neceſſary to have conſtantly the beſt and moſt ſufficient Council, He therefore agreed to have the ſaid Prelates, Earls and Barons to adviſe Him in the Form aforeſaid; yet ſo as his Miniſters ſhould always perform their Offices according to the Law and Uſage of the Kingdom.

'And whereas it was contain'd in the ſaid *Indenture*, That the Prelates, Earls and Barons there named had undertaken by the Aſſent of the King, that He ſhould make to the Earl of *Lancaſter*, His People, or Party and Followers, Releaſes and Acquittances of all manner of Felonies and Treſpaſſes againſt His Peace, until St. *James*'s Day this Year: and that the Charters of Releaſe and Acquittances ſhould be Abſolute without Condition, and if better Security could be found for them in the next Parliament, they ſhould have it, and alſo confirmed by the King and His Baronage.

'The King by Aſſent of the Prelates, Earls and Barons, and Commonalty of His Realm in His ſaid Parliament, granted a Pardon to the Earl of *Lancaſter* and his Followers, of the Suit of His Peace, and whatever belonged to him, by reaſon thereof, of all manner of Felonies and Treſpaſſes committed againſt the Peace unto the Seventh Day of *Auguſt* laſt paſt, and a Pardon of Outlawry to thoſe that ſhould demand t, if any had been pronounced againſt them, before the making of their Charters; and commanded the Biſhop of *Ely*, then His Chancellor, That he ſhould make Charters under His Great Seal, abſolute and without Condition, for the Earl of *Lancaſter*, and ſuch as He ſhould by His Letters name to the Chancellor.

'Alſo, whereas in the ſame *Indenture* it was contain'd, That the *Ordinances* ſhould be holden and kept as they had paſſed the Great Seal, the King now willed and granted, That they ſhould be ſo obſerved, and that all theſe things ſhould be entred upon the Parliament Roll, and ſent to the *Chancery* to be enrolled there, and from thence o both Benches, to be likewiſe enrolled in them. × And I deſire the Reader to take Notice that the Relation concerning the Reconciliation of ye Earl of Lancaster is misplac'd, & sh'd have been inserted under A.D. 1218. & ought to be refer'd to that King's Pardon above mention'd

I find nothing elſe worth noting tranſacted in this Parliament, only appears by the * Sentence that was paſs'd three Years after againſt he two *Deſpenſers*, that *Hugh* the Son was then appointed by the Lords be Chamberlain to the King, and though **De la More* is miſtaken in e Year in which it was done (placing it *Anno Dom.* 1313, near four ears agone) yet he might be right enough as to the Reaſon, why the ords made him ſo; for he ſays, That *Hugh* was made *Chamberlain* by e Conſent of the Prelates and Others, becauſe they knew the King ated him, yet that he by Prudence and Obſequiouſneſs ſoon changed is Mind, and gained His Affection, upon which they proſecuted him ith the greater Hatred: And then he proceeds to give a Character of is Nobleman, as well as his Father; which I ſhall defer until you nd them both become extremely Odious to the Nation, which was ithin a ſhort time after.

* Rot. Clauſ. 15 *Ed.* 2. m. 14 Dorſ.

Hugh Spencer the Son now made the King's Chamberlain.

* *Ad hunc An.*

As for Eccleſiaſtical Affairs, the [2.] King this Year holding a Parment preſently after *Eaſter*, required a Subſidy of the Clergy towards War againſt the *Scots*, who had then entred *England*, but the Pretes refus'd to grant Him any without the *Pope*'s Leave; to obtain hich, they ſent Maſter *Adam Murymouth* Clerk to *Rome* (the Author the Chronicle ſo often cited) to procure it, though at the King's own Charge,

[2.] Chron. *Ad. Mur.*

The King obtains the Pope's Licenſe that the Clergy might grant Him a Tenth.

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Charge; and the *Pope* gave Him a *Licenſe* for the Clergy t grant the King a *Tenth* for One Year, to begin at *Midſummer* laſ paſt.

Anno Dom. MCCCXX.

[3.] *T. W.* * *Polychron ad hunc Annum.*

A Young Fellow takes upon him to be true Son to the late King *Edward.*

This Year [3.] the King kept His *Chriſtmas* at *Wincheſter*, with great many Knights, Eſquires, and other Courtiers, but it affords littl worth our noting, only that a certain poor Young Man * of *Exeter* (whom *Higden* calls a Writer or Clerk, and others call *John Deydras* a Tanner's Son) came to *Oxford*, and had the Impudence, or rathe Madneſs, to declare himſelf to be the true Son of the late King *Edward* and that he had been changed at Nurſe for the Son of a certain *Carter* who was the King now reigning; whereupon the Citizens of *Oxford* ſeized the Fellow, though he had taken Sanctuary in the Church o the *Carmelite*-Fryars there; and when he would not, neither by fai Means nor foul, deny what he had ſaid, he was ſent to the King (bein then at *Northampton*) and there he was condemned to be hanged, an was executed accordingly between that Town and *Kenelworth*, as Terror to all ſuch Impudent Impoſtors for the future. The Author la mentioned makes him to have been prompted to do this by the Inſtigation of an Evil Spirit in the Shape of a Cat, which promiſed him that h ſhould be King of *England*; but I rather believe him to have been reall mad (at leaſt as to this) or elſe he would never have thrown away hi Life for ſo Great a Piece of Folly.

And is executed for it.

[4] Id. Ib.

The *Scots* invade *England*, and march as far as *York*, and take the Earl of *Bretaigne* Priſoner.

Not [4.] long after, when the King was at *York*, the *Scots* broke th late Truce they had entred into, and invaded *England* again on the ſudden; and marching as far as the Suburbs of that City, burnt them, an in their Return took the Lord *John* of *Bretaigne*, Earl of *Richmond*, an ſeveral other Perſons of Quality Priſoners, whom they made to pa grievous Ranſoms before they were diſcharged.

*K. *Edward* goes over into *France*, to do his Homage to the new King.

Philip

* Alſo this Summer, towards the end of the Month of *June*, Kin *Edward* went over to *Amiens*, to meet the New King of *France*, wh having received Homage from the King of *England*, reſtor'd to Hi the Earldom of *Ponthieu*, which He had before ſeized on for the Non-performance of that Duty. ×

× And I further find by the Patent Rolls of this year [Pat: 13. Ed. 2. m. 4. R- coll: p. 835.] that ye King appointed Adomar de Valence Earl of Pembroke to be his Lieutenant during his absence, which was but for a short Time. For it appears by a Memorandum in the Cl. Rolls [Claus: 13 Ed. 2. m. 4. d.] that he began his Journey to ye Sea side on thursday before ye Feast of St. Barnaby & landed at Dover on ye 22d. of July following. [Claus. 14. Ed. m. 16. d.]

Anno Dom. MCCCXXI.

[5.] The Barons are highly diſcontented againſt the two *Hugh le Diſpencers.*

The King [5.] being return'd from *France*, kept his *Chriſtmas* a *London* with great Solemnity and Pomp, but could not, for all that long be quiet; for many of the Earls and Barons of the Kingdom bega ſoon after to be as highly diſcontented at the two *Hugh le Diſpencer* Father and Son (who were become now the King's moſt intima Counſellors) but they were moſt incenſed againſt the Son, for he ha puff'd himſelf up to a greater Inſolence than the former Favourite, inſomuch that he would not permit any of the Noblemen of the Kingdo to diſcourſe with the King, unleſs he were by, and heard what was ſai and often would preſume to return an Anſwer for Him, which ſhew' the Eaſineſs as well as Weakneſs of this Poor Prince. But to ſay ſomewhat farther of theſe Two Favourites from *Sir *Thomas De la More*, abov cited, who, ſpeaking of the Two *Diſpencers*, reports, That the Fathe was a Man of Integrity, wiſe in Counſel, and valiant in Arms, who Confuſion and Ignominious End was cauſed by his Inordinate Love towards his Son, who was a Perſon of a Brave Mien, but of a Haught and Proud Spirit, as well as a Wicked Life, cauſing by his Ambition an Covetouſneſs many Widows and Orphans to be diſinherited, and Noblemen to be put to death; by which he haſtened his Own and his Father

Ad An. 1213.

An Account of them from Sir *Thomas de la More.*

Anno Dom. MCCCXXI.

ther's Deſtruction: It was therefore no great wonder that a Man of ſuch a Character ſhould be generally hated; but it was not long before divers of the Earls and Barons of the Kingdom took up Arms, and began a War againſt him and his Father upon this Occaſion.

Divers Earls and Barons take up Arms againſt them.

[1] *T. W.*

And the Occaſion of it,

[1.] *William de Braioſe*, a Baron in the *Marches* of *Wales*, and a Spend-thrift, propounded to ſell part of his Eſtate, called *Gowerland*, that deſcended to him by Inheritance, to ſeveral Lords; the Earl of *Hereford*, becauſe it lay near his Lands, firſt agreed with him for it; and the Two *Roger Mortimers*, becauſe it was adjoining to their Eſtates, thought it convenient for them, and knowing nothing of his former Bargain, agreed with him alſo for the ſame Land, whilſt the Lord *John Mowbray*, who had married his only Daughter and Heir, thought himſelf ſure of it by Inheritance: But in ſhort, this Land was held of the King *in Capite*, and ſo could not be ſold without the King's Licenſe; but lying neareſt to the Lands of *Hugh Deſpenſer* the Son, His then *Chamberlain* and *Favourite*, eaſily obtained he His Licenſe to purchaſe it, and then bought it of the Owner. This ſo provoked theſe Barons, and eſpecially the Earl of *Hereford*, that he complained of the Injury done him, to *Thomas* Earl of *Lancaſter*, and they Two engaging a great number of the Barons in their Intereſts, entred into a Confederacy to live and die for Juſtice, and the deſtruction of Traytors, intending thereby the two *Le Deſpenſers*, Father and Son, who now govern'd the King ſo abſolutely, that no Biſhop nor Lord could do any thing at Court without their Favour and Conſent.

The Earls of *Lancaſter* and *Hereford*, with other Barons, enter into a Confederacy to deſtroy the Two *Spencers*.

In perſuance of this, the Earl of *Hereford*, with the Barons there named, *viz.* the [2.] Lords *Roger de Mortimer*, the Nephew and the Uncle; the Lords *Roger Damory*, *John de Mowbray*, *Hugh de Audeley*, the Father and the Son, *Roger de Clifford*, *John Giffard de Brimmesfield*, *Maurice de Berkeley*, *Henry de Teys*, *John Maltravers*, with ſeveral Others of that Confederacy, on the Feaſt of the Invention of the *Holy Croſs* (or Third of *May*) entred into the Lands of *Hugh* the Younger, in *Wales* (whilſt he was with the King doing his Office as *Chamberlain*) by Force of Arms, killed ſome of his Servants and Tenants, Others they kept in Priſon, and ſome they ſuffer'd to be ranſom'd; they alſo burnt, pulled down, and deſtroy'd or defac'd all his Houſes and Caſtles, and took and carry'd away Goods of all ſorts whatſoever they found, either on his Lands, or in his Houſes and Caſtles, which amounted to a very great value; from thence they rambled up and down the Countrey, and went into *Gloceſterſhire*, *Wiltſhire*, *Hampſhire*, and all Countries where *Hugh* the Father had any Lands, and begun their Work on *Barnaby Day* (or Eleventh of *June*) at his Manor of *Faſtern* in *Wiltſhire*; and in all his other Lands, Houſes and Caſtles, wherever they came they behaved themſelves juſt as they had done to thoſe of his Son.

[2.] In the *French* Monſieur, ſo before all the reſt of their Names.

* See the Record of the annullation of the Proceſs againſt the Two *Spencers*. Rot. Clauſ. 15 *Ed.* 2. n. 14. Dorſ. where all theſe Actions are entred at large.

When they had committed theſe Miſchiefs, they marched to *Sherborn-Caſtle* in *Dorſetſhire*, where they found *Thomas* Earl of *Lancaſter*, the Owner of it; and on *Sunday* after *Midſummer* Day they all entred into a New, and confirmed the Old Confederacy.

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The Confederacy of the Earls and Barons againſt Hugh *aud* Hugh le Deſpenſer.

* *Vid.* The Regiſter of *Chriſt Church Canterbury*, where it is enter'd in *French*.

* *i. e. Angus*.

The Second *Confederacy* of the Barons againſt the Two *Spencers*

‘THis * *Indenture* witneſſeth, That on *Sunday* next after the Feaſt of St. *John Baptiſt*, in the Fourteenth Year of the King, at *Sherborn* at *Elemede*, in the Preſence of the Archbiſhop of *York*, the Biſhops of *Durham* and *Carliſle*, the Earls of *Lancaſter* and * *Ænegos*, it was conſidered, That *Hugh le Deſpenſer*,, the Father and the Son, had ill counſelled and moved the King, to the Diſhonour and Damage of Him and of His Kingdom; and having alſo heard and underſtood the Reaſons of the Earl of *Hereford*, *Roger de Mortimer* the Nephew and Uncle, *Hugh de Audeley* the Father and Son, *Roger Dammory*, *John d* *Mowbray*, *Maurice de Berkley*, *Roger de Clifford*, *Henry de Teys*, *Joh* *Giffard*, *Thomas Mauduit*, *Gilbert Talbot*, and Other Great Men of the *Marches* (i. e. of *Wales*); and notice of Information having been give to the Earls of *Lancaster* and *Ænegos*, Monſieur *Robert de Holland*, *Fauk de Eſtrange*, *Stephen de Segrave*, *William de Latimer*, *John Devery*, *John de Harrington*, *Adam de Snimnington*, *William de Kyme*, *Marmaduke de Tweny*, *Richard Walleys*, *Robert Pierpount*, *Ranulph Dacre*, *Edmund Deyncourt*, *Thomas Willeby*, *William de Penington*, *Ralp* *de Nevil*. *Giles de Trumpyton*, *John de Beker*, *Adam de Hodeleſton* *Michael de Haverington*, *Adam de Everingham*, *William Truſſel*, *Rober* *de Rigate*, *Robert de Richer*, *John de Clifford*, *Henry de Bradbourn*, *Nicholas de Langford*, *John de Brekeworth*, *Thomas Wycher*, *John de Cliff* *Thomas de Longuevillers*, *Edmund de Neville*, and *Goſtelin Daniel*, That the Earl of *Hereford*, the ſaid *Roger de Mortimer*, and Other Grea Men of the *Marches*, and Others above named, had begun Quarrel and Complaints againſt the Lords *Hugh* the Father and Son, and tha 'twas done to the Honour of God, and of *Holy Church*, to the Profi of the King, the Queen, and Their Children, and the Safety of th Crown and People: And as the Earl of *Lancaſter* and Other Grea Men who had begun the Quarrel, would maintain it, ſo the Earl o *Ænegos*, and All thoſe named after him, will maintain it with all thei Power; and whenever the Earl of *Lancaſter* and other Great Men ſha leave the Quarrel, the Earl of *Ænegos*, and all thoſe named after him may leave it without being accuſed or queſtioned for it. And to maintain theſe Things, the Earl of *Ænegos*, and all the others after hi have put to their Seals. This was the part of the *Indenture* Agree and Seal'd to by the Earl of *Ænegos*.

[2.] *T. W.* The Confederate Barons march towards *London*, and demand the Baniſhment of the Two *Spencers*; which is anſwer'd by the King.

Theſe Things being thus concluded, in manner as aforeſaid, the [2 Confederate Barons marched from thence to St. *Albans*, taking Victuals every where in their March, and oppreſſing the Poor; and takin up there their Quarters, they ſent the Biſhops of *London*, *Salisbury*, *El* *Hereford* and *Chicheſter*, as Meſſengers to demand of the King, wh was then at *London*, not only to baniſh *Hugh* and *Hugh*, the Two Traytors, from His Court, but alſo out of the Kingdom; to which th King anſwered, That *Hugh* the Father was beyond Sea in His Servic and *Hugh* the Son was at Sea, for the guarding of the *Cinque-Ports*, according to his Duty, and that, according to Right and Cuſtom, the ought not to be baniſhed without anſwering for themſelves: And H adde dded further, That the Petitions of the Barons were neither founded pon Juſtice nor Reaſon, becauſe the ſaid *Hughs*, both Father and Son, ad been always ready to anſwer all Men that would complain againſt hem, according to due Form of Law; and if it could be proved that hey had offended againſt any of the Statutes of the Kingdom, they ould be ready to ſubmit to a Lawful Tryal; and He concluded, That e was reſolved not to violate His Coronation-Oath, by granting Parons to Notorious Delinquents againſt His Royal Perſon and Digity, who had thus diſturbed the Peace of the Kingdom.

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This [3.] Anſwer, though it ſeem'd very fair and reaſonable, yet d but ſo much the more enrage the Angry Barons, who taking up rms again, came with great Haughtineſs and Military Pomp up to *ondon*, and took their Quarters in the Suburbs, where they ſtaid very eaceably, till they had obtain'd the King's Leave (who had no Forces hinder them) to enter the City it ſelf, whilſt the Great Men of that arty ſtill perſiſted in their firſt Demands; but at laſt, by the Interceſon of the Queen and ſome of the Biſhops, the King was prevail'd with avoid the hazard of a War, to agree to all the Barons their Petitins; and thereupon a certain *Edict* or *Statute* was ſolemnly read and ubliſhed by the Earl of *Hereford* in *Weſtminſter-Hall*, by which *Hugh Deſpenſer* the Father, as alſo *Hugh* the Son, were both for ever baniſh'd e Kingdom.

[3.] Id. Ib.

The Barons not being ſatisfy'd, march up to *London*, and perſiſt in their Demands.

This Tranſaction (though our Author does not expreſly mention it) as made in a Parliament which had been ſummon'd *on the Fifteenth f *May*, to meet at *Weſtminſter* three Weeks after *Whitſontide*, or the Fifeenth of *July*; and it was in order to this, that theſe Lords thus march'd *London* in a Warlike Manner; and though the King had ſent to forbid hem coming thither Arm'd, but in due manner as they ought, acording to Law, yet nevertheleſs they did not regard His Prohibitions, or appear'd at *Weſtminſter*, according to their Summons, but remain'd *London* in an Armed Poſture, for fifteen days after the Parliament as begun, where they held a Council by themſelves until they had greed on, and drawn up the Sentence or Judgment againſt the Two *Deenſers*; nor did they ever Communicate it to the King, till they came *Weſtminſter* with Force and Arms, ſo that He was in no ways able hinder the paſſing of it; which *Sentence* or *Statute* is to this effect, tranſlated out of the *French* Record.

* Rot. Clauſ. 14 *Ed.* 2. m. 5. dorſ.

The King holds a Parliament at *Weſtminſter*, to which the Confederate Barons refuſe to come, till they had drawn up the Sentence againſt the Two *Spencers*.

'To the Honour of God and Holy Church, and of Our Lord the King, for the Profit of Him and His Realm, and to maintain Peace amongſt His People, and the Eſtate of the Crown, the Prelates, Earls, Barons, and other Peers and Commons of the Realm, do ſhew againſt Sir *Hugh Deſpenſer*, Father and Son, That whereas Sir *Hugh* the Son, at the Parliament held at *York*, was appointed to be *Chamberlain* to the King, in which Parliament it was agreed, That certain Prelates and other Great Men ſhould be with the King by turns, at ſeveral Seaſons of the Year, the better to adviſe Him, without whom no Great Buſineſs ought to be done; now the ſaid Sir *Hugh* the Son, drawing to Him his Father, who was not by *Order* of Parliament to be near the King, or to be One of thoſe Counſellors, between them both have uſurped Royal Power over the King and His Miniſters, and the Government of the Kingdom, to the Diſhonour of the King, the Injury of the Crown, and Deſtruction of the Kingdom, Great Men and People, and have done

The Form of the *Articles* exhibited againſt them.

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'the Wickedneſſes underwritten, in contriving to turn the Heart o th
'King from the Peers of the Land, that ſo they (the *Deſpenſers*) ma
'have the ſole Government thereof.

'That Sir *Hugh* the Son made a Bill or Writing, whereby he wou
'have had Sir *John Gifford* of *Brimmesfield*, Sir *Richard de Greye* a
'Others enter into a Confederacy, to have forced the King to do wh
'he would have him, and had almoſt done it ; the Tenor of whi
'Bill is underwritten,

'1. Homage and the Oath of Allegiance is more due by reaſon of t
'Crown, than of the Perſon of the King, and is more ty'd or fixed
'the Crown; than to the Perſon ; and this appears, for that before t
'State of the Crown deſcends, there is no Allegiance due to the Perſo
'expectant; wherefore if the King does not govern Himſelf by Reaſo
'according to * the Right (or Law) of the Crown, His Lieges are the
'bound by their Oath taken to the Crown, to remove the King, a
'to take care of the State of the Crown, by a due Adminiſtration ; f
'otherwiſe that Oath could not be obſerved. Now if it be demande
'How the King is to be dealt with, whether by Suit of Law, or by R
'gor? not by the former, for no Man can be redreſſed that way, b
'cauſe he can have no Judge, unleſs it be from the King [Himſelf]; i
'which Caſe, if the King will not be guided according to * Reaſon, H
'will then be obſtinate in His Error: Wherefore † he ought to kee
'his Oath, and when the King will not relieve him, but is outragiou
'and will do that which is Injurious to His People in General, an
'withal is prejudicial to His Crown, then is it time for them to pro
'ceed againſt Him with rigor; for He is bound by His *Oath* to Gover
'His People and His Lieges ; and they are bound to Govern in Aid o
'Him, in caſe of His Default.

* I ſuppoſe the *Coronation-Oath* is here meant.

* *i. e.* Law.

† *Viz.* The *Subject.*

'2. Alſo upon any Application of the Great Men and People unt
'Him, the King His Anſwer ſtill was according to the Pleaſure of the
'Two, in turning the King from His Duty againſt His *Oath*, and th
'Hearts of the Great Men and People againſt their Liege Lord.

'3. Alſo by their Evil Contrivance, they would not ſuffer the Grea
'Men of the Realm, nor Good Counſellors to ſpeak with, or come nea
'the King to Adviſe Him, nor the King to ſpeak with them, unleſs i
'their preſence, or in the hearing of One of them, and that too bu
'when they pleaſed; thus uſurping Royal Power and Sovereignty ove
'the Perſon of the King, to the great Diſhonour and Peril of Him
'the Crown and Kingdom.

'4. Alſo, to attain their Wickedneſs, Covetouſneſs, and to the di
'inheriting of the Great Men, and the Deſtruction of the People, the
'had put out Good and Agreeable Miniſters who had been placed by A
'ſent, and put in Others Falſe and Wicked, that were of their ow
'Party, who would not ſuffer Right to be done; as Sheriffs, Eſcheators
'Conſtables of Caſtles, and make thoſe Juſtices, who underſtood no
'the Law; as Sir *Hugh* the Father, Sir *Ralph Baſſet*, Sir *Ralph* Cam
'and Sir *John Inge*, and divers Others their Friends, who cauſed b
'Falſe Jurors of their Alliance, the Peers of the Land to be indicted; a
'the Earl of *Hereford*, * My Lord *Gifford* of *Brimmesfield*, my Lor
'*Robert de Monthalt*, and Other good people to get their Lands fro
'them.

* Monſieur in the *Record* before is inſtead of Lord before theſe Names.

6. 'All

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'5. Alſo they falſly and malitiouſly adviſed the King to raiſe Arms againſt his People, in *Gloceſterſhire*, contrary to the Great Charter, and the Award of the Peers of the Land; and by their falſe and evil Counſel, would have made War in the Land, for their own proper Quarrel, to the Deſtruction of Holy Church, and the People.

'6. Alſo, whereas the Earl of *Hereford*, and the Lord of * *Wigmore*, by the King's Command, were aſſigned to make War upon *Lleuelyn Bren*, who had levyed War againſt Him in *Glamorganſhire*; when the Earl of *Gloceſter's* Lands, by reaſon of his Death, were in the King's Hands; and *Lleuelyn* had render'd himſelf into the Lord's Hands, to the King's Grace and Pleaſure: And upon that condition deliver'd him to the King, who received him accordingly. But when theſe Lords were out of the Country, theſe two Sir *Hughs*, the Father and Son, uſurping Royal Power, took *Lheuelyn*, and carried him to *Cardiff*: After which, Sir *Hugh* the younger * being ſeized thereof, and pretending to a Juriſdiction where none was in this Caſe, there cauſed the ſaid *Lleuelyn* to be drawn, hang'd, beheaded, and quartered, feloniouſly for things done in the time of King *Henry*; and they alſo took upon them Royal Power and Juriſdiction, which was appendant to the Crown, in Diſheriſon thereof, and to the Diſhonour of the King, the ſaid Lords of *Hereford* and *Mortimer*, and in ill Example and great Peril in the like Caſe for time to come,

* i. e. Roger Mortimer.

* Note he had theſe Lands as his Share of the late Earl of *Gloceſter's* Eſtate; whoſe Second Siſter he had married.

'7. Alſo they ill Adviſed the King, to take into his Hands the Lands and Goods of Sir *Hugh Audley* the Son, who was fore-judged without due Proceſs, contrary to the Law of the Land, by the Covetouſneſs of the ſaid *Hugh* to get ſome of thoſe Lands; and by other falſe Compaſſments, contrived to get the Lands of Sir *Roger Dammory*, having attainted him upon his entering into *Gloceſterſhire*, to the Diſheritance of the Peers of the Land.

'8 Alſo, that whereas the King had granted by his Letters-Patents to the Earl of *Warwick*, in full Parliament at *Weſtminſter*, that after his death, his Executors ſhould have his Lands, until his Heir was of full Age; which Grant, after the Earl's death, was confirmed by the King at *Lincoln*, at the Requeſt and Aſſent of the Peers of the Land in Parliament: Yet the ſaid Sir *Hugh* the Father, procured his Son to cauſe the King to repeal this Grant, without cauſe; and to give the Guardianſhip of the ſaid Lands to the ſaid *Hugh* the Father, for his own Profit: And alſo had defeated by evil Counſel, what the King had granted in his Parliaments, by good Advice, and by Aſſent of the Peers of the Land; to the Diſhonour of the King, and againſt Right and Reaſon.

'9. Alſo that they would not ſuffer the King to take reaſonable Fines of the Peers of the Land, and others, when they entered upon, and received their Fees, as it had been uſed before that time: But by Covetouſneſs, to obtain ſuch Lands by the Royal * Power, they had cauſed undue Impeachments to be brought, ſurmiſing the Land to be forfeited, as were thoſe of Sir *John de Mowbray* and others, to the Damage and Diſhonour of the King, and contrary to the Law of the Land, in Diſheritance of the Great Men and others: Alſo making the King do againſt his Oath in Parliament.

* *i. e.* Prerogative.

10. ' Alſo

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‘ 10. Alſo by wicked Covetouſneſs, and encroaching of Power-Royal, they would not ſuffer the King to hear or do Right to the Great Men, upon what they preſented to Him, on behalf of Himſelf and themſelves; touching the Diſheriting the Crown and them, concerning the Lands which were the *Templars* : Alſo by Uſurped Power-Royal they governed the King, his Council, and Prelates; that in Matters concerning them and their Friends, or which they undertook, no Right could be obtained, but according to their Pleaſures, to the Damage and Diſhonour of the King, the Peril of his Oath, and Disheritance and Deſtruction of the People of his Realm.

‘ 11. Alſo Biſhops, Abbots, and Priors Elect, who ought to be received of the King, when duly elected, could not come near him, nor ſpeak with him to obtain his Favour, until they had agreed and made Fine with Sir *Hugh* the Son, according to his Pleaſure; nor thoſe that had any Grant to ask of the King, could obtain it, before they had made their Agreement or Fine with him.

The Sentence of the Peers in Parliament, againſt the two *le Diſpenſers.*

‘ Which Wickedneſſes are Notorious and True, as it is found by the Examination of the Earls, Barons, and other Peers of the Land; *Wherefore we the Peers of the Land, Earls and Barons, in the preſence of our Lord the King, do award, That* Hugh le Diſpenſer *the Son, and* Hugh le Diſpenſer *the Father, ſhall be diſherited for ever, as Diſheritors of the Crown, and Enemies to the King and his People ; and ſhall be Baniſhed the Kingdom of* England, *never to return again, unleſs it be by the Aſſent of the King, and by Aſſent of the Prelates, Earls and Barons in Parliament duly ſummoned*; and to avoid the Realm between the time of the Date of this Statute, and the Feaſt of the Decollation of St. *John Baptiſt* (or Nine and Twentieth of *Auguſt*) next coming; and if found in *England* after the Day, or if they return after that Day, then to be dealt with as Enemies of the King and Kingdom. This, in the * Printed Copy of Old Statutes, is called the Baniſhment of *Hugh Diſpenſer*, Father and Son ; Yet you muſt take notice, that theſe Articles were admitted and taken for granted, without any direct Proof, as the manner then was to proceed in Parliament.

The Earls and Barons obtain an Act of Indemnity for what they had done.

Then the Earls and Barons above-mentioned, being now the ſtronger Party, did not think themſelves ſafe, until they had alſo procured an Act of *Indemnity* for themſelves and all thoſe their Adherents, who had a hand in the late Diſturbances; which is enter'd in the * ſame Book, under this Title, *Ne quis occaſionetur pro feloniis ſeu tranſgreſſ. factis in proſecutione Hugonis le Diſpenſer Patris & Filii*; *i. e.* That no man ſhould be moleſted for the Proſecution of *Hugh le Diſpenſer* the Father and the Son. The Statute is to this effect:

‘ That ſince lately many Great Men of the Kingdom had accuſed Sir *Hugh le Diſpenſer* the Son, and Sir *Hugh le Diſpenſer* the Father, of divers Crimes committed by them againſt their Lord the King, and his Crown; and to the Diſinheritance of many of the Great Men, and Deſtruction of the People; and that they could not be proſecuted and attainted for their ſaid Offences by Proceſs of Law; ſince the two *Diſpenſers* uſurp'd Royal Power in divers manners, and had the King and his Miniſters and the Direction of the Law at their Diſcretion, or in their Power; therefore the Great Men of the Land, had made a Confederacy, by Oath, by Writing, and other manner,

‘ without

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* *Vid. Totel's* Collection, *Pars Secunda, Fol.* 50. & *deinde ad fol.* 54.

* *Ibid. fol* 54. *ad* 55. b.

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without the King's leave; and then They and Others, with Horſe and Arms, had marched againſt them, and took and ſeized divers Caſtles, Towns, Manors, Lands, Tenements, Goods and Chattels of the King's Liege-Subjects; and ſome of them they took and impriſoned, others they ranſom'd, and ſome they kill'd, and did many other things, in deſtroying the ſaid *Hugh* and *Hugh*, and their Allies and others in *England*, *Wales*, and the *Marches*: Of which ſome may be called *Felonies*; which things having been ſo done by neceſſity, ought not to be taken notice of, nor puniſhed by Law; nor can be without great Trouble or Hazard of War. The Great Men pray the King, for Peace-ſake, for the aſſwaging of Anger and Rancour, and making Unity in the Land; and that He may more entirely have the Hearts and Good-Will of his People, to defend his own Countries, and offend his Enemies; that it might be accorded, and aſſented to in full Parliament, by the King, Prelates, Earls, Barons, and *Commons*; that no Great Men of the Realm, Prelate, Earl, Baron, Knight, Clerk, or Eſquire, for the Confederacy made by Oath, Writing, or in other manner; or for riding with the King's or other Banners diſplay'd; nor for the taking or detaining of any Caſtles, Towns, Manors, Lands, Tenements, Goods or Chattels; the Seizing, Impriſoning, and Ranſoming the King's Liege-People; or for Killing of Men, and other Robberies, Felonies, or other things done againſt the King's Peace, which may be judged Treſpaſſes or Felonies; from the Beginning of the World to that Day: And all People of what Condition ſoever they were, for the Treſpaſſes and Felonies aforeſaid, committed ſince *Candlemas* laſt paſt, to that Day, ſhould not be impeached, grieved, or moleſted at the Suit of the King, or any other. But of all ſuch things, by this Statute and Accord, ſhould be quit for ever; Saving to every one, except the ſaid *Hugh* and *Hugh* their Right to demand, and recover their Frank-Tenement and their Right; without Puniſhment from the King, or giving Damages to the Party. And alſo that it may be granted by the King in the ſaid Parliament, That if any Earl, Baron, or any Great Men, for themſelves or others, whom they ſhall name to the Chancellor, between this and St. *Michael* next coming, will have the King's Pardon for Suit or Proceſs of the Peace, or what pertains to him, of all manner of Felonies and Treſpaſſes done contrary to the Peace; or of any Diſobediences, Contempts, Conſpiracies, Confederations, Privy Covenants, and Obligations made againſt the King, ſhall have their ſeveral Charters of Pardon, under the Great Seal, without paying any Fees in the Chancery: And that all ſuch Writings to the contrary, where-ever found, ſhall be Null and Void.

After which * follows the Form of the Charter of Pardon, that was taken out by the Earl of *Hereford* and the reſt of the Barons and Great Men, who had been Confederates in this Violent Undertaking. It bears Date at *Weſtminſter* the Twentieth of *Auguſt* in the Fifteenth Year of his Reign.

The Form of Pardon that was paſſed on behalf of the E. of *Hereford*, and the reſt of The Barons.

[2.] *T. W.*

The Barons being fearful of themſelves, go abroad Armed.

When [2.] they had obtain'd theſe Charters, and whatſoever elſe they could deſire, they for the preſent returned home; Yet upon better conſideration, were not very well ſatisfied with what they had done; for fearing they had provoked the King beyond any Reconciliation, they ſtill went abroad well Armed, and never truſted themſelves but

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* *Ibid Fol.* 55. b. 56.

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[3.] Chron. *A. M.*
Of the two *Spencers*, the elder continued abroad, but the younger turned Pirate.

in ſecure Places; which are the uſual Conſequences of unjuſt and vio-lent Actions. But not long after, there happened an Acciden tab prov'd of fatal Conſequence to the Baron's Party, and gave the Kin a fit opportunity to recall the *Diſpenſers*; [3.] the Elder of whom continued ſtill abroad, but the Younger lay for ſome time conceal'd i *England*; yet afterwards went to Sea, and turn'd Pyrate; Robbin whatever *Engliſh* Merchants he could meet with.

[4] *T. W.*
The Queen being ſhut out of the Caſtle of *Leeds*, complains to the King.

But to come to the Matter in hand: [4.] Queen *Iſabel* had hithert promoted Peace and Concord between the King and the Barons whoſe chief Quarrel being againſt his Favourites, it was very Natura for Her (who did not love thoſe that had more power with Her Hu band than Her ſelf) to favour thoſe that were moſt able to oppoſ them: But now there fell out an Occaſion that ſet Her quite again the Barons, and was indeed the chief Cauſe of the Ruin and Deſtruction of a great many of them. For it happened, that the Quee in Her Progreſs towards *Canterbury*, intended to lodge at the Caſt of *Leeds* in *Kent*; of which *Bartholomew de Badleſmere*, a Rich an Potent Baron, had been made Conſtable or Governor in the Elevent Year of the King: Tho' our [5.] Hiſtorian ſays, that having bee long his *Steward*, he had now got it ſetled upon him and h Heirs, in exchange for other Lands; in which he had placed his Wi and Children, with a great deal of Treaſure, under a Guard: B whilſt he, forſaking the Faith of his Lord the King, adhered to th Barons, the Queen's Marſhal came thither, to provide Lodgings f Her Self and Family; but was denied Entrance, with a ſawcy Retur from the Guard within, That they would not ſuffer the Queen, n any other to enter there, without the Command or Letter from the Lord. Upon this, the Queen came in Perſon, and demanded En trance into the Caſtle: But She was denied, and forced to ſeek f Lodgings elſewhere. When She return'd to the King, and complain to Him of this Affront, He was very angry; and having drawn together ſome Thouſands of Armed Men, with many *Londoners*, cam perſonally to the Caſtle, commanding the Gariſon to ſurrender: B they refuſing to obey the King's Command, He ſtraitly beſieged then Whereupon they held out ſo long as they had any Victuals; and whe they could ſubſiſt no longer, they delivered up the Caſtle; and *Th mas Colepeper*, the Governor of it, was ſometime after drawn an hang'd for his Rebellion againſt Him; all the Women that were foun there were ſent to the Tower of *London*, and ſeveral of the Warde put to death.

[5.] *T. W.*

Who thereupon raiſes Forces and takes the Caſtle, and hangs the Governor of it.

[1.] *Tho. de la Moor* Chron. ad Mur.
Divers of the Barons come with their men and relieve the Caſtle.

[1.] Other Authors further add, That during the Siege of this Caſtle, divers of the Barons with their Forces came to *Kingſton* upo *Thames*, on the Vigil of St. *Simon* and *Jude*, or Seven and Twentiet of *October*, in hopes to relieve it: From whence they ſent the Archbiſhop of *Canterbury*, the Biſhop of *London*, and Earl of *Pembroke* t the King, to deſire Him to raiſe the Siege; promiſing Him, after t next Parliament, to deliver the Caſtle into his Hands. But He no granting their Deſires, they marched into other Parts of the Kingdom and the Caſtle in a very ſhort time after was ſurrender'd, as hath bee already ſaid. For indeed it was ſo notorious a piece of Rebellion, th the Barons could not find very many to take their Parts, ſo that the were forced to go to their own Homes; where ſtanding upon the

Guard, the King marched with a great Army into the *Marches* of *Wales*, where many of them held out againſt Him.

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In the mean while, about the Tenth of *December*, the Archbiſhop called a Provincial *Synod* at *London*, where few of the Biſhops and Clergy appeared, by reaſon of the Turbulency of the Times, and preſent Heat of Civil War; then *Hugh le Deſpencer* the Younger, being a little before return'd into *England* applied himſelf to the King, for the Repeal of his Exile, but His Majeſty, for the better colour of the Buſineſs, committed him to Priſon; however, * at the ſame time He ſent his Petition to the Archbiſhop of *Canterbury*, and the Other Biſhops and Clergy, then met in the ſaid *Synod* at *London*, to adviſe about, and give Him their Senſe upon it, who judged the late *Sentence* or *Award*, as to the *Exile* and *Diſinheritance* Erroneous, againſt Right, and obtain'd by Force, without their, (*viz.* the Biſhop's) Conſent, as Peers of the Land; and therefore they adviſed and pray'd the King to repeal and make it null for ever; which was accordingly done, and the King thereupon granted *Hugh le Deſpencer* the Younger His Protection and ſafe Conduct for his Perſon and Eſtate, by His *Letters Patents*, dated at *Weſtminſter* the Eighteenth of *December*, in the Fifteenth of His Reign.

* *Vid.* the Record of Revocation *Exilii Hug. Spencer.*

The ABp. and ſome of the Bps. and Clergy in a Synod take upon them to declare the Sentence againſt the *Spencers* null and void, and for what reaſon.

* *Thomas de la More ut ſupra.*

The King grants the Younger *Le Deſpencer* His Protection.

But if the Baniſhment of the *Deſpencers* is to be looked upon as illegal, becauſe done by Force, and without giving them leave to appear, and make any Defence for themſelves, certainly the diſannulling that *Sentence* was much more ſo; For what Authority had the Archbiſhop of *Canterbury*, and a few other Biſhops and Clergymen of his Province, to judge concerning a Statute or Act of Parliament, as the Baniſhment of theſe Noblemen was? And therefore how Unlawful ſoever the procurement of it was, yet it ought not to have been repeal'd, but by the ſame way that it was made, *viz.* the Authority of Parliament.

After [2.] the aforeſaid Revocation of the Baniſhment of theſe Two Favourites, the King did little more this Year; but having now got the Younger *Hugh* with Him, He by his Advice, and ſome others of that Party, iſſued out His Writs to all the Sheriffs of *England*, to raiſe the *Militia* of the ſeveral Counties againſt the Barons; for He was reſolved to be revenged of them for their late Rebellion againſt Him at *London*; and they on the other ſide, not to be behind-hand with Him, muſter'd up what Men they could, reſolving to repel Force by Force. ✗

[2.] T. W.

The King having the Younger *Spencer* with Him, raiſes the *Militia* againſt the late Confederate Earls and Barons.

✗ And ye Earls of Lancaster & Hereford were not at all behind hand with the King; for they had already began to levy men: the former at Doncaster in Yorkshire, as appears by ye Kings Letter or Declaration [Rot: claus: 15. Ed. 2. m. 25. d. R. Coll: p. 899.] to the Earl of Lancaster commanding them not to hold any unlawful Assemblies, which had been lately strictly forbidden by an Ordinance of the King, and great Men, & that the sd Earl should dismiss the sd Companies. Then follows the Kings Letter to ye Earl of Hereford, & ye rest of the Earls and Barons much to the same Purpose, commanding them not to join with the Earl of Lancaster, but to dismiss their followers & come to a Treaty or Conference with the King, as he had appointed them: But they did not yield any Obedience to the King's commands, for it appears by ye same Roll [Claus: 15. Ed. 2. m. 22. d. R. Coll. p. 923] that the Earl of Hereford with the two Mortimers, & divers other Barons joining their Forces, marched from the Borders of Wales and burnt the Town of Bridgnorth, killing, and driving away the Garrison, and then marching forward they took the Castles of Elmeley and Hanle, doing the like by the King's Men they found there. And thus they continued their Hostilities till the King was in a condition to march with an Army sufficient to encounter them: as it appears he did in the begining of January the next year, from the Record above mentiond, directed to the Governour of the Castle of Bristol, which bears Date at Shrewsbury Jan: 15. And by another Record [Claus: Ib. m. 19. in sced:] on the same Roll, we find, that the sd Confederates had by the latter End of the last Month closely besieged the Castle of Tykhill, whereupon ye King sent his Letters under the privy seal to most of the Bishops, Abbots and Priors of England who sent him a speedy supply of Soldiers thereby to suppress the sd Rebellion and violence, when upon the King's Approach with his Forces, the Barons retird from thence, & raisd ye Siege

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In the [3.] mean while, until the King's Forces could be got together, He went with *Hugh Deſpencer* the Younger, to keep His *Chriſtmas* at *Cyrenceſter*; and ſo ſoon as the Holidays were over, He marched from thence towards the Borders of *Wales*, where the main ſtrength of the Barons of thoſe Parts then lay, and leaving *Gloceſter* on His Left-hand, which was then held by them, He made a Tour round about by *Worceſter* and thoſe Parts, towards *Shrewsbury*, and ſo to *Bridgenorth*, where He took in that Caſtle, killing ſome, and putting the reſt to flight; and having out-law'd them, order'd their Eſtates to be ſeized. From thence He went to *Shrewsbury*, where divers Barons of thoſe Parts being afraid of the King's Power, came in, and ſubmitted themſelves to Him, notwithſtanding their late Oath of Confederacy to the contrary; the Chief of theſe were the Two *Roger de Mortimers*, the Uncle and the Nephew, whoſe deſertion of the Barons extremely weaken'd their Party, as being the moſt powerful Noblemen in all thoſe Parts, and had been the

[3] Id. Ib.

The King goes with the Younger *Spencer* to *Cirenceſter*, and there keeps *Chriſtmas*, and then marches againſt the Barons in the Borders of *Wales*.

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greateſt Sticklers for the *Common Cauſe*,(as they then call'd it); yet ho ever they were not much the better treated, notwithſtanding th coming in; for the King believing it done meerly through fear, ſe them both Priſoners to the *Tower* of *London*, till He could further r ſolve what to do with them. About the ſame time alſo the King to the *Lord Hugh Audeley* the Father, and the Lord *Maurice Berkley* Pr ſoners, and ſent them to *Wallingford* Caſtle, whilſt Others of the B rons being gain'd over by the King's fair Promiſes, ſurrender'd the ſelves, and yet were likewiſe ſent to divers places to be kept in ſafe c ſtody.

The King takes ſeveral of the Barons Priſoners, and ſends them to divers Caſtles.

[4.] Id. Ib. The Earl of *Hereford* and the Lord *Talbot* leave the *Marches* of *Wales*, and go with their Forces towards the *North*, to meet the Earl of *Lancaſter*.

[4.] When the Earl of *Hereford*, and the *Lord Gilbert Talbot* hea this, they left the *Marches* of *Wales*,and went with the Forces they ha rais'd, through *Gloceſterſhire*, towards the *North*, to meet the Earl Lancaſter, who expected them, and they found him at *Burton* upon *Tre* Upon this the King immediately marched after them; but when He a proached near that place, the Earl of *Lancaſter* with his Forces ſally out, and for three Days ſucceſſively hinder'd the King's paſſage ov *Burton-Bridge*, killing many of His Army that endeavour'd to poſſe themſelves of that Ford; but at laſt the King's Forces found a Ford abo *Burton*, where they got over the *Trent*,, and then marched againſt t Barons, who lay with theirs in and about the Town. So ſoon as the heard they had gain'd that Paſs, they left their Quarters, and und the Conduct of the Earl of *Lancaſter*, marched out to meet the King a Plain without the Town; but when he ſaw his Forces too ſ perior to his Own in Number and Strength, he with his Confederate and all their Men, retired Northwards, making great Depredatio in their Marches; whereupon the King perſued them to *Burrough-bridg* and there they were ſtopped by *Simon Ward*, Governor of *York*, and Sir *A drew Harclay*, Governor of *Carliſle*, who came againſt them with th *Militia* of *Yorkſhire* and *Cumberland*; ſo that the Barons not being ab to paſs any farther, were there forced to give them Battel, but wit very ill ſucceſs, for *Humphry de Bohun*, Earl of *Hereford*, endeavou ing to force his way over the Bridge, was unhappily killed, and th Earl of *Lancaſter* not being able to bear the Shock of the Battel, nor t make his eſcape, * was taken by Sir *Andrew Harclay*, together wit ſeveral other Barons, Bannerets, and Knights, to the number of Ninet five. X

The Earl of *Lancaſter* fearing to encounter the King's Army, retires, and is taken Priſoner, and the Earl of *Hereford* is kill'd.

* *De la More.* f. 596.

X I cannot here omit that for that service, ye sd Sr An-drew Harcley was immediately highly advanced, and rewarded by the King, being created Earl of Carlisle with a Fee of 24 pr. An: out of ye Issues of the County of Cumberland, with a Pension of 1000 Marks to be payd quarterly out of the Exchequer, till the King should settle upon him Lands or Rents of equal value, as appears by the Letters Patents for that Purpose. [Rot Pat. 15. Ed. 2. pt. 2. m. 20. R-1 Coll. p. 948.]

* *Ad hunc An.*

* *Henry de Knyghton* from the Chronicle of a Monk of his own Mona ſtery, gives us a farther and more perfect Relation of this Battel, an ſays, That the Reaſon why the Earl of *Lancaſter*, with the Barons,wen ſo ſuddenly from the King at *Burton*, was, becauſe he found himſel diſappointed of a ſtrong Reinforcement, which was to have bee brought him by Sir *Robert de Holland*, one of the Confederates, bu when he heard the Earl was gone towards the *North*, preſently ſurren der'd himſelf to the King,who was then at *Derby*; however, he like wiſe was ſoon ſent Priſoner to *Dover*-Caſtle; and the Earl of *Here ford*, as he was fighting upon the Bridge, received his Death's Woun by a Lance directed through a Chink, by an unknown hand, from un der the Bridge, on the Fifteenth of *March*; and as for the Ear of *Lancaſter*, he was not taken in the Fight, (as *Walſingham* Relates but march'd back into the Town of *Burrough-bridge*, where he had reſpi given him till the next day, and then finding he could do no good, h

ſurrender'd

urrender'd himſelf to Sir *Andrew Harclay*, who immediately ſent him o the King that was then at *York*.

5.] T W.

The King cauſes the Earl and his Accomplices to be tried and condemned to be hanged, but he himſelf is reſerved to the K's own Judgment.

So ſoon [5.] as the Earl with his Accomplices were brought thither, he King appointed certain Juſtices to ſit upon them, and then all the Barons, except the Earl of *Lancaſter*, were condemned to be drawn, ang'd, and quarter'd; but the Earl himſelf, out of reverence to his Royal Blood, was reſerved for the King's own Judgment; who coming to *Pontefract*, a few days after, had the ſaid Earl brought, and arraigned before Him in the Hall of that Caſtle, in the preſence of *Edmund* Earl of *Kent*, *John* Earl of *Richmond*, *Adomar de Valence* Earl f *Pembroke*, *John de Waren*, Earl of *Surrey*, *Edmund* Earl of *Arundel*, *David* Earl of *Athol*, *Robert* Earl of *Anegos*, and other Great Men of the ealm, who were then of the King's Council.

It appears by the * Record of this *Proceſs*, and the Sentence which is pon Record too in the *Tower*, that the Chief Crime laid to his charge, as, his taking up Arms againſt the King at *Burton* and *Burrough-bridge*, bovementioned; as alſo for divers Depredations and Robberies which ere committed by the ſaid Earl in his Retreat to that Place, until the ime of his being taken; which Treaſons, Murthers, Burnings, Depredations and Hoſtile Rebellions with Horſe and Arms, being, (ſays he *Record*) manifeſtly known, and notorious to the Earls, Barons, nd other Great Men of the whole Kingdom; it was therefore addged, That for the Crimes aforeſaid, the Earl ſhould be drawn, hang'd, nd alſo beheaded.

* Rot Pat. 2 *Ed.* 3 p. 1. m. 17.

The *Articles* exhibited againſt the Earl of *Lancaſter*.

And then follows, in the ſame *Record*, a long Recital of certain other Crimes which the ſaid Earl had formerly committed againſt the King, or moſt of which, having already obtain'd the Royal Pardon, I ſhall ut briefly mention:

'*Firſt*, His taking the Horſes, Jewels and Arms, with other Goods belonging to *Pierce Gaveſton*, and converting them to his own Uſe.

'*Secondly*, That after his being pardon'd that Offence, he had come to divers Parliaments with many Men, and an Armed Force, and had thereby hinder'd the King from holding his Parliaments, as belonged to His Crown, or elſe had neglected and contemned His Summons to come to divers others, but had held private Meetings or Conventicles of his Own elſewhere at the ſame time.

'*Thirdly*, That he (the Earl) had drawn to himſelf divers Malefactors, and Diſturbers of the Peace, who had committed ſeveral Felonies and Robberies, and that for receiving them, he himſelf deſerved to undergo the ſame Sentence of Death which they had deſerved.

'*Fourthly*, That when the ſaid Earl came to the King's Parliament at *York*, with a great multitude of Armed Men, he had induced the King to pardon all the aforeſaid Malefactors, though the Earl had formerly ſworn to obſerve divers *Ordinances*, whereby the King ſhould not pardon any Proceſs or Suit of the Peace in emergent Caſes concerning the Death of a Man.

'*Fifthly*, That though the King, to obtain the Earl's Good Will, and bring him to a better Temper, had beſtowed upon him divers Grants of Lands and Liberties, beſides other Gifts, Graces, and Pardons by His Charters, yet that he had ſtill continued rebellious and diſobedient againſt Him.

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'*Sixthly*, That the ſaid Earl ſent ſome Knights of his Family to the City of *York*, to draw the *Community* of the ſaid City to his Party, and to obtain the Government of it to himſelf, and had there uſurped Royal Power to himſelf in divers manners, and thereby had endeavoured, (as far as in him lay) to diſinherit our Lord the King.

'*Seventhly*, When the King had been lately at *York*, and commanded divers Great Men and Others of the Kingdom, whoſe Advice H deſired, that they ſhould come thither to Him, to treat concerning His Expedition againſt *Scotland*, the ſaid Earl, being then in his Caſtle of *Pontefract* with a great many Armed Men, ſent divers o them to hinder the Paſſage of ſuch Counſellors over that Bridge, or by any other ways, from attending on the King's Perſon.

'*Eighthly*, And further, when the King returned from the Countrey about *York*, to paſs towards the *Southern*-Parts, and came with hi Family to go over at *Pontefract*, the ſaid Earl and his Servants goin out of the Caſtle, moſt baſely called out upon the King with a grea Clamour, in Contempt and deſpight of His Royal Perſon and Dignity, as if He had been an Enemy, and not their Sovereign King an Lord.

'*Ninthly*, Alſo that the ſaid Earl, with the late Earl of *Herefor* and Other their Fellow Traytors, endeavoured to make a Confederacy with * *Robert Bruce*, *Thomas Randolph*, *James Douglas*, and Othe *Scotchmen*, Enemies to the King and Kingdom; the which Confederacy was found in the Form of an *Indenture*, upon the Perſon of the Ea of *Hereford*, when he was killed; which there follows at large, bu is to this effect; *viz.* That one *John de Denham*, was to tell *Rober* King of *Scotland*, and the Lord *Thomas Randolph*, Earl of *Murrey*, an the Lord *James Douglas*, on the behalf of the Earls of *Lancaſter* an *Hereford*, and their Allies, That if the King of *Scots* and the ſai Lords would come with all their Power to the Aſſiſtance of the ſai Earls, &c. at ſuch Time and Place as ſhould be agreed on, and woul miſchief or deſtroy thoſe, whom the ſaid Earls would have hurt an deſtroyed, and ſave thoſe whom they would have ſaved, that the the ſaid Earls would live and die with them in maintenance of thei Quarrel, ſaving any Claim, Conqueſt or *Seigneury* over *England*, *Wale* or *Ireland*; and that if the King of *Scots* ſhould be hindered by Sickneſs, or any other Occaſion, ſo that He could not come in His Ow Perſon, that then the ſaid Earl of *Murrey*, and the Lord *James*, ſhoul perform and do whatſoever they had already aſſured the ſaid Ear and their Allies, and would never march againſt them in Aid of th King of *England*; and whenſoever the ſaid Earls, &c. ſhould make a end of their Quarrel, they ſhould uſe their utmoſt endeavour, that Good Peace be made between the Two Kingdoms of *England* an *Scotland*, and that in the mean time (They) the *Scots*, ſhould hol their ſaid Kingdom as peaceably as (They, *viz.* the *Engliſh*) ſhould d *England*.

'And *Laſtly*, It concludes with a recital of what the Fellow Trayto with the ſaid Earl, did in taking and holding the Caſtle and Town *Gloceſter* with an Army againſt the King's Will; as alſo the Depredations and Murthers done at *Bridgenorth*, until they joined with th ſaid Earl, as their principal Refuge and Captain, who had alſo expreſſed his Treaſon and maintenance of theſe Traytors, in beſieging th

*i. e. The preſent King of *Scots*.

King

King's Caſtle of *Tickil*, after which the ſaid Earl fled toward the '*Scots*, Enemies to the King and Kingdom, till he was taken at *Burrough-bridge*, as aforeſaid: This is the Sum of the *Proceſs*, *Accuſation* and *Sentence* againſt the Earl of *Lancaſter*; then follows the King's Mittigation of it in theſe Words.

'Wherefore as having reſpect to the Great Crimes and Wickedneſs of 'the ſaid Earl, and his Great Ingratitude, the King has no cauſe to 'ſhew him Mercy, as to the pardoning of any of the Puniſhments to 'which he ſtands now condem'd; yet becauſe the ſaid Earl is deſcend'ed of an Excellent and moſt Noble Lineage, the King for reverence 'thereof, doth by His Special Grace, remit the execution of two of the 'Puniſhments already adjudged, as aforeſaid; (to wit) That the ſaid 'Earl ſhall neither be Drawn, nor Hang'd, but that Execution ſhall be 'done upon him by Beheading.

The Earl, tho condemned to be hanged, &c. yet becauſe of his Royal Blood, is only beheaded.

And it farther appears by the Concluſion of this *Proceſs*, that it being drawn into Letters Patents, it was inrolled in the *Chancery* at *York*, the Second Day of *May* next enſuing; but how far theſe *Articles* againſt the Earl were true, or what Defence he could have made for himſelf, is uncertain, ſince it is ſeen by the ſame * Roll in which this *Proceſs* is recited, that in the Second Year of King *Edward* the *Third*, the Record of theſe Proceedings being then brought into Parliament, it was revoked and declar'd null and void by the King, Lords, and Great Men, and the whole *Community* of the Kingdom in the ſaid Parliament Aſſembled, for theſe *Reaſons*: *Firſt*, Becauſe the ſaid Earl was condemn'd to death without being arraigned, or making any Anſwer for himſelf. *Secondly*, For that it being a Time of Peace, and the King's Courts then open at the time when he was condemned, and that notwithſtanding he was one of the Peers and Great Lords of the Kingdom, he was adjudged to Death contrary to *Magna Charta*, or the Great Charter of the Liberties of *England*; which ordains, That no Man ſhall be outlawed, baniſhed, or otherwiſe deſtroy'd, neither ſhall the King proceed againſt him, unleſs by the Judgment of his Peers, and the Laws of the Land; all which Things being duly conſidered, and underſtood, the Lord *Henry*, Brother and Heir of the ſaid Earl *Thomas*, was, upon his Petition, reſtor'd in Blood. Witneſs the King at *York*, the Third Day of *March*.

* Ib. All the Proceſs and Judgment againſt the Earl revoked in Parliament, 2 *Ed.* 3. and the Reaſons for it.

All which, both *Record* and *Proceſs*, were entered on the *Patent Rolls* in the *Tower*, by a Charter of *Inſpeximus* from King *Edward* the *Third*; by which it alſo appears, that the ſaid *Thomas* Earl of *Lancaſter* was adjudged to death before King *Edward* and His Council, at *Pontefract*, by an Erroneous *Proceſs*, for the Reaſons already given. We may alſo farther obſerve from it, That the King Himſelf ſat as a Judge upon him, which was not only Illegal, but derogated very much from His Royal Dignity, as He was His Couſin German. I have been the more particular in this Tranſaction, becauſe Dr. *Brady*, tho he hath given us the whole *Record* and *Proceſs* it ſelf at large in his *Appendix*, yet ſays little or nothing of it in his Hiſtory.

So ſoon as the Earl of *Lancaſter* was thus condemned, [1.] he was led to a Hill or Riſing Ground without the Town of *Pontefract*, where he was beheaded on the Twenty firſt of *March*; however his Body, together with the Head, was buried by the Prior and Monks of that Place, in

[1.] Chron. *Eveſ.*

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* *H. K*

The Earl is beheaded at *Pontefract*, and afterwards is by the Common People worſhip'd as a Saint, notwithſtanding all the King could do to hinder it.

A Church afterwards built to his Memory.

* Rot. Rom. 1 *Ed.* 3. n. 15. printed in Dr. *B*'s Appendix, n. 64. Queen *Iſabel* writes to the Pope to juſtifie the Miracles done at his Tomb, and to deſire his Canonization.

Lib. 7. Chap. 42. Ran. Higden's Opinion of his Saintſhip.

X And the same Request was several Times renew'd to the Pope & Cardinals, & Envoys sent by King Edward her Son on purpose to take off all Scruples, & Objections that might be made against it, as appears by that King's Letters [Vid. R.'s Coll. 4 Vol. p. 421. 478, 479.] preserv'd among the Rot: Rom: of the 4th & 5th Year of this Reign, & are also published as above. Yet all this would not prevail upon the Pope to canonize one killed by fighting against his Prince, for a Saint.

in their Church, on the Right Hand of the High Altar; but not long after he was looked upon as a Saint, by the Common People, who came on Pilgrimage far and near to offer and pray at his Tomb, upon a Report of divers Miracles and Cures given out to be there done, which was no doubt invented by thoſe Monks, to enrich their Monaſtery; but when the King heard of it, He at the motion of the *Deſpenſers*, ſent a Guard to hinder the People from going into the Church to pay their Devotions at his Tomb; yet however, ſo great a Reverence had they for him, when they ſaw themſelves excluded thence, that they went and expreſſed the like Superſtition at the Place where he was beheaded, which, notwithſtanding all that the *Deſpenſers* could do to hinder it, by keeping a Guard upon the Hill, they privately continued, during this King's Reign, and in the beginning of the next. When the Times were changed, there was a handſome Church built upon it, by the procurement, and at the Charge of the Queen Dowager and the Earl of *Lancaſter*, Brother to the Deceaſed; and a Monk of *Pontefract* was appointed to receive and keep the Offerings that were there made, in a Cheſt with three Locks, the Keys whereof were to be kept by the Clerk of the Chappel, the ſaid Monk, and a Burgeſs of the Town of *Pontefract*; nay Queen *Iſabel* Her ſelf ſeem'd ſo well perſwaded of the Reality of theſe Miracles, that in the beginning of Her Son's Reign * She wrote Letters in His Name, as well as Her Own, to the *Pope*, wherein She ſets forth the great Cures that had been done to thoſe that reſorted to this Earl's Tomb, and therefore deſired His Holineſs to grant a *Proceſs* for the Sainting of Him. X But I do not find for all this, that the *Pope* could ever be ſo fully perſwaded of the Sanctity of the Perſon, or the Reality of the Miracles, as to canonize him for all them: nay, not only the *Pope*, but many others in *England*, then queſtion'd the Truth of them; for *Ranulph Higden*, a Monk of *Cheſter*, who not long after wrote his * *Polychronicon*, ſays thus; 'Of 'which Perſon's Miracles (ſpeaking of this Earl) there was much di'ſpute amongſt the Vulgar, whether he was to be number'd amongſt 'the Saints, or not; ſome aſſerting he ought, for that he gave much 'Alms, honoured the Religious, and contended to death, as it ſeems, in 'a Juſt Quarrel: whilſt others thought the contrary, That a Man who 'neglected his own Wife, and defiled innumerable Women; that put 'to death ſuch as did but lightly offend him; that cheriſhed Deſerters 'of their Orders or Profeſſion, and Tranſgreſſors of the Law; that com'mitted all things to the direction of his Secretary; that at the time of 'fighting to death for the maintaining of Juſtice, yet baſely fled; ought 'not to be thought a Saint; eſpecially, when he ſuffer'd unwillingly: 'But what Iſſue the Offerings now made, and the Appearance or Reſem'blance of Miracles celebrated at the place, where he was beheaded, 'will have for the future, after Ages will ſee.

* Vid. Vol. 2d. p. 1052.

I have no more to obſerve concerning the intended Sainting of this Great Nobleman, but that the People of *England*, when excited by the Monks, have been very prone to count thoſe for Saints, whom they ſuppoſed to have laid down their Lives in defence of the Liberties of the Church and Nation; as appears by the Hymns and Prayers that were addreſs'd to *Simon Montfort* Earl of *Leiceſter*, * mentioned in the Reign of *Henry* the *Third*.

But to return to the Hiſtory, from which we have ſomewhat digreſſed: As for the reſt of the Barons that were taken Priſoners during this War, [3.] ſome of them, *viz.* the Lords *John Mowbray*, *Roger Clifford*, and *Jocelin Deyvile*, were drawn and hang'd at *York*; and for the greater torment of the Earl, Six of his Principal Knights, to wit, Sir *William de Liſle*, Sir *William Touchet*, Sir *Thomas Maudit*, Sir *Henry de Bradburn*, Sir *William Fitz-Williams*, and Sir *William Cheyney*, together with a Servant of his, were all executed before him at *Pontefract*; and the *Diſpenſers* made them hang upon the Gallows ſome Months before they would permit them to be buried. As for the reſt of them, they were ſent up to be executed in their own Countries (to wit) the Lords *Bartholomew de Badleſmere*, and *Bartholomew de Aſhburnham* at *Canterbury*; with ſeveral others of the ſame degree; who ſuffered death at *London*, *Windſor*, *Briſtol*, *Gloceſter*, &c. to the number of above Seven or Eight, only the Lord *Roger Damory* dyed a Priſoner in *Tuttebury*-Caſtle; and the Lord *Roger de Audeley* having his Life granted him at the Interceſſion of his Wiſe, was kept Priſoner in *Nottingham*-Caſtle, until the Queen's Return out of *France*. So that ſince the Battel of *Eveſham*, there was never ſo great a Havock of the *Engliſh* Barons.

[3.] *H. K.* The reſt of the Barons taken with the Earl of *Lancaſter* are executed at ſeveral Places, beſides others that died in Priſon.

But theſe were not the only ill Effects of this King's Succeſs over the Barons; [4.] for an Author who liv'd near that time farther obſerves, that after the Return of the *Diſpenſers*, and the death of the Earl of *Lancaſter*, the King looking upon Himſelf as abſolute Lord and Maſter over all in His Kingdom, grew much worſe than ever He had been before; ſlighting the Nobility, and giving Himſelf up to Avarice, by invading other men's Properties, and to as great Luxury in the ſpending of it; ſparing none that had oppoſed him; but made it a pretence to enrich Himſelf by the Forfeiture of their Eſtates. For tho' the two Lords *Mortimers*, the Uncle and the Nephew, had in the Beginning of the late War deſerted the Barons, and ſubmitted themſelves to the King, yet did they not find much better Treatment for all that; * for they being arraigned before the King's Juſtices, were by them condemned to be hanged as Traytors, only their Drawing and Quartering was pardon'd: Yet they at laſt obtain'd the favour to have their Lives ſaved, tho' with the Loſs of their great Eſtate and Liberties: And ſo were committed cloſe Priſoners in the Tower, where the Elder *Mortimer* not long after deceaſed; but in due time you will hear more of his Name-ſake the younger *Mortimer*; And therefore I ſhall now paſs to more Publick Affairs.

[4.] Scal. Chron. *Ms.* in Bib. Ben. The King's Arbitrary Government after the Death of the Earl of *Lancaſter*.

The two Lds. *Mortimers* are condemned, tho' they had ſubmitted to the King.

* *Vid.* Proceſſ. in Rot. penes. Remem. Scace.

The King on the Fourteenth of *March*, this Year, being at *Derby*, a little before the late Defeat of the Baron's Army, * iſſued a Summons for a Parliament to be holden at *York*, three Weeks after *Eaſter* next enſuing; which being aſſembled, the firſt thing I find done there, was, that upon the Petitions of the *Hugh Diſpenſers*, Father and Son, the Proceſs and Judgment againſt them for their Diſheritance and Exile, were brought into Parliament; and upon ſhewing divers Errors in them, were revoked and made null: All which Proceſs, and the Statute made thereupon, being ſtill on the Rolls in the Tower, and not any where printed or publiſhed before that I know of, are tranſlated at large by * Dr. *Brady* in his laſt Volume; but being tedious, I thither

* Rot. Clauſ. 15 *Ed.* II. A Parliament ſummoned at *York*, wherein the Proceſs and Judgment of the former Parliament againſt the *Spencers* is revoked.

* P. 140. ad 145.

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thither refer the curious Reader, who deſires to peruſe them; and ſhall content my ſelf with making a ſhort Abſtract thereof.

An Abſtract of the Statute of Revocation, with a Recital of the Petitions of the two *Spencers*; ſetting forth the Outrages committed againſt hem.

‘This Statute of Revocation firſt relates to *Hugh* the Son, and begins with a Recital of the Sentence or Award made at a Parliament held three weeks after *Midſummer* laſt paſt, againſt the ſaid *Diſpenſers*, Father and Sons; as alſo a Petition which the Son had ſome time before given to the King; ſhewing, that while he was in His Service, as His Chamberlain, the Lords *Mortimers*, Uncle and Nephew, with divers Barons there named, made a Confederacy by Oath and Writing, to perſue and deſtroy Him: By virtue of which, they with their Retinues, conſiſting of Eight Hundred men at Arms, Five Hundred Hoblers, (or Light-Horſe) and Ten Thouſand Foot, came to *Newport* in *Wales*; and from thence marched forwards to take His Towns and Caſtles; and entering upon his Lands, they killed part of His Tenants or People; ſome of which were Knights, therein named, beſides others of the ſame degree, who were mad Priſoners; and they took and carryed away His Goods and Chattels. Then it proceeds to recount every thing in particular; as how much Proviſions of all Sorts, what Horſes, Armor, and other things, wer loſt; as alſo how many Oxen, Cows and Sheep (to a vaſt Quantity) they then plunder'd and carry'd away; together with the Lo of His Charters, Writings, and ready Money; as alſo the Burning his Granges, deſtroying His Crop upon the Ground, ſeizing of Hi Rents and Debts, and diſparking his Parks; all which Damages (a appear by caſting up the particulars therein mention'd) amount t the Sum of near Twenty Thouſand Pounds.

Ibidem. A Recital of the violent Proceedings of the Barons in the former Parliament at *Weſtminſter*.

‘Then it further recites, that they, the ſaid Earls and Barons, with all their Force and Power came to the Parliament at *Weſtminſter*; and there, upon falſe Accuſations, without calling the ſaid *Hugh* to anſwer, againſt all manner of Right and Reaſon, and againſt the Law of the Land, erroneouſly Awarded him to be Diſherited, and Exiled *England*: Wherefore he prays the King, as He is bound by Righ of His Crown, and by the Oath He made at His Coronation, to maintain all People in their Rights, that He would pleaſe to cauſe to b brought before Him the Proceſs of the Award made againſt him, that it may be examined; and that the ſaid *Hugh* may be admitte to ſhew the Errors in it; and if there ſhall be any found, He woul pleaſe to repeal and redreſs them; with a Proteſtation that he wil be hereafter ready to anſwer any Complaint according to Reaſon.

The Errors aſſigned in the ſaid Proceſs and Judgment.

‘And then it proceeds to ſhew the Errors of the ſaid Proceſs: A *Firſt*, That the Great Men who perſued and deſtroyed him; praye Pardon of the King for all thoſe things which might be judged Felonies or Treſpaſſes in that Perſuit, which they made by their ow Authority; by which they wrongfully made themſelves Judges o him, where they could not, nor ought to be Judges.

2. ‘Alſo Error, in that the ſaid *Hugh* was not call'd into Court, t anſwer where the Award was made; alſo Error, in that the Sentenc was given without the Aſſent of the Prelates, who were Peers i Parliament.

3. ‘*Item*, Error, in that there was no Record of their Perſuit, o the Cauſes contain'd in the Award; alſo Error, in that the Awar

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was made againſt the Form of the Great Charter ; wherein is contain'd, *That no Men ſhall be fore-judged, nor in other manner deſtroy'd*; *unleſs by Judgment of his Peers, or by the Law of the Land.* Then he requeſts the King to take notice, that the Great Men were Summoned to come duly to the Parliament, yet did not , but came with Horſe and Arms, and all their Force: After which, he the ſaid *Hugh* came in, and ſurrender'd himſelf Priſoner to the King ; praying to be received into his Protection, to proſecute his Complaint, and that Right might be done him in theſe Matters: And the King received him as He ought to do ; and cauſed his Petition to be carried to the Archbiſhop of *Canterbury*, the Biſhops, and other Prelates and Clergy of the Province of *Canterbury*, then being in a Provincial Council at *London* ; charging them by the Faith they owed to Him, to adviſe about the Petition, and let Him know their Thoughts concerning it. And when they had well adviſed thereupon, they anſwered, That it ſeemed to them, that the *Proceſs* and *Award* of the Exile, and Diſinheritance of *Hugh* the Son, and Father, were erroneous, and wrongfully made; wherefore they agreed, and unanimouſly aſſented as Peers of the Land, and prayed as Peers *Spiritual*, that the *Award* which was made wickedly and wrongfully againſt God, and all manner of Right might be by the King repeal'd, and annull'd for ever. And they ſaid further, that they, nor any of them ever aſſented to the ſaid Award: But that every one of them, at the time when the Award was made, did make Proteſtation in Writing, that they could not, nor would aſſent to it for ſeveral Reaſons. And the Earl of *Kent*, the King's Brother, the Earls of *Richmond*, *Pembroke*, and *Arundel*, with the Prelates, being before the King, ſaid, the *Award* was wrongful, and againſt Law and Right; and prayed Him, as the Prelates had done before, to null and make void the *Award*: And the ſaid Earls affirm'd, that for fear of the Force, which the *Great Men* ſuddenly brought to the Parliament, in order to make the Award, which was to them unknown and unexpected, they gave their Aſſent to it, and alſo adviſed the King to ſuffer it to paſs; for which Offence and Miſtake they prayed his Pardon.

A Recital of the Judgment of the Biſhops in this Caſe.

I have been the more particular in the Recital of theſe Proceedings ention'd in this Statute; becauſe they do not only ſerve to confirm what our Hiſtorians have related concerning theſe Matters ; but may ſo inform ſuch as are Curious in the Antient Proceedings of Parliament; and what was then looked upon ſufficient to render any roceſs begun there erroneous. But to proceed.

Ibid.
The Petition of *Hugh Spencer* the Father.

'Then immediately follows in the ſame Record, a like Petition deliver'd in Parliament by *Hugh le Diſpenſer* the Father, being to the ſame effect with that of his Son's ; ſetting forth, That the ſame Great Men before named, and other Adherents and Confederates, with Force and Arms, on the day of St. *Barnaby*, in the Fourteenth Year of the King, came to his Mannor of *Faſtern* in *Wiltſhire*, and Twelve others in that Shire and other Counties, *viz.* Six in the County of *Glouceſter*, Four in *Dorſetſhire*, Five in *Hampſhire*, Two in *Berkſhire*, Six in *Oxfordſhire*, Three in *Buckinghamſhire*, Four in *Surrey*, One in *Cambridgeſhire*, Two in *Huntingtonſhire*, Five in *Leiceſterſhire*, One in *Yorkſhire*, One in *Lincolnſhire*, Five in *Cheſhire*, and

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‘ Five in *Warwickſhire*; in all Sixty Three Mannors there named which ſhews the vaſt Eſtates the two Lords *Diſpenſers* had in tho days. But as for the Deſtruction and Havock the Barons made up on the Lands of *Hugh* the Father, they were much to the ſame effe with thoſe that were done to the Son, only greater; as the driving away of Twenty Eight Thouſand Sheep, Twenty Two Thouſand Oxen, Heifers and Cows, beſides the ſpoiling of Two Crop one in the Barn, and the other upon the Ground; the taking awa above Six Hundred Horſes and Mares, beſides a vaſt Quantity of Pr viſions of all ſorts, and Armor for Two Hundred Men; and the D ſtruction of his Houſes and Goods to the Value of above Thirt Thouſand Pounds; as alſo the taking away out of the King's Caſtle a *Marlborough*, Thirty Six Sacks of Wooll, a *Chalice* and Croſs of Gol divers Rich Veſtments and other Ornaments belonging to his Chap pel; beſides other Goods and Furniture to the Damage of Five Thouſand Pounds more.

Ibid.

I have not recited all the Particulars of this Loſs, becauſe it woul be too tedious; the Reader that deſires a more particular Informatio of theſe Matters, may find it in Dr. *Brady*'s Hiſtory: Tho' this ma ſuffice to give the Reader a true Notion of the great Power and Riche of the *Engliſh* Barons in thoſe days, as alſo of their antient manner Living, and the Reaſons why they were then able to keep ſuch gre Hoſpitality, ſince they managed their Eſtates or Demeſnes by th Stewards or Bailliffs of their Mannors, who ſold or ſpent the Li Stock and Husbandry upon them, as was moſt for their Lord's A tage; there being then few or no Farmers or Husbandmen able to ta Leaſes of Lands for Years, (much leſs at a Rack-Rent) paying a yea ly Sum of Money for them, as is practiſed at this day: All which, conſider'd, it is no great wonder, that the Noblemen of thoſe tim ſhould be poſſeſſed of ſuch great Stocks of Corn and Cattle, ſince the chief Riches lay in them more than in ready Money, which was the ſcarce enough. But to proceed with the reſt of this Record.

Then excepting the Difference of the Loſſes, ſet forth in the F ther's Petition, (being of much greater value than thoſe of the Son' the Concluſion of it is alike word for word; and the ſame Errors a aſſign'd as in the former Proceſs or Award, with a like Recital of *Hu* the Father's rendering himſelf Priſoner to the King, and being al received into his Protection.

Ibid.
The Examination of the King and Parliament upon the ſaid Petition.

‘ Then follows the King's Judgment, in this Form: And we afte wards at our Parliament held at *York* three weeks after *Eaſter*, in th Fifteenth Year of our Reign, cauſed to come before us the Proce of the Award; as alſo the Petition of the ſaid *Hugh* the Son, a *Hugh* the Father, in theſe Words: To the Honour of God, and H ly Church, &c. The whole Sentence or Award is again repeated this Record. After which Recital it proceeds thus: At which Parli ment at *York*, the ſaid *Hugh* the Son, and *Hugh* the Father, bein brought before us in * *Court*, proſecuted their Complaints, and pra ed us to do them Right; when the ſaid *Hugh* the Son for himſelf a ledged the Errors in the Proceſs, as aboveſaid; and alſo *Hugh* th Father alledged the ſame Errors, and prayed ſeverally and jointl that as the Award was made erroneouſly and wrongfully, again the Laws and Uſages of the Realm, and againſt Common Right a

* *i. e.* in Parliament.

‘ Reaſon

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The Reaſons why the former Sentence ought to be made void.

* *i. e.* the Citizens and Burgeſſes.

Reaſon that we would annull and defeat the ſaid Award, and that they (the Complainants) might be remitted and reconciled to our Faith, and to ſuch Eſtate as they had, and were in before the Award. And here upon hearing the Reaſons of the ſaid *Hugh* and *Hugh*, we cauſed the Proceſs to be examined in full Parliament, in the preſence of the Prelates, Earls, Barons, Knights of Counties, and the * *People* that were come by reaſon of the Parliament; and we found the ſaid Award was made without calling them to anſwer, and without the Aſſent of the Prelates, who are Peers of the Realm in Parliament, and againſt the *Great Charter* of the Franchiſes of *England*; which ſays, *No Freeman ſhall be baniſhed, or otherways deſtroy'd, but by Lawful Judgment of his Peers, or the Law of the Land*; and for that they were not called in Court, to make Anſwer, &c. for theſe Errors, and for that the Cauſes of the ſaid *Award* were not duly proved; As alſo having regard to this, that we cauſed the Parliament at *Weſtminſter* to be ſummoned in due manner, and commanded by our Writs the ſaid Great Men (who made the ſaid Award) not to make Aſſemblies and Alliances, or come with Armed Men; yet they came with all their Force to that Parliament, notwithſtanding Our Command; and when they came to *London* in that manner, they held their Councils and Aſſemblies without coming to Us at *Weſtminſter* according to Summons; and when We ſent to them to come to the Parliament at *Weſtminſter*, as they ought, they would not come, nor let Us know their mind, nor the Cauſe of the Award, tho' We had begun and held the Parliament for Fifteen days and more, and cauſed to come before Us the Prelates, and ſome Earls and Barons, Knights of Counties, and others, who came for the *Commons* of the Realm; and cauſed it to be publiſhed, that thoſe that had Petitions to promote, ſhould deliver them: And after Proclamation thus made, no Petition was deliver'd, or Complaint made againſt the ſaid *Hugh* and *Hugh*, until they (the Barons) came as aforeſaid; and the Contrivance of the ſaid *Award* they wholly conceal'd and kept from Us, unto the very Hour they came to *Weſtminſter*, with Force and Arms, and made their Award againſt Reaſon, as a Thing treated and agreed on amongſt themſelves, by their own Authority, in Our abſence, and Encroachment upon the Regal Power, Juriſdiction and Connuſance, and Judgment of thoſe things which belong to Our Royal Dignity: Wherefore We could not at that time ſtop the ſaid *Award*, nor do Right to the ſaid *Hugh* and *Hugh*, as it belonged to Us. And further taking notice, that thoſe Great Men, after the Award made, prayed Our Pardon and Releaſe for Confederating themſelves by Oath, Writing, or in other manner, without Our Leave; in perſuing the *Diſpenſers*, and marching with our Banners, and their own Enſigns diſplay'd; and taking and poſſeſſing Caſtles, Towns, Mannors, Lands, Tenements, Goods and Chattels; and alſo taking and impriſoning People of our Allegiance, and others; ſome they wounded, and ſome they killed, and many other things they did in order to deſtroy the ſaid *Hugh* and *Hugh*, in *England*, *Wales*, and other where; of which ſome might be called Treſpaſſes, and others Felonies. Alſo it appear'd, that thoſe *Great Men* were Enemies to, and hated them at the time of the Award, and before, whereof they ought not to be their Judges, in their own Proſecution of them, nor have Record upon the Cauſes

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‘ of the ſaid Award. And we are bound by Oath made at our Cor
‘ nation, and obliged to do Right to all Our Subjects, and to redre
‘ and cauſe to be amended all Wrongs done to them, when We a
‘ required; according to the Great Charter, by which *We are not*
‘ *ſell or delay Right and Juſtice to any one*: And at the preſſing Advic
‘ and Requeſt of the Prelates, given Us for the Safety of Our Sou
‘ and to avoid Danger, and to take away an Evil Example for th
‘ time to come, of ſuch Undertakings and Judgments in the like Caſ
‘ againſt Reaſon: Whereſore We ſeeing and knowing the ſaid Pr
‘ ceſs and *Award*, made in the manner aforeſaid, to be as well to th
‘ Prejudice of Us, the *Blemiſhment* (or Hurt) of Our Crown an
‘ Royal Dignity, againſt Us and Our Heirs, as againſt the ſaid *Hug*
‘ and *Hugh*, and for other reaſonable Cauſes: We by Our Royal Pow
‘ er, *in a full Parliament at* York, *by the Advice and Aſſent of the Pr*
‘ *lates, Earls and Barons, Knights of Counties, the Commons of the Real*
‘ *and others*, being at our Parliament at *York*, do wholly annul'l an
‘ defeat the ſaid *Award* of the Exile and Diſheritance of the ſaid *Hug*
‘ and *Hugh*, and all things in the *Award*; and do fully remit and reco
‘ cile the ſaid *Hugh* the Son, and *Hugh* the Father, to Our Faith and Peac
‘ and to the Eſtate they had and were in, before the making that *Awar*
‘ in all Points. And We adjudge, That they have again Seiſin of the
‘ Lands and Tenements, Goods and Chattels, *&c.* And We Will and Com
‘ mand, that where ever this ſaid *Award* is enrolled in any of our Court
‘ it be cancell'd and annull'd for ever.

The former Sentence or Award againſt the *Spencers* made void by the Parliament.

And ſo the Roll was Cancell'd and Croſſed, and accordingly re
mains ſo at this day, with this *Memorandum* written under the ſai
Award: ‘ Theſe Things above written are Nulled and Cancelled b
‘ force of an Award, or Decree made in the Parliament at *York*
‘ held Three Weeks after *Eaſter*, in the Fifteenth Year of the Reig
‘ of our Lord King *Edward*; as 'tis contain'd in a Schedule ſowed t
and hanging at this Roll.

‘ And further in * this Parliament at *York*, the Prelates, Earls, Ba
‘ rons, and the Commons of the Realm there Aſſembled by the King
‘ Command, cauſed to be rehearſed and examined the Ordinances date
‘ the Fifth of *October*, the Fifth of *Edward* the *Second*; and for that, b
‘ examination thereof, it was found in the ſaid Parliament, That by th
‘ things which were formerly Ordained, the King's Power was reſtrain
‘ ed in many things contrary to what was due to His *Seigniory* Roya
‘ and contrary to the State of the Crown; and alſo for that in time
‘ paſt, by ſuch *Ordinances* and *Proviſions* made by Subjects over th
‘ Power *Royal* of the Anceſtors of Our Lord the King, Troubles an
‘ Wars came upon the Realm, by which the Land or Nation was i
‘ Danger; it was accorded and eſtabliſhed in the ſaid Parliament b
‘ the Lord the King, the Prelates, Earls, Barons, and all the Com
‘ monalty of the Realm at that Parliament Aſſembled, That all thoſ
‘ things Ordained by the former *Ordainers*, and contained in thoſ
‘ *Ordinances* from thence forth for the time to come, ſhould ceaſe an
‘ looſe their Force and Effect for ever; and that from thence forwar
‘ in no time, no manner of *Ordinances* or *Proviſions* made by the Sub
‘ jects of the Lord the King, or His Heirs, by any Power or Commiſſi
‘ on whatever over or upon the Power Royal of Our Lord the King
‘ or His Heirs, or againſt the State of the Crown, ſhall be of any
‘ Valu

* *Vid.* Stat. Roll from *Hen.* 3*d.* to 21. of *Ed.* 3. M. 31. & MS. in Bib. Cott. Claudius, D. 2. F 232 a.

The Ordinances or Proviſions in the Fifth Year of the King's Reign, are alſo made void.

‘Value or Force, but all things that ſhall be eſtabliſhed for the Eſtate of the King and His Heirs, and for the State of the Realm and People may be Treated, Accorded, and Eſtabliſhed in Parliament by the King, with and by the Aſſent of the Prelates, Earls, Barons, and *Commonalty* of the Realm, as hath been accuſtomed.

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I do not find any thing elſe to have been done in this Parliament, but that [1.] *Hugh le Deſpencer* the Father, was now made Earl of *Wincheſter*, and had the Manor and Caſtle of *Donnington* in *Linconſhire* given him for the better ſupport of his Dignity; alſo at the ſame time Sir *Andrew Harclay*, who had taken the Earl of *Lancaſter* Priſoner, was for that piece of Service Created Earl of *Carliſle*, and had certain Lands on the *Marches* of *Scotland* beſtowed upon him, with the Government of that City and County. The King had then alſo granted Him towards his Expedition againſt the *Scots*, a* *Tenth* Part of the Goods of the Lords and Commons of the Kingdom, and a *Sixth* Part of thoſe belonging to the Cities, Boroughs, and Antient *Demeaſns*. The *Reader* may here obſerve the great Violence of theſe Times; for as the King by His late Succeſs againſt the Earl of *Lancaſter*, and the Barons of His Party, was now able to procure a Parliament that would do whatever He and the *Deſpencers* would have them; ſo when the Tide turned, and the Queen and Her Adherents, (who were the greater part of the Barons) got the better over the King, and theſe His Favourites were executed, all the Proceedings in this Parliament at *York* were looked upon as null and void, as being procured by Force and Fear, as you will find hereafter, towards the latter end of this Reign. But to return to our Hiſtory.

[1.] *T. W.* Ib. *Hugh Spencer* the Father made Earl of *Wincheſter* in this Parliament.

* Rot. Clauſ. 16 *Ed.* 2 m 20. Dorſ. A Grant is alſo then given the King.

Not long after the breaking up of this Parliament, towards the latter end of *July*, [2.] the King having ſtill a great Army on foot,× was reſolved to make another Expedition into *Scotland*, to revenge the Injuries He had received, but ſo ſoon as He enter'd that Kingdom, the *Scots* hearing of His Approach, deſtroyed their Countrey as much as they could, and ſo retreated into their Faſtneſſes in the Mountains beyond the *Frithe* of *Edinburgh*, which the King not thinking fit to paſs over, His Army being much diſtreſſed by Sickneſs, as alſo for want of Victuals and Forage, He returned back again in the beginning of *September*, without doing any thing conſiderable; but before He could reach *England*, the *Scots* were again come back, and following the King at the Heels, diſtreſs'd His Army by daily Incurſions, [3.] took *Norham* Caſtle, and marching forward, deſtroyed divers Towns in the *North-riding* of *Yorkſhire*, and ſo ſurprized the King at the Abby of *Byeland*, in the Foreſt of *Blackmore*, that they had even like to have taken Him Priſoner, had He not ſpeedily ſaved Himſelf by flight; nevertheleſs, they ſeized all His Plate, Furniture, and Money, and meeting with the Earl of *Richmond*, who had been ſent by the King to obſerve the Motions of the *Scots*, they routed his Men, and carried him away Priſoner; but the King Himſelf, with His Favourite, the Younger *Deſpencer*, got ſafe to *York*. This is the Third Expedition which this Unfortunate Prince made into *Scotland*, with the like ill Succeſs: [4.] When His Enemies had ſpoiled the Country as far as that City, they returned homeward with a great many Priſoners, and much Booty, and in their Return [5.] they put the Towns of *Rippon* and *Beverley* to a Ranſom of Four hundred Pounds,

× (which had been lately raiſed by the Military Service of his Barons & Tenants in Capite) as appears by the Writts of Summons for that Purpoſe, Rot: Claus: 15. Ed. 2. m. 7. d. vid: R—s Coll: 3d vol. p. 952.

[2.] *T. W.* Ib. The King makes another Expedition againſt the *Scots* but without any Succeſs, and returns back.

[3.] C. *Walt. Hemingford* in Bib. *Herald.* The *Scots* preſently after invade *England*, and deſtroy the Countrey almoſt as far as *York*, and had like to have taken the King Priſoner.

[4] *T. W.*

[5.] C. *Ad. Mur.*

which

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which they were forced to pay, to ſave them from Burning and Pillage. *

* this year, a strange mad superstitious zeal, seizd the shepheards, & other Rustics of Cornwall both men and women, who fancying they were ordained by God to recover the Holy Land took shiping, but being arrived beyond Sea and there committing great disorders & plunderings in their marches, were seizd and many of them hangd the rest ~~privately~~ escaping, returnd privately into England. Contin: Chron: Gervasii ad hunc annum.

[1] *Mezeray, Ad hunc An.* The Death of *Philip* the *Long*, K. of *France*, who is ſucceeded by *Philip* the *Fair*.

As to Foreign Affairs, I find nothing elſe to have happened conſiderable, only the [1.] Death of *Philip* the *Long*, King of *France*, who deceaſed of a *Quartane Ague*, at *Bois de Vincennes*, on the Thirteenth o *January*, having attain'd but to the thirty firſt Year of His Age, and th beginning of the Sixth of His Reign, but died unlamented both by th Clergy and People, becauſe of His frequent exacting of *Tenths* from th Former, and the many grievous Taxes He laid upon the Latter: H left no Iſſue Male but three Daughters, ſo that according to the *French Salick Law*, His Brother *Charles*, ſirnamed *The Fair*, ſucceede Him.

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[2.] *T. W. Ad hunc An.*

The King expreſſes a Concern for the Death of the Earl of *Lancaſter*.

King *Edward* [2.] having kept His *Chriſtmas* at *York*, continued ther all this Winter; and though He put the beſt Face He could upon Hi late Defeat by the *Scots*, yet it ſeems He was much concern'd at the Diſhonour of it, as alſo for the late ſevere Proceedings againſt the Earl of *Lancaſter*: For when about this ſame time an Ordinary Perſon of the Famil of that Prince, who had been engag'd with his Lord in the late Inſurrection, was taken and condemn'd to be hang'd, but becauſe he formerly had a Place at Court, ſome about the King offer'd to interced for his Life; at which He fell into a Paſſion, ſaying, *Go your ways, yo wicked and malicious Detractors, you can intercede for this Raſcal, but non of you would not ſo much as open your Mouths in behalf of my Couſin of* Lancaſter, *who if he had lived, might have been uſeful both to Me and th whole Kingdom; therefore as for this Fellow he ſhall die as he deſerves* and ſo He ordered Execution to be done upon him. This Story deſerves to be taken notice of, becauſe it lets us ſee, that this King was no cruel in His Nature, but repented Him of His too great Severity t His Kinſman, whom perhaps He might have pardon'd, had any of thoſ about Him interceeded for his Life, and that the Two *Deſpenſers* ha not haſten'd his Execution.

[3.] Id. Ib. The ſudden great Fall of *Andrew Harclay* Earl of *Carliſle*, and the Occaſion of it.

And ye King was now so distressed for want of Money, that he was forced to summon another Parliament [Claus: 16. Ed. 2. m. 22. d.] to meet at Rippon, which for some Reasons was presently after adjourned to York: [Ib. m. 24. d.] to meet the Sunday after Michaelmas Day, where being assembled, the King appointed his Brother Edmund Earl of Kent to be his Lieutenant in the Marches of Scotland. Rot. Pat. 16. Ed. 2. p. 1. m. 4.]

He is degraded, and then executed.

[3.] About *Candlemas* happen'd a ſtrange Revolution of Fortune to Great Perſon lately raiſed; for *Andrew de Harclay*, Earl of *Carliſle*, di not long enjoy his new Honour,, and whether it was from an Indignation, to ſee *Hugh le Deſpenſer* the Younger ſo much prefer'd before hi in the King's Favour, or that he hoped to advance his Fortunes muc higher, by an Alliance with the King of *Scots*, we know not, howeve he held a Secret Correſpondence with Him, and engaged to go over t His Party, and (as ſome relate) to marry His Siſter; but this wa not kept ſo ſecret, but at laſt it came to the King's Ear, Who thereupo privately employ'd Sir *Anthony Lucy*, a Valiant Knight of thoſe Northern Parts, to ſeize upon his Perſon, which (though he had been h familiar Friend, yet) to eſtabliſh himſelf in the King's Favour, he undertook; and underſtanding that the Earl reſided then at *Carliſle*, he cam upon him on the ſudden with a ſtrong Party, and taking him Priſone ſent him up to *London*, where he was tryed by his Peers, and adjudge to be condemned, drawn, hang'd and quarter'd, which was execute upon him accordingly; but he was firſt degraded of his Honour Knighthood, his Gilt Spurs being cut from his Heels with a Hatche and his Military Belt or Girdle pulled from about his Middle; his Hea was ſet upon *London-bridge*, and his Quarters were ſent to four of th Chief Cities of *England*. This deſerves our notice, it being the fir

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Example in our Hiſtory of any Nobleman or Gentleman who had been thus degraded before his Execution.

But I cannot omit taking notice that the [4.] Author of the Chronicle of *Lanercoſt* (from whom alſo *John* of *Tinmouth* often fellows) does all he can to extenuate this Earl's Crime; as that when he ſaw the King not able to defend his Kingdom againſt the *Scots*, he thought fit to make Peace with them upon the beſt Terms he could; and to that end going privately into *Scotland*, there held a Secret Treaty with King *Robert*; the Deſign was to make a Perpetual Peace between the Two Nations, the Chief *Articles* were, 'That each of them ſhould live in 'Peace under their own Kings and Laws, diſcharg'd of all Subjection 'and Dependance of either King to the Other, and that for the determining of all Differences between them, Six Noblemen of each Nation 'ſhould be choſen, and have full Power for that purpoſe, in order to the 'Peace and Benefit of both Kingdoms, and the Deciſions of theſe Com-'miſſioners, the King of *Scots* and the ſaid Earl ſhould ſee put in execu-'tion in their reſpective Kingdoms, without delay; that in conſiderati-'on of this Peace, the King of *Scots* ſhould pay the King of *England* the 'Sum of 80000 Marks in ten Years, at 8000 Marks *per Ann.* it was 'alſo agreed, That King *Edward* ſhould have the diſpoſal in Marriage 'of his (*viz.* King *Robert*'s) Eldeſt Son, according to the Agreement 'of the Twelve Noblemen above-mentioned, for the good of both 'Kingdoms, neither of which was to receive each other's Enemies, but 'that if the King of *England* would not agree to His Treaty, within one 'Year next enſuing, then the King of *Scots* was to be free from the ſaid 'Engagement: For the true performance of all which *Articles*, the Earl of *Murrey* ſwore on the behalf of King *Robert*, as the Earl of *Carliſle* did for himſelf; who ſo ſoon as he return'd into *Ergland*, ſent to the Sheriffs of, *Northumberland*, the Biſhoprick of *Durham* and *Yorkſhire*, commanding them to ſummon all the Chief Men of thoſe Counties to be aſſiſting to him in performing the ſaid *Articles*, and to proſecute all thoſe who ſhould go about to hinder or oppoſe their Execution; the Earl himſelf did the like in *Cumberland*, which when the Common People heard of, they were very much pleaſed, ſince they now hoped to live in peace: But upon this News King *Edward* and His Council were ſo highly incenſed, that the Earl ſhould offer to treat with the Common Enemies, the *Scots*, without their knowlede or conſent, to the prejudice of the King and Kingdom; and eſpecially, ſince he would have obliged the King's Subjects to riſe againſt Him, if He would not agree to what the Earl had then concluded without His knowledge; whereupon He order'd him to be ſeized, (as hath been already related): The ſame Authors farther ſay, That the Earl was not condemned at *London*, but at the Caſtle of *Carliſle*, where on the Third of *March*, Sir *Geoffery le Scrope*, Lord Chief Juſtice, ſat upon him, and condemned him to ſuffer as a Traytor; and that at his Execution he confeſſed the whole Confederacy with the *Scotiſh* King, in the manner as is here related. But to proceed with the reſt of the *Scotiſh* Affairs.

[4.] Hiſt. *Aur. ad hunc An.* Some Writers extenuate his Crime with the Project of Peace he would have made with the King of *Scots*.

[5] *Robert* King of *Scots* having been ſometime ſince excommunicated by the *Pope*, and His Kingdom put under an Interdict, for refuſing to make Peace with the King of *England*, being now ſenſible of the great Inconvenience of it, He ſent the Biſhop of *Glaſco* and the Earl of *Murrey* to *Rome*, to try if they could obtain Abſolution from the *Pope*, but

[5] *T. W.* The King of *Scots* ſends Ambaſſadors to *Rome* to obtain the *Pope*'s Abſolution from the *Interdict*, and offers a Truce with *England*.

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but could not prevail, becauſe He was oppoſed by a Clerk of the King of *England*'s, who was ſent thither to prove, that *Robert Bruce* had no given His Holineſs, nor yet the King his Maſter, any Satisfaction; wherefore to comply with the *Pope*'s Commands, and thereby obtain His Favour, King *Robert* propoſed a Truce to King *Edward*; who being now tired out with this Unlucky War, readily agreed to it; and ſo it wa concluded between the Two Kings for Thirteen Years, and was compriſed in as many *Articles*; for which our Author refers us to the Chronicle of *Henry Blankford*, a Monk of St. *Alban*'s Abby, which not bein now to be found, we know not what they were. ×

× But now I find by a Record since published [Rot: Pat: 16. Ed. 2. pt. 2. m. 9. d. R—'s Coll: p. 1022, 1023.] ~~by~~ Mr. R—r, that the chief Articles of this Truce were, that it sh. extend to all the Dominions of the King in England, Wales, Gascoigne, & Ireland, and to all Scotland, with the Appurtenances thereof, to continue from ye 12th Day of June ~~ensuing~~ next and from thence for 13 years ~~next~~ ensuing.

I must further take notice yt ye chief Commissioners for concluding it ~~were~~ for K. Edward were Amery de Valence, Earl of Pembroke, Hugh Spencer the younger, with two Clergy Men, & two Knights more: and for the King of Scots, the Bp. of St. Andrews with the Earl of Murray, with two Knights & one Clergy Man, who are all particularly named in the King's Letters Patents concerning ye Articles of ye sd. Truce the principal of which are these yt. follow.

1. That all Differences & Debates concerning any Breach of ye sd Truce should be decided by certain Guardians equaly appointed by both King's for that Purpose: that during the sd. Truce there should be no communication between their Subjects without the special License of ye sd. Guardians, & yt none should pass out of one Kingdom into the other without their Leave.
2. That no new Fortresses sh. during ye sd. Truce be erected on ye Marches or Frontiers of either Kingdom: but those yt were already built might be kept & maintained ~~by either Kingdom~~.
3. That all Merchants Strangers with their goods might freely pass by Sea into either Kingdom without molestation; that all Persons aggrieved might go to complain to ye Guardians appointed to com of an Injury done them without any License ~~without~~ for that purpose
4. & lastly. That ye King of England wd. no way hinder ye Ld. Robert Bruce from purchasing his absolu his Excommunication from the Pope, whenever he sh. please to grant it. These Articles bear Da Thorp near York ~~the~~ 30th of May. A.D. 1323.

This Truce being proclaimed in both Kingdoms was solemnly sworn to [Rot: Claus: 16. Ed. 2. m. 2. 9. d. R—'s Coll. p. 124, 125.] on ye behalf of both Kings by certain Noblemen, appointed by special Comm yt Purpose: Note, that in these Instruments King Edward does not afford ye K. of Scots ye Title of King: but it is tacitly allowed him by entering on ye Rolls [Rot: Pat. 16. Ed. 2. pt. 2. m. 9. d. R—'s Coll. p. 1030. a copy in French of of this Truce by King Robert, wth ye Assent of ye Bishops, Earls, & Barons of Scotland under ye Title of King of ye King Date at Berwick upon Tweed ye 7th Day of June in ye 18th year of his Reign.

[1.] Id. Ib. Ambaſſadors arrive from *France* to ſummon the King to come over and do His Homage, but He is diſſwaded by the *Spencers* from going over. Upon failure of which the King of *France* ſeizes upon all His Territories there.

Not [1.] long after this there came over the *Sieur Seonville*, and *Andrew de Florentia*, as Ambaſſadors out of *France* to the King, then lying at *Pyckering* in *Yorkſhire*, to cite and admoniſh Him to come ove within a certain time prefixed, to perform His Homage to *Charles* th New King of *France*, but *Hugh le Deſpencer* the Younger, and *Richar Baldock*, the King's Chancellor, perſwaded the Ambaſſadors not plainly to declare to the King the Penalty He was to undergo in caſe of a Failure, *viz.* the ſeizing on His Territories in *France*; which they ſo fa comply'd with, that they only gently adviſed Him to come ove with all convenient ſpeed; but of this Admonition, the Latter of thes Ambaſſadors (being a Publick Notary) privately made an *Inſtrumen* or *Record* of it, atteſted by himſelf; which being deliver'd to the Kin of *France* upon their Return, He iſſued out a *Proceſs* in the Parliament of *Paris*, in vertue whereof He not long after ſeized upon al the King's Territories in **Guienne** and *Gaſcoigne*, as you will hear furthe under the next Year.

[2.] Id. ib. Some endeavours, though in vain, to reſcue the Lords *Berclay* and *Audley* out of Priſon.

About [2.] this time there was carried on a Secret Plot or Combination of many that were of the Party of the impriſon'd Barons, to ſe them free; and in order to this ſome of the Conſpirators came by Nigh to *Walſingford* Caſtle, with a deſign to ſet the Lords *Berkley* and *Audley*, who were kept there, at liberty; this was ſo near ſucceding, tha they had got in by a Poſtern-Gate next the *Thames*; but being diſcover'd by ſome of the Warders of the Caſtle, they alarum'd the Townſmen, who came in quickly to their aſſiſtance; whereupon the Conſpirators fled for Refuge into the Chappel there; but that did not at al avail them, for they were pulled out from thence, and the Ringleader hang'd, and the reſt made Priſoners.

[3.] Id. Ib. *Ad Mur.* The Lord *Roger Mortimer* makes his Eſcape out of the *Tower*.

Yet [3.] not long after, about the beginning of *Auguſt*, the Lord *Roger Mortimer* the Younger, eſcaped out of the *Tower* of *London*, b putting a Sleeping Doſe into the Drink wherewith he treated the Warders; or elſe (as the Chronicle of *Leiceſter* in *H. Knyghton* relates) b the Connivance of one *Girald de Alſpaye*, who was then Lieutenant o it under the Lord *Stephen de Segrave* the Conſtable; ſo ſoon as he ha eſcaped, he went immediately over into *France*, where that King being upon ill Terms with His Brother of *England*, not only received him but divers Others of the late Baron's Party, that had fled thither for fea of the *Diſpenſers*, who now ſeized the Eſtates of whomſoever they pleaſed to call Enemies to the Publick, who was indeed Enemies t themſelves; but the Eſcape of *Mortimer* and the Reſt proved the Rui of theſe Favourites a few Years after: *Walſingham*, and ſome other Authors place this Nobleman's Eſcape under the next Year, but I prefe

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dam Murymouth's **Account**, who ſays, It was on the firſt of *Auguſt* in is, when indeed it happen'd. ×

× And about three months after his Escape, ye King fearing yt a Nobleman of his great Interest & Relations might hold Correspondence with those of his Party in England, thot fit to prevent it by issuing out a Proclamation to [Rot. Pat. 17. Ed. 2. pt. 1. m. 11. R., Coll. Vol. 4. p. 22] all the Sheriffs, & to the Ld Justices of Wales, Chester, & the marches thereof, and to ye Wardens of the Cinque Ports wherein (after setting forth the manifold Treasons of the sd Roger Mortimer (for which he deserved to have suffered ye Death of a Traytor, but yt being kept Prisoner he had made his Escape) ye King strictly commands all Men upon Pain of Life & Forfeiture of their Estates, not any ways to aid, comfort, or assist ye sd Roger, by Letter, Message, or any other way & to pursue him & all his Adherents by Hue & Cry, & all the Power they could raise; and that they shd make publick Proclamation thereof in all their Districts, & Bailywicks. given at Notting ham. 14. November.

* Pat. 16 Ed. 2. part. 1. m. 34. Dorſ.

A Vindication of the Lord *Mortimer* from ſome Falſe Miſrepreſentations.

Dr. Brady hath given us a * **Record**, whereby it appears, that the ord *Roger Mortimer* the Younger, upon his Tryal for Treaſon, having ceived Judgment to be drawn and hang'd, the King out of His Special race, pardon'd the execution of that Sentence, and ordered, that inead thereof he ſhould be a perpetual Priſoner, and aſſigned certain Juices to adjudge him to perpetual Impriſonment; but as to what *De More* relates of his eſcape out of the *Tower*, and going over to the ueen into *France*, it is certainly a Miſtake, all **Writers** (beſides himlf) relating it as done a Year before at leaſt. And whereas Dr. *Brady* lledges his following Combination with the Queen as a great piece of gratitude to the King, to whom he owed his Life, yet thus much uſt be ſaid in his Vindication, That the Sentence of Death that was iven againſt him, was certainly too ſevere, and contrary to Common uſtice, ſince he had before ſurrender'd himſelf to the King's Clemency, pon his Arrival in the *Marches* of *Wales*; and it is highly probable it as not without ſome Private Conditions for the ſaving of his Life and ſtate: And though it appears by the **Record** abovementioned, that he ad his Life given him, yet that was no great Favour, when his Eſtate nd Liberty was to be for ever loſt, and his Family ruined; eſpecially hen the King Himſelf had no Right to take them away.

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[4.] T. W.

* Rot. Clauſ. 17 *Ed.* 2. m. 27. Dorſ.

The King holds a Parliament, where it is debated what Anſwer to return to the King of *France*'s Summons.

The King, [4.] having kept His *Chriſtmas* at *Kenelworth* with great Magnificence and **Crowds** of **Nobility**, in the * beginning of *Lent* ollowing, held a **Parliament** at *London*, to treat of divers Publick Afirs, and particularly what **Anſwer** he ſhould return to the K. of *France* His Enbaſſie, concerning **His** going over to do **Him** Homage; nd as to that Matter, it was the **Reſolution** of the **Lords**, and all Ohers there aſſiſting, **That the King ſhould not go in Perſon**, but hould ſend certain **Ambaſſadors** on purpoſe to excuſe **His** coming over t all, or at leaſt, to delay it for a time; and there were choſen in this Parliament two Noble Perſons to go on that Errand, to wit, the **Earl** f *Kent*, the King's Brother, and the **Archbiſhop** of *Dublin*.

[5] Id. Ib.

The Parliament refuſe the King an Aid.

The [5.] King alſo required in this Parliament a pecuniary **Aid** from he *Clergy* and *Laiety*, to diſcharge the Ranſom of *John* Earl of *Richond* and *Bretagne*; but this Propoſal was refuſed by the Barons for a ery good Reaſon, *viz. That no ſuch Tax ought to be raiſed, but only for he Ranſom of the King, Queen, and their Eldeſt Son, if they ſhould appen at any time to be taken Priſoners, and ſo that Demand fell.*

[1.] Id. Ib.

The Biſhop of *Hereford* arreſted for High-Treaſon, with the Charge againſt him.

In [1.] this *Parliament* likewiſe *Adam* Biſhop of *Hereford* was arreſted, o the great ſcandal and prejudice of the *Clergy* (as the Monk my Author words it) being examined before the King and Lords upon divers *Articles* of High-Treaſon. It was laid to his Charge, That he had receiv'd certain of the King's Enemies, had furniſhed them with Arms, and had given them his Aſſiſtance, Favour and Advice: The Biſhop being a Diſcreet and Learned perſon, ſaid little at firſt to this Accuſation, until being further urged, he thus anſwer'd; *My Lord the King, (ſaving all ue Reverence to Your Majeſty) I being an humble Miniſter of God's Church, nd a Conſecrated Biſhop (though unworthy) ought not to anſwer ſuch high Matters without the Licenſe and Authority of my Lord the Archbiſhop of Canterbury, who next to the Pope, is my proper Judge; as alſo without the Conſent of the reſt of my Fellow Biſhops:* Upon which the Archbiſhop

His Anſwer to the Accuſation.

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Upon the Archbiſhop of *Canterbury* and other Bps. Interceſſion he is delivered into the ABPs Cuſtody, and being brought to his Tryal, is reſcued by the Biſhops; yet the King does not deſiſt from His proſecution. He is found guilty by a Jury in *Herefordſhire*, and all his Temporalties are ſeized.

and his Suffragans riſing up, implored the King's Mercy for him, whe upon he was delivered to the Cuſtody of the Archbiſhop, till the Ki ſhould reſolve when and how to ſummon him again, to anſwer wh might be farther laid to his Charge; But the King's Anger not being y pacified, ſomedays afterHe ſummoned theBiſhop again to anſwer in th Court; which coming to the ears of hisBrethren theArchbiſhops of Ca *terbury*, *York*, and *Dublin*, with ten other Biſhops, came to the place Judgment, with their Croſſes erected, and took him away into th own Cuſtody, firmly enjoining all that were preſent, under the pain God's Curſe, not to lay Violent Hands upon him; with which Boldneſs the *Clergy* the King was ſo incenſed, that He commanded Inquiſiti to be made upon the former Charge before His Juſtices in *Herefor ſhire*, and a Jury being ſummoned of that County, and fearing to fend the King, quickly found the Biſhop (though abſen guilty of all the *Articles* laid to his Charge; which Verdict His M jeſty then taking advantage of, immediately ordered all the Biſho Goods, Lands, and Revenues to be ſeiſed; but he ſtill continued in t Cuſtody of the Archbiſhop of *Canterbury*, expecting the King's Merc though in vain.

*Clauſ. 1 *Ed.* 3. part. 1. m 13. Intus.

The Crimes laid to his Charge, and the *Proceedings* thereupon proved from a Record.

But as the following * Record ſets forth how he was reſtored to h Temporalities in the firſt of *Edward* the *Third*, ſo it alſo ſhews partic larly, what Crimes were laid to this Biſhop's Charge, and the Procee ings thereupon, and indeed confirms the Teſtimony of our Autho therefore I ſhall give you the Contents of it, *viz. That by an Inquiſiti taken at* Hereford *before the Juſtices of the* King's Bench, *it was the found, that* Adam *Biſhop of that See, was of the Confederacy of* Rog de Mortimer *of* Wigmore, *who was then reputed an Enemy and Rebel the King his Father, and that he (the Biſhop) ſent certain Men at Arms his aſſiſtance; and being accuſed of theſe Things before the ſaid Juſtices, had alledged, * That without offending God and Holy Church, and witho leave of the People, he could not, nor ought to make Anſwer; nor ought t Juſtices to proceed to take the ſaid Inquiſition; yet however they did proce againſt him; and becauſe it was found by that Inquiſition, that the Biſhop w of the Confederacy of the ſaid* Roger, *and ſent to his aſſiſtance Men of Arms, was adjudged by the ſaid Juſtices, That he ſhould as one Convict remain in t Cuſtody of the Archbiſhop of* Canterbury, *and that his Lands and Ten ments, Goods and Chattels ſhould be ſeiſed into the King's Hands; a they remained ſo ſeiſed, until the date of this Record, by which they we reſtor'd.* Witneſs the King at *Weſtminſter* the Sixteenth of *Februar* in the firſt Year of His Reign.

* *i. e.* Pleaded by his Attorny (for it is certain he was not there in perſon, as appears above.)

[2.] *T. W.* The Lands of the late Knights *Templars* are beſtowed on thoſe of S. *Joh.* of *Jeruſalem* Vid. * *Totel's* Collection, 16 *Ed* 2.

But to return to the reſt of the Affairs tranſacted in this Parliamen in which all the Mannors and Poſſeſſions of the late Knights *Templa* were by the Common Conſent of the *Clergy* and *Laiety* of the King dom granted to the Knights * of St. *John* of *Jeruſalem*, *Hoſpitala* for ever, as appears by the Statute at large, made for that purpoſe, u der this Title of *Statutum de Terris Templariorum*; the Chief Heads which you may find at the end of this King's Reign, where are ſom things worthy your obſervation: But I cannot forbear here taking no tice, that Dr. *Brady* hath omitted in his Hiſtory making any partic lar mention of this Parliament, or of the Proceedings in it, except wh he curſorily ſays concerning this Buſineſs of the Biſhop of *Herefor* and yet the * Dr. is certainly out in his Relation, ſuppoſing him to hav bee

* p. 147.

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een tryed in perſon by a Jury of his Country, and to be found guilty: whereas indeed he never was tryed by a Jury at all, for he was then abſent, but only a Bill of Indictment being found by the Grand Jury, the King ſeiſed upon his Temporalities, as appears by the Record above cited.

I ſhall now come to the moſt Remarkable Tranſactions with *France*, where we find a Treaty of Marriage to have been begun ſometime after the ending of the laſt Parliament, between Prince *Edward* the King's Eldeſt Son and the Daughter of *Charles* Count of *Valois* ~~Coſin~~ Uncle to the King of *France*; as appears by a Letter (extant on the * Clauſe Roll of this Year) directed to that Earl, who had lately preſſed him to a ſpeedy Concluſion of the Match; in Anſwer to which He lets him know, that it was neither expedient, nor decent, that this Treaty ſhould be concluded without the *Advice*, *Conſent*, and *Confirmation* of the *Prelates* and Great Men of His Kingdom aſſembled in *Parliament*; which He ſays, He reſolves to ſummon preſently after *Michaelmas*, and He will then take care to reſolve by the Common Council of the Kingdom, what ſhall be beſt for His Own and the Publick Intereſt; and to the like purpoſe He wrote to the King of *France*, about this Affair; as appears by another Letter to Him, entred upon the ſame Roll.

But whether the King ſhewed Himſelf thus cautious in coming to a Concluſion concerning this Match, out of any deference to the Judgment of His Parliament, which was now, ſince the cutting off the Earl of *Lancaſter* and his Party wholly at His Own diſpoſal, or (which is more likely) out of ſome jealouſie or diſguſt at the King of *France*, I ſhall not here determine; only take notice, that it was not long after that a Quarrel between King *Edward* and that Prince broke out to ſuch a heighth, that it was like to have produced a War between the Two Crowns, if our *Edward* had either Power or Courage enough to have undertaken it. I ſhall now proceed to ſhew you, that *Charles*, ſirnamed the *Fair*, having lately ſucceeded to His Brother King *Philip* deceaſed, preſently after His coming to the Crown, ſummon'd our *Edward* to come over into *France* and do His Homage for the Territories He poſſeſſed in that Kingdom; this the King was perſwaded to by His Favourites the *Spencers* was neither honourable nor ſafe for Him to perform; whereupon His Brother the Earl of *Kent*, and the Archbiſhop of *Dublin* were ſent over this Summer, to try to accommodate this Affair; and though they were honourably received by the King, yet could they not obtain any Favour from Him on behalf of their Maſter, for He looked upon their Excuſes for His not coming over, to amount to a flat Denial of what He required, as to the Homage: Of ſo little value are the neareſt Alliances between Princes conſidered, when they find they can have any advantage over each other. ✗

The Earl of *Kent* and ABp of *Dublin* are ſent over to the King of *France* to obtain a reſpit of the Homage, but without any effect.

But that which highly aggravated the Difference between the Two Kings was (as a [4] *French* Hiſtorian relates) that not long before, the Lord of *Montpeſat* had built a Fortreſs on certain Lands which he ſuppoſed to have belong'd to the Territories of the King of *England* in *Gaſcoigne*, but which the *French* aſſerted to belong to the King of *France*; this Buſineſs being diſcuſs'd in the Parliament of *Paris*, the Fort, with the Lands adjoining to it, were adjudged to belong to their King; who thereupon took poſſeſſion of the ſame accordingly; but the Lord of *Montpeſat* would not ſubmit to this Sentence, but calling the Seneſchal of

A new Quarrel ariſes between the two Kings, and on what occaſion, according to the *French* Hiſtorians.

✗ And besides this Ambaſsy [illegible] yt it further appears from our Records, [Pat: 17. Ed. 2. p. 2. m. 31 & 4 Coll. p. 38] that ye beginning of this year William Weston Cantor of Lincoln & Dr. of Laws was sent over to the Parliament of Paris, as an Envoy to treat with them upon certain affairs relating to ye Dutchy of Aquitain ~~to intercede for a Delay~~ [illegible]. But whether this message related to the above mention'd Homage I cannot determine, since ye Letters of Credence on the behalf of this Dr. Weston do not mention ye particular business he was sent about and was to propose to the sd Parliament. This Commission bears Date at Westminster 6th of March. But yt another message relating to ye Business of ye Homage was sent appears by ye next Record of this year [Rot. Vasc: 17. Ed. 2. m. 24 Coll. p. 40] dated but 5 Days after ye former, whereby Alexander Arch Bishop of Dublin, & Edmund Earl of Kent ye King's Brother, together with this Dr. Weston were ~~agreed~~ commission'd to agree upon a fit Time & Place for an Interview between ye Kings of France & England; to ye speedy performance of which Homage, Pope John also perswaded the King by a Breve to that Purpose, as also by another longer Bulle of ye same year, wherein he urges the King to perform it from divers prudent Considerations there mention'd. This bears Date at Avignon July 5th R. Coll. J. 6. p. 41. 63.

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* 16 Ed. 2. m. 7. Dorſ.

[4] Contin. Chron. *Guil. de Nangis*.

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of *Bourdeaux* to his Aſſiſtance, marched with ſome Forces to the place, razed the Fort, with all the other Buildings about it, to the Ground. This Relation is more likely than that of *Walſingham*, who tells it quite another way; That the King of *France* having built a certain Fort or Caſtle, with other ſumptuous Buildings, upon a piece of Ground belonging to the *Engliſh* Territory, the Inhabitants of that Village were ſo elated thereat, that they refuſed to ſubmit to the Common Laws of the Countrey, and affronted the Lord *Ralph Baſſet*, the King of *England*'s Seneſchal of *Bourdeaux*; who being thereby provoked, gathered ſome Forces, and marching to that Town, ſlew many of the Inhabitants, and razed the Fort and Buildings to the Ground. But this much is certain, that upon this Action the Seneſchal being ſummon'd to Anſwer in the Court of the King of *France*, he refus'd to appear, alledging, That he had done therein no more than his Duty to his Prince; whereupon the *French* King being more incenſed, declar'd him and all his Accomplices Traytors, for their Contumacy; then the Seneſchal hearing of that Sentence, got into the Caſtle of *Montpeſat*, abovementiond, where (it being well fortified) he ſecured himſelf from the Incurſions of the *French*; upon which the King of *France* demanded of the *Engliſh* Ambaſſadors, That *Baſſet*, with his Accomplices, might be deliver'd up, and puniſh'd according to the Laws of *France*; the Earl of *Kent* was willing, for Peace ſake, to conſent to the King's pleaſure in this Point; but the Archbiſhop of *Dublin* refus'd to agree to it, until he had conſulted the King his Maſter; wherefore Meſſengers being ſent into *England* about it, the King blamed the Eaſineſs of the Earl of *Kent*, and ſent word, *That He would not ſacrifice ſo good a Servant to the Unjuſt Reſentments of His Enemies*: When the King of *France* had received this Meſſage, He reſolved to uſe Force, and preſently ſent His Uncle the Lord *Charles* of *Valois* (a ſworn Enemy to the *Engliſh*) to ſeiſe upon the Dutchy of *Aquitain* and Earldom of *Ponthieu*, for the Diſobedience of King *Edward*, in not performing His *Homage*, as hath been already ſaid.

Upon [5.] theſe Severe *Proceedings* the Earl of *Kent* retir'd from the Court of *France* into *Guienne*, where many Noblemen lately come over from *England* met him, being ſent by the King with ſome Forces, to preſerve that Country (if it were poſſible) and reſiſt the Count of *Valois*; but it was to little purpoſe, for not having ſufficient Strength wherewith to make any conſiderable Reſiſtance, the Count ſeiſed all the Countrey as far as the Town of *Reole*, in which the Earl of *Kent* then was; who finding himſelf unable to defend it, delivered up the Place upon certain Conditions; whereupon a Truce was made between them for a few Months, till a Peace could be concluded between the Two Kings; which not being preſently done, the Count of *Valois*, not long after, took almoſt all the *Engliſh* Territories in *France*, except *Bourdeaux*, *Saint Severe*, and *Bayonne*. (2)

[1.] Not long after which there were other Envoys ſent over into *France* to procure a Peace, but it ſeems that Treaty came to nothing: In the mean while things grew worſe and worſe between the Two Crowns, inſomuch that all Commerce was forbid, and the Merchants Effects ſeiſed in both Kingdoms: The Queen alſo fared the worſe for it, for all Her *French* Servants were diſmiſſed; and (further fearing Her Partiality to Her Own Nation) all Her Mannors and Caſtles * were ſeized into

The Earl of *Kent* retires from the Court of *France* into *Guienne*, to ſecure that Province, but to no purpoſe, for he is overpowered by the Count of *Valois*. And almoſt all the Territories in *France* are ſeized upon.

[1.] Id. Ib. The Endeavours of a *Peace* being fruſtrated, Commerce is forbid, and the Queen's Revenue ſeis'd,

(1) X But before things came to this Extremity, the King hearing of ye King of France's Preparations to besiege it, appointed John Bp. of Norwich and several Noblemen his Commissioners to treat & agree wth the King about it [Rot: Pat. 18. Ed. 2. p. 1. m. 37. R–s Coll. p. 66] & to make up this Difference in an Amicable way: and in the mean while ye King had committed the Custody of the sd. Castle to John Stohore with Orders to deliver it to ye King of France or his Deputies on certain Conditions. yet this did not hinder the sd. King from taking it by Force & demolishing it.

(2) X I must here take notice yt ye Earl of Kent would not have thus tamely deld. up ye Town above mention'd, had it not been for ye Arch Bp. of Dublin his Fellow Comissioner, for which, & also for quarreling wth Hugh Spencer ye younger, and accusing him of High Treason, ye King now wrote a very sharp Letter to ye Pope agt. him, writing farther yt he stood excommunicated in ye Pope's Court for not observing some Decrees of it: and therefore ye K. desired ye Arch Bp. might be deprived of his Charge, & remov'd out of Ireland, as appears by ye Kings Letter to ye Pope dated ye 5 of W. 28 May & is entered on ye Rolls of this year. [Rot. Rom: m. 1. vid. R–s Coll. p. 130] And at ye same time also ye King wrote another Letter to ye Pope agt Adam Bp. of Hereford for assisting ye Kings Enemies in the late Rebellion & praying his Deprivation from his Bishoprick; as appears by a second Letter immediately following on ye same Roll. But I do not find yt ye Pope ever gratify'd ye King in either of his Requests, for he was now grown contemptible at ye Court of Rome for his weak, & imprudent management of his Affairs.

*1 In the Counties of Cornwal, Devonshire and Dorset, vid. R–s Coll. p. 84.

cannot here omit, that in the begining of this year, the King to strengthen his Interest a-
inst France wrote a Letter to the Ld. John Infant of Castile [Rot: Claus: 18. Ed. 2. m. 11. d. R-'s Coll. p. 120. and Tutor to his nephew King Alphonson then a minor that he might Marry her Daughter to King Edward, & should assist him with 1000 Horse, & 10000 Foot against ever should make War upon him: This Letter bears Date Jan: 18. this year. And tho' it ars by the Patent Rolls (Pat 18. Ed. 2. m. 22.] of this year that Ambassadors were sent to treat about it, it came to nothing by Reason that upon ye Peace wch was to be suddenly made with France King Edward had no need of his Assistance, or else both the Princes being then very young the Treaty broke off before ye Kings Deposition. Also, as appears by ye Close Rolls, 18. Ed. 2. m. 12 d. R-'s Coll. p. 128. about ye same Time he enter'd into another Treaty with James, King of Arragon for a marriage between Prince Edward, and ye King's Daughter: & ambassadors were also sent to treat and conclude with ye King about it: but this likewise took no Effect for the Reason above mention'd and because Prince Edward not long after engag'd his affections in another Place without his Father's Consent.

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to the King's Hand, and She was forced to ſubſiſt upon a bare Penſion or Allowance, and that ill pay'd too. It is therefore very likely, that what *De la More* reports may be true, that the Biſhop of *Hereford* having now obtain'd his Liberty, yet his Temporalities ſtill remaining in the King's Hands, he took this Opportunity by all means to revive the Hatred of the Nobility againſt the *Deſpenſers*, which was before laid aſleep; and alſo incenſed the Queen againſt them, as having adviſed the King to reduce Her Family, and retrench Her extravagant Expences; which cauſed Her Hatred not only againſt the *Spencers*, but alſo begot an Animoſity toward the King Her Huſband: The like was alſo done by *Henry* Biſhop of *Lincoln*, whoſe Temporalities had been ſeiſed two Years before. Theſe two Biſhops had divers Conferences with Her concerning the Iniquity of the Times, aggravating the Sadneſs of Her Condition; that She being the ſole Daughter of *France*, ſhould be forced like a mean Waiting-woman, to depend upon the *Deſpenſers* for Her Maintenance; and they both agreed in this Advice, that Her beſt way was to lay hold on the firſt Opportunity of making a Viſit to Her Brother the King of *France*, and Her Uncle Count *Charles de Valois*, and to beg their Advice and Aſſiſtance againſt the *Deſpenſers*; which if She obtain'd, all things might ſucceed according to Her Deſire. And indeed it was a very Impolitick Action of theſe Favourites, that when they had thus diſobliged the Queen, a Lady of a very high Spirit, they would ever permit Her to go over into *France*; as you will find they did the Year following, to the Ruin of themſelves, and the King their Maſter.

The Biſhop of *Hereford* takes this Opportunity to incenſe the Queen and Nobility againſt the *Spencers*.

The Biſhop of *Lincoln* does the ſame, and aggravates the Sadneſs of her Condition.

I have no more to relate under this, only that tho' the Truce with *Scotland* was agreed upon the laſt Year, yet was it not abſolutely concluded until now: [2.] when * in the Beginning of this Summer, *Adomer de Valence* Earl of *Pembroke*, *Hugh Deſpenſer* the Younger, *Robert Baldock* Archdeacon of *Middleſex*, and Chanceller, were with ſome other Perſons of Note, ſent from the King to *Newcaſtle* upon *Tyne*, to treat with *William* Biſhop of St. *Andrews*, *Thomas Randolph* Earl of *Murrey*, and ſome other Perſons of Quality, Commiſſioners for the King of *Scots*, concerning a final Peace. But when they could not bring that to bear, they ended their Negotiation in a Truce of Thirteen Years, to commence from the Tenth of *June*; which was proclaim'd the day following, and bears date at *Thorp*, not far from *York*.

[2.] Chron. Lan.
* *Stow*'s Chron.
A Truce now made with *Scotland*, and the Commiſſioners who were employ'd in it.

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After [3.] the Concluſion of this Truce with *Scotland*, the King kept a Noble *Chriſtmas* at *Nottingham*; about which time there came the Archbiſhop of *Vienne*, and the Biſhop of *Aurange*, as Legates from the Pope, to mediate a Peace between the Kings of *England* and *France*, tho' without any effect: And ſo having impos'd a great Tax or Contribution upon the Clergy, to diſcharge the Expences of their Journey, they return'd back without doing the Buſineſs for which they came. * see above

[3.] *T. W.*
Certain Legates arrive from *Rome* to mediate a Peace between *England* and *France*, tho' without any Effect.

On [4.] the Octaves of St. *Hillary* enſuing, the King held a Parliament at *Weſtminſter*; where they treated concerning the Preſervation of the Dutchy of *Aquitain*, the greateſt part of which was now taken away by the *French*: And there it was reſolved, that the Biſhops of *Winchester* and *Norwich*, together with the Earl of *Richmond*, and ~~*Will. de Ayremine* Chanon of *Norwich*~~, ſhould be ſent over Ambaſſadors
Ld. Henry de Beaumon (V. R-'s Col. p. 106. 107

[4.] Id. ib.
A Parliament ſummoned to conſider how to recover the Dutchy of *Aquitain*; for

to

For it appears by 3 several commissions still extant on the Patent Rolls of this year, it was not this Man but the Ld. Henry Beaumont, who was then appointed the third on to treat & conclude all Differences with Charles King of France.

(x) Being to this Effect (as appears from ye original in French printed in Mr. R—'s Coll. vol. V. p

x These articles were concluded by ye Bishop of Viviers with ye Constable or Chancellour of Fra Commissioners therein nam'd on that King's behalf, & by the Bp. of Norwich, John Earl of Bret Richmond, & Will: de Ayremine Chanon of York on the behalf of ye King of England, by t sion of Queen Isabel, and the Pope's Nuncio's therein nam'd.

1. That ye Lands or Territories which ye sd. King of England holds in the Dutchy of Guien King of France may and shall take into his own Hands, and shall sette an able Seneschal who shall govern there in his Name, & shall there establish Judges, Bailiffs, and other inferiour Officers, who shall govern ye sd. Country according as it was accustom'd to be govern'd. And to this End the Men at Arms, who are in Pay of ye King of England shall retire from Bayonne, and the Country thereabouts so soon as possibly they can. And ye Men at Arms of ye King of France shall do the same, only the Castles, & strong Houses out of Towns both of ye one part & ye other shall be mann'd and Garison'd according to the Seneschal with ye Advice & Counsel of the Chastelans, & other Wardens of the sd. Castles & strong Places.

2. That this being done, ye King of England shall give no Disturbance nor hinderance to it neither by himself nor his Officers.

3. And since it is hoped that all those things may be done & accomplished before ye Feast of our Lady's Assumption next ensuing, it is also agreed by ye sd. Procurators of both Kings, yt if the K. of England will come to Beauvais, ye King of France shall meet him there, & if ye King of England shall there offer to do his Homage, ye King of France shall receive it with a Protestation that it shall no ways prejudice his Right to what he already possess'd in ye sd. Country. But if either King shall be hindered by Sickness, or any other weighty Occasion, so as to prevent the sd. Journey & meeting, timely Notice shall be given of it, & another Time appointed for it at ye Place abovementioned. And it is further agreed yt upon the Performance of ye sd. Homage in manner abovesayd, that ye Territories which ye King of France possesses at present in the sd. Dutchy, he shall keep them till he is satisfyed for all the Expences and Costs he has been at by Reason of the hinderance and Trouble the King of England and his Subjects have given the King of France and his Subjects in reducing it to his Allegiance.

4. But &c. vid. Paper.

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Which Ambaſſadors are appointed to go over to treat about it.

* Vid. Libnitz Cod. Diplomat. p. 108, 109.

to King *Charles*. But theſe arriving in *France*, after many Allegations and Treaties on both ſides, came not to any final Agreement, more than the Prolongation of the preſent Truce from Fifteen days after *Pentecoſt* to One Month after the Feaſt of the Nativity of St. *John Baptiſt*. This being concluded, the Biſhop of *Wincheſter* return'd into *England* (leaving his Collegues behind him) to give the King an Account of what they had done, and to receive his further Directions: When after a long Debate, tho' the King at firſt intended to paſs the Sea Himſelf, yet the two *Deſpenſers* His Favourites, either being afraid to be left behind leſt the Nobility and People ſhould riſe up againſt them, or if they went over with the King that they ſhould fall into the Hands of their Enemies the *French*, oppos'd His going over; and at laſt they agreed to the Queen's Offer, of going over Her Self to Her Brother the *French* King, and there mediate a Peace between Him and Her Huſband; or, as *De la More* relates, She obtain'd this of the King by Her Flatteries: But that is not at all likely, for She was then out of Favour, Her *French* Servants diſmiſſed, and Her Revenues ſeiſed: And therefore *Walſingham*'s Relation is much more probable; That thoſe that were neareſt about the King firſt propoſed the Queen's going over with a moderate Retinue, as the only way to prevail upon Her Brother of *France* to abate his Rigour towards Her Husband x ~~and~~ She readily undertook this Journey, as being that which She had long ſecretly deſired: And ſo [5.] She paſſed over to *Calais* in the Beginning of *July*, attended but by One Baron and Four Knights. So ſoon as She arrived, She was kindly received by the King Her Brother, who at Her Interceſſion came to this Agreement on the behalf of Her Huſband, That if King *Edward* would make over His Right in the Dutchy of *Aquitain*, and Earldom of *Ponthieu* to his Son *Edward*, upon his doing Homage to Him, He would give him Seiſin of both. Theſe things being on both ſides agreed on, the King of *France* iſſued his Letters of Safe-Conduct for the Prince; and then the King his Father made Him a Grant of thoſe Lands, to Him and His Heirs, Kings of *England*; adding withal, that if the Son ſhould dye, living the Father, they ſhould return to Himſelf, with ſome other Conditions, *by which it ſhould not be lawful for the King of* France *to marry Him, nor provide a Guardian for Him againſt His Will*. This Agreement was confirm'd by x ~~a~~ Charters x at the Abbey of Langdon near Dover with the Advice of the Prelates and other Noblemen at ~~Dover~~, the day after the Nativity of the *Virgin Mary*, in the Nine ~~Eigh~~teenth Year of the King; and on Thurſday following, being then at Dover *Edward* the Son, attended by *Walter* Biſhop of *Exeter*, and ſeveral Noblemen, went on Shipboard, and being arrived at *Paris*, not long after, *viz.* about the End of *September*, did Homage to his Uncle of *France* at *Bois de Vincennes*, which was performed under Proteſtations made on both ſides in the preſence of divers of the Nobility of both Kingdoms. And that whole Affair was now compleated, for which the Queen was ſent into *France*, and the young Prince nobly preſented by His Uncle King *Charles*; yet did not the Queen His Mother think fit to return into *England*, for Reaſons that you will hear of ~~by and by~~ hereafter.

[5.] Id. ib. The Queen is ſent by Her Husband to intercede with Her Brother of *France*, and obtains favourable Terms.

Which are alſo agreed to by King *Edward*; whereupon the Pr. His Son goes over into *France*.

But [5] the King being Impatient, and Jealous at Her abſence, preſently after *Michaelmaſs* wrote to the Queen, that She ſhould ſpeedily return, and bring over Her Son with Her into *England*. She wrote back, that the King of *France* Her Brother, out of His great Affect

[5.] *De la Moor.* Upon the Qu's delaying to return into *England*, the King writes to Her to haſten Her.

of

Insert this p. 308.

4. But if the King of England will permit ye King of France to keep ye sd Territories he now possesses, the sd Commissioners promise in his name, that the King of England shall not be oblig'd to render any thing for the sd Costs and Expences: and upon the Proclamation of the Peace all People taken Prisoners on either side in France shall be set at Liberty.

l Rot. Al- / m 19. Ed / m. 3. R / l: p 157. This Treaty was to be ratifyed by the Letters Patents of both Kings under their Great Seals before the Feast of St. John Baptist next ensuing at furthest, which was done accordingly.

This is the Effect of this Peace which ye Queen procur'd for ye King her husband, which however mean and dishonourable it appears, he was forced to accept of it, and take it as a Favour; and I find by divers other Records, that the King either fully resolv'd, or seem'd to resolve to go over into France, & do his Homage at the Time appointed;

Pat. 18. / p. 1. m and he gave Letters of Protection to several Gentlemen and Clergymen his Servants and Chaplains, who were to have gone over with him. But whilst the whole Kingdom was in Expectation of this voyage and yt ye King was already on his way to the Sea side, he was either taken very ill, or pretended to be so; and thereupon sent over the Bp. of Winchester, & Mr. John de Bruton Chanon of Exeter

lem: / 2. m. 1. with a Letter to ye King of France to excuse his not coming over at the Day appointed, as also to be his special Procurators and Envoys to swear on his behalf to the Truth of the sd Excuse, if there shd be occasion, ratifying whatever they should act in Relation to the Premisses. This bears Date at Langdon near Dover 24 Augst. The Effect of this Ambassy was, that since he could not now come over in Person, that if King Edward &c.

l. 38. For a Charter read, by 2 several Charters dated at Dover, one whereby

19. Ed. 2. / m. 25. / p. 163. / 65. King Edward confers the Earldoms of Ponthieu, & Monstreuil upon his Son the Prince, and the other whereby he grants him ye whole Dutchy of Aquitain to him & his Heirs and Successors Kings of England, both made upon the Princes going into France.

Yet I do not find any thing inserted in either of the sd Charters, nor yet in yt of ye King of France, by which he agrees to receive the Homage from his Nephew Prince Edward; only the sd King was prohibited from marrying ye sd Prince without ye King his Father's Consent: so yt if there were any such Condition, it was contain'd in some private articles that are not now to be found upon Record.

38. Instead of at Dover, read, at the Abbey of Langdon near Dover.

l. 44. After both Kingdoms, add, Note, yet for all this great Condescention on King Edward's side to ye French King's Demands, and his great Professions of Kindness to his Nephew the Prince, yet the King still refus'd to deliver all the Territories, and particularly that of Agen which belong'd to the Dutchy of Aquitain: as appears by King

m. 19. Edward's Letter to the Pope's Nuncio in France dated at Sheen ye 25 of October, wherein he complains of that King's hard dealing with him, & the Prince his son.

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on, deſired their Company a little longer; ſo She ſent back the greateſt Part of both their Families, and ſpent the Reſidue of the Year in proſecuting Her Deſigns. *Walſingham* relates this Tranſaction ſomewhat otherwiſe: As that there were various Reports concerning the Queen's delaying to come over; ſome imputing it to Her too great Familiarity with the Lord *Roger Mortimer*, without whom and the other Baniſhed Noblemen, She had no mind to return: Whilſt others alledged it was, Her Hatred of the two *Deſpenſers*, the younger of whom had cauſed Her Family to be diſmiſſed; and that the latter of theſe proved the true Reaſon, the Event ſufficiently declared. Yet as to Her Familiarity with the Lord *Mortimer*, there might be nothing Criminal in it, [2] he being at that time above Forty Years of Age, and having Sons and Daughters at Men's and Women's Eſtate; tho' it cannot be denied, that the Queen both then and afterwards very much loſt Her Reputation, by reaſon of Her too great Intimacy with that Nobleman; and therefore it is confidently related by *De la Moor*, that She was ſo bound up in *Mortimer*'s Embraces, that ſhe would not return: But this is more certain, that the Biſhop of *Exeter*, the King's Treaſurer, having been diſmiſſed from being of Her Secret Council, left Her, and returning into *England*, gave the King a very bad account of Her Proceedings. And this made Him the more impatient of Her Stay, as appears by His Letters on * Record; for He wrote to Her ſeveral times this Winter to return home; expreſſing great Kindneſs to Her, and Grief of Mind for Her Abſence. In anſwer to which, She made many feigned Excuſes in Her Letters for Her not coming; but the Chief was, as I ſaid before, the Danger and Fear She was in of *Hugh le Deſpenſer* the Younger; which Letters She ſent to Him by the Biſhop of *Wincheſter*. In return whereunto, the King wrote back, that He much won'der'd at it; ſeeing and obſerving in His preſence the kind Deportment of Her to the Lord *Hugh Deſpenſer*, and of him to Her; and eſpecially at Her Departure, declaring a perfect Amity; and ſince by Her Letters of a late Date, which He had ſhewn unto him, atteſting the ſame: And therefore the Homage being now done to his Brother of *France*, and that they were in ſo fair a Way of Reconciliation to each other; He commanded and charged Her as much as poſſible, that all feigned Excuſes laid aſide, She ſhould come home to Him with all ſpeed; for that the Biſhop had told him, that His Brother the King of *France*, in his preſence, had ſaid to Her, that according to the Tenor of the Safe Conduct, She ſhould not be diſturb'd, nor ſtayed from coming over to Him, as to Her Lord, and as his Wife. And then further writes to Her, that when She came, Her Expences and Way of Living ſhould be ſuch, as ſhould be neither to His or Her Diſhonour. He alſo willed and commanded Her to ſuffer His Dear Son *Edward* to come to Him, as He had commanded Him. And whereas at this time, *Walter* Biſhop of *Exeter* was with Her, and had been certainly inform'd, that ſome of his Enemies and baniſhed Subjects waited to deſtroy Him, if they had an Opportunity, to avoid ſuch Dangers, and for other great Buſineſs he had with Him, He commanded him upon his Faith and Allegiance to return to Him with all ſpeed; leaving all other things in as much Security, as he could; and therefore She was to excuſe his ſudden coming away, it being for no other Cauſe. Dated at *Weſtminſter* the Firſt Day of *December*.

The Queen's Reputation vindicated, as to Her Familiarity with the Lord *Mortimer*.

The Biſhop of *Exeter* returns into *England*, and gives the King a bad account of Her.

Who thereupon writes again the more earneſtly to return home; with Her Anſwer to His Letters, and His Reply to Hers.

He commands the Queen to ſend over the Prince His Son to Him.

[2.] Vid. *Dugdale*'s Baronage, 1 Part, p. 144.

* Clauſ. 19 *Ed.* 2. M. 2. Dors.

* And

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* Ib.
The King of *France* writes to K. *Edward* to excuſe His Siſter's coming to Him for fear of the *Spencers*; to which He returns an Anſwer, deſiring Him to ſend over His Wife and Son.
* Ib.

* At the ſame time the King of **France** by the Biſhop of *Wincheſter* wrote to the King an *Expreſs* to let Him know, that He had been inform'd by perſons of good Credit, That the Queen durſt not come to Him for fear of Her Life, by reaſon of *Hugh le Deſpenſer*; to which the King made the ſame Anſwer He had done to the Queen before, and averred with an Oath, *That if the ſaid* Hugh, *or any Other Perſon living in His Kingdom, or in His Power, ſhould offer any ill to Her, and He ſhould know it, He would make them ſevere* **Examples** *to all Others*; and beſeeched Him, not to believe thoſe that inform'd Him otherwiſe, for that He had, and ought to have greater Reaſons to know and underſtand this Matter, than any Other; and therefore deſired Him to prevail with His Siſter to come to Him as ſoon as ſhe could, for the honour of Themſelves and of Her, being much grieved for want of her Company: He * alſo earneſtly prayed Him to diſpatch away His Son *Edward* with all ſpeed, and deliver up to him the Dutchy of *Aquitain* (which He had granted out of His Affection to him), it being His Intention he ſhould return ſo ſoon as he had done his *Homage*; and then excuſes the Biſhop of ***Exeter***'s ſudden leaving *France*, and returning into *England*, in the ſame manner as He had done in the Letter to His Queen. This is dated at the ſame time and place with the former.

* Ib.
The King writes alſo to the *French* B^ps^ and Noblemen to endeavour His Wive's Return.
* *Comp.* Hiſt. 2d Vol. p. 151.

* The King ſent Letters of much the ſame purport to the Archbiſhop of ***Rheimes***, the **D**uke of *Burgundy*, and the reſt of the *Peers* of *France*, both **E**ccleſiaſtical and Temporal, as likewiſe to ſeveral Other *French* Biſhops and Great Lords His Friends and **R**elations, who were not ***Peers***, whoſe Names 'twere needleſs to repeat, ſince * Dr. *Brad* hath done it already, to whom I refer the Curious Reader, if he deſires further to be ſatisfied: Beſides theſe Letters, the King alſo wrote **to His Son the Duke** of ***Aquitain***, not long after, That though he was very young, yet he might remember what He commanded and charged him at his Departure from Him at *Dover*, *viz.* That when the King of *France* had received His ***Homage***, he ſhould take his Leave of Him, and return to Him, with his moſt **D**ear Companion, the Queen his Mother, if She could come ſo ſoon; but if not, that he ſhould come without Her, and ſhould not omit it, neither for his Mother, nor any other perſon, upon His Bleſſing. Dated at ***Weſtminſter***, the Second Day of ***December***.

The King again preſſes the Prince to return either with or without his Mother.

* Ib.
The Prince's Anſwer to the King his Father, together with His Reply to it.

We find alſo on the ſame Roll, that the Prince had returned an Anſwer to the King his Father's Letter; wherein he acknowledges he did remember what his Father had charged him at ***Dover***, and eſpecially not to marry without His Conſent, and what He ſaid there to him before his **D**eparture; and farther promiſed always to perform His Commands and Pleaſure to his Power: Whereupon the King in His Second Letter, dated in *March* following, ſtrictly charges him again, 'We
'to remember theſe Things, and in no caſe to marry, or ſuffer himſelf
'to be married without His Conſent, nor before he ſhould come to Him
'nor do any thing that might turn to his damage or trouble of Mind.
And as to what His Son had ſaid in his laſt Anſwer, *That he could n come over ſo ſoon as He commanded him, by reaſon of his Mother, nor lea Her, being bound by Nature to perform his Duty to Her*; to this the King rejoin'd in theſe Words; *Good Son, You know how much I ſhould have l ved and cheriſhed Her, if She had carried Her Self towards Us as S ought to have done, and as a Wife ſhould do toward Her Husband an*

Wherein He inveighs highly againſt the Queen.

Lor

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Lord: But whereas She feigned an Occaſion to withdraw from Us, by reaſon of Our Dear Nephew, and Faithful Hugh le Deſpenſer, *who hath always loyally ſerved Us, You and all the World may ſee, that openly, and deſignedly, againſt Her Duty, and againſt the Eſtate of Our Crown, (which She is bound to maintain) She hath taken to Her, and retains ſtill in Her Company and Council,* Mortimer *Our Traytor and mortal Enemy, proved attainted, and in full Parliament ſo judged; and keeps him company every where in Houſe and Abroad, in deſpight of Us and Our Crown, and the Laws of the Realm, whom at another time your Uncle baniſhed His Kingdom at Our Requeſt, as Our Enemy; and yet She doth worſe (if worſe can be) in bringing you into his Company, and making him your Counſellor, and making you adhere and ſtick to him openly and notoriouſly in the face of the World, to the greateſt Diſhonour of Us and you, and in prejudice of Our Crown, and the Laws and the Uſages of the Laws of* England; *which above all things you are bound to preſerve and maintain: And therefore He commands and charges him upon his Faith, Amity, and Ligeance, and his own Bleſſing, that he ſhould come to Him with what Speed he could, notwithſtanding the foreſaid Excuſes, or any other; His Mother having wrote, that if He would return, ſhe would not hinder Him; and He could not underſtand, His Uncle ſhould do it againſt the Tenor of His Safe-Conduct.* Given at *Litchfield* the Eighteenth of *March.*

*Ibid

The King again writes to the King of *France*; wherein He anſwers a Letter that he had writ to Him not long before.

* At the ſame time King *Edward* again wrote to His Brother of *France*, that He had conſidered His Letters; wherein He ſignified to Him, that He had ſeriouſly diſcourſed His Siſter about the Reaſons and Things to which He had anſwered; and that She had told Him, She deſired only to be with Him Her Husband, and in His Company, as a Good Wife ought to be with Her Lord; and that the Amity between Her and His *Nephew Hugh le Deſpenſer*, was only feigned; yet it was convenient to keep it up to gain time, and avoid worſe things. Now to diſprove what She had ſaid to Her Brother of *France*; He reminded Him of what great Amity and Kindneſs She often pretended to *Hugh le Deſpenſer*, ſince Her being there; and then repeats the Intimacy between *Mortimer* and Her, and how She was wholly adviſed and directed by him, and did whatever he ordered, in the ſame Words and Manner as in the laſt Letter to His Son; and then deſires Him to reſtore the Dutchy of *Aquitain*, *&c.* to Him without having regard to the wilful Humour of a Woman; and ſend Him His Pleaſure by the Bearer. This is dated at *Litchfield* the Eighteenth of *March*, on the ſame Day as before.

Rot. Rom. 19. *Ed.* 2. M. 3.

The Purport of the King's Letter to the Pope about the ſame Affair.

In *April*, the King wrote to the Pope, and ſent him a Tranſcript of whatever had paſſed between Himſelf, the King of *France*, and His Siſter the Queen, and His Son, by way of Narrative; with the Copies of the Letters He wrote Them, and His Anſwer to what was reported of Him in *France*; heartily beſeeching His Holineſs to read and conſider them, and apply ſuch Remedy for the removing the Matter of Scandal and Diſſention, and the Dangers that might proceed from thence, as he ſhould think fit; promiſing wholly to be directed by his Advice. Given at *Kenelworth* the Fifteenth day of *April.* Theſe Letters, tho' they were written in the Beginning of the next Year, yet I have put together under this; ſince they are all enter'd upon one and the ſame Roll in the *Tower*, and belong to this preſent Affair, and give a great Light to it.

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[3.] *T. W.*

The King and Court are very Melancholy for fear the Queen and Baniſhed Noblemen ſhould come over without His Conſent.

But it is time to look back to the Beginning of this Year; when w ſhall find [3.] King *Edward* kept His *Chriſtmas* at St. *Edmondsbury*, bu with no great Splendor; the King and Court being very Melancholy and much diſturbed for fear of the Queen's Return, and of thoſe Ba niſhed Noblemen that were with Her; leſt they ſhould come over b the Aſſiſtance of *France*, with Forces, without the King's Conſent Neither can I find, how the King ſpent His time before the Queen' Coming over; only that in General, He made what Preparations H could to prevent it,× tho' it were all in vain; as will appear by the E vent. For notwithſtanding all theſe Letters and Mediations above-re cited, yet would She not truſt Her Self any more in *England*, until Sh could come over with Forces ſufficient to be revenged of the *Deſpen ſers*, whom She looked upon as Her Enemies; and [4.] who (as wa then reported) had procured the King to conſent to make away th Queen His Wife, and Prince *Edward* His Son; and that the Lord *Joh* of *Bretaigne* being then near Her Perſon, was to be the Inſtrument o it: Which being diſcover'd, and that She alſo perceived the Noble men of *France* to have been corrupted by large Preſents from *Englan* to Her Prejudice, and that there was no Safety to be expected for He in the *French* Territories, She went away privately with Her Son an their ſmall Retinue, to the Earl of *Haynault*, by whom they wer Honourably received.

× (as particularly by his commission to his Admiral to search all Persons passing into ye Realm to see whether they brought any Letters yt might prove prejudicial, or suspected to be so to ye King & his faithful subjects: and to seize all such with whomsoever Letters shall be found, as appears by the King's writts to all Baillifs, & other his subjects. Pat. 19. E. 2. p. 1. m. 12. vid. Rls coll. p. 183.

[4.] *T. W.*

The Queen thinking Her Self and Son to be in danger in *France*, retires privately to the E. of *Haynault*.

At what time Queen *Iſabel* left the Court of *France*, I cannot poſ tively determine, ſince neither *Froiſart* nor any other Author hath gi ven us ſo much as the Month: But it appears by the foregoing Letter from the King Her Husband, that She was at the Court of *France* i *March*, and it is likely, She left it in *April* or *May* following. And the Time of Her going is uncertain, ſo is likewiſe the Manner and Oc caſion of Her quitting *France*, variouſly reported by the *French* Hiſto rians. For ſome of them relate, that Her Brother King *Charles*, eithe was not willing to join with the Queen of *England* in a ne Quarrel, or elſe diſapproving Her Conduct, would not permit He to ſtay longer in His Dominions; whereas ours relate, that She ſto from thence for fear of being deliver'd up to Her Enemies.

This is alſo confirm'd by * *Froyſart* the *Flemiſh* Hiſtorian, wh ſays, he wrote his Chronicle from the Memoirs of Sir *John Lele* Cha non of St. *Lambart*'s in *Leige*, one much in favour and very intimat with the Lord *John* of *Haynault*, the Earl's Brother; and thus relate this Tranſaction; That the Barons of *England* not being able any lon ger to endure the too great Power and Favour which the *Deſpenſers* ha with King *Edward*, met privately, and reſolved for the future to agre better together; they thereupon ſent over privately to the Queen, (be ing then at *Paris*) letting Her underſtand, that if ſhe could come int *England* with a Thouſand Men at Arms, and bring Her Son and He with Her, they would all come over to Her and Her Son *Edward*. Sh ſhewed theſe Letters to the King of *France*; who promiſed ſuch Aſſ ſtance, as well as to furniſh Her with Money. But as She was providin for Her Voyage, *Hugh le Deſpenſer* having notice of it, contrived wit Preſents to buy off the *French* King; and ſent ſecret Meſſengers wit Plenty of Gold, Silver, and Jewels, into *France*, and eſpecially to th King and His Council; inſomuch as He forbad under Pain of Baniſh ment, that any of His Subjects ſhould aſſiſt the Queen to go into *Eng land* by Force. ^ which is very probable; for some time before we find by certain Letters [Rot. Vasc. 19. Ed. 2. m. 2.] directed to the Major and Com munity of the City of Bayonne, that the King was so far incensed against ye King of France for detaining his wife and Son, that he ordered the Persons to whom this directed to make war upon the Subjects of the French King by Sea and Land.

* Vol. 1. c. 8.

The Barons of *England* not being able to endure the Inſolence of the *Spencers*, ſend privately to the Queen to come over with ſome Forces.

The King of *France* being bought off with large Preſents from *England*, quits His Siſter's Intereſt.

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But if the Chronicle of *Lanercoſt* may be credited, the *Deſpencers* were not contented with this, but alſo ſent privately a certain Fryar Minor called *Thomas Dunheved*, with another Companion of his, who Proſecuted a Divorce at *Rome* between the King and Her, though the Cauſe is not mention'd; but this is more certain which * *Froiſart* relates, That *Hugh le Deſpencer* the Son, out of his Malice to the Queen, and to get Her into his Power, cauſed the King to deſire the Pope that he would write to *France*, to ſend the King his Wife again into *England, for He would acquit himſelf to God and the World, that it was not his fault that She thus kept from Him*; and He would do nothing to Her, but expreſs all that Love and Conjugal Fidelity as was due to Her.

The *Deſpencers* ſend a Frayr to *Rome* to Proſecute a Divorce between the King and Queen.

* Ib. *c.* 8.

* Alſo that He ſent large Preſents of Gold and Silver to divers Cardinals and Prelates, who He thought had moſt Influence over the Pope; and they ſo prevailed upon him by their Subtle Perſuaſions, as to engage him to write to the King of *France*, that on pain of *Excommunication*, he ſhould ſend back His Siſter *Iſabell* into *England*, to the King Her Husband. Theſe Letters were brought to the King of *France* by the Biſhop of *Xantes*; and when he had read them, they were ſhewed to the Queen His Siſter; whereupon He commanded Her ſpeedily to depart His Kingdom, or otherwiſe He would make Her do it with Shame.

* Ib.

The King by his Preſents to Cardinals prevails upon the Pope to write to the King of *France* to ſend back the Queen.

And that by this means all the Barons of *France* were withdrawn from the Queen, except *Robert de Artois* Her Dear Couſin, who privately aſſiſted and encouraged Her by his Counſels; and gave Her Secret Intelligence, That Her Brother would deliver up both Her and Her Son, together with the Earl of *Kent*, King *Edward's* Brother, and Sir *Roger Mortimer*, to the King and *Hugh le Deſpencer*; and therefore Adviſed Her to retire to *William* Earl of *Haynault*. This Earl received Her with great Joy at *Valenciennes*, and brought his Four Daughters, *viz. Margaret*, *Philippe*, *Jane*, and *Iſabel*, into Her and Her Son's Preſence. The Prince liked *Phillippe* beſt, and moſt frequented Her Converſation during his Abode there, which was till toward the latter end of this Year.

The Earl of *Artois* privately aſſiſts Her, and adviſes Her to retire to the Earl of *Haynalt*; which She did.

And the Lord *John* of *Haynault* had ſo cordially eſpous'd Queen *Iſabel's* Intereſt, that he not only raiſed Three Hundred Horſe for Her Service, but alſo engaged the Earl his Brother to declare for Her, on condition of a Marriage to be Conſummated between his Second Daughter *Philippe* and Prince *Edward*, then not Fourteen Years of Age; in conſideration of which, he was to furniſh the Queen with Two thouſand ſeven hundred Men at Arms, and a ſufficient Number of Veſſels to Tranſport them: Theſe preparations were making all this Summer, yet could not be got ready for Action untill the beginning of *Autumn*.

The Lord *John* of *Haynault* eſpouſes the Queen's Intereſt, and raiſes Men for Her Service; and engages his Brother to declare for Her on certain Conditions.

In the mean while we ſhall have leiſure to look back into *England*; Where the firſt publick thing I find the King to have perform'd in order to prevent this formidable Invaſion, was that upon the News of the great Preparations that were making againſt Him, He Iſſued out a Proclamation to this Effect :*

The King Iſſue out a Proclamation againſt the Queen and *Roger Mortimer*, commanding all men to be ready to reſiſt them at their Landing.

* Rot. Claus. 19. Ed. 2. m. 4. dors. vide Ry. W. vol. p. 188. 189.

The King to the Sheriff of Northampton, *Greeting*, &c. And then proceeds to recite, 'That ſince lately by the Aſſent and Requeſt of the *Prelates*, *Earls*, *Barons*, and other *Great Men* of the Kingdom, He had ſent the Queen into *France*, to compoſe certain Differences with

‘ the King Her Brother, concerning the *Dutchy* of *Guyenne*; and th afterwards when He (the King) was ready to go beyond Sea, He had upon divers Meſſages from the *Pope* and King of *France*, with the Aſſent of the *Earls*, *Barons*, &c. given His Son Prince *Edward* the ſaid *Dutchy*, who was thereupon gone over, and had done his *Homage* for it accordingly: And that notwithſtanding He the King had commanded the Queen and His ſaid Son to return home, yet neither would She come Her Self, nor ſuffer Her Son to return, but, as He had been inform'd by His Loyal Subjects that came from thence, That by the Evil Counſel of *Roger Mortimer*, His notorious Enemy and Rebel, and Others His Enemies and Rebels in thoſe Parts, with whom She (the Queen) had made Alliance; as alſo with certain People of thoſe Parts, and other Strangers, who were to come over by force with His Son *Edward* into *England*, to hurt and deſtroy the Good People of the Land, and to bring it into Danger and Subject on of the ſaid Aliens and Rebels, to His diſhonour, prejudice, peril, and diſinheritance of Himſelf, and His Crown, and the great damage and deſtruction of His People aforeſaid.

* Ib.

‘* Wherefore He, being willing to avoid the ſaid Perils, &c. firmly commands and enjoins the ſaid Sheriffs, That in all Places in his Bailywick he ſhould cauſe to be openly proclaimed and commanded on His behalf, That all Earls, Barons, Knights, and other Men of Arms, and Hobbelours, and other People on Foot ſhould be ready and equip'd to go with Force and Arms againſt ſuch Strangers and Enemies of Him and His Kingdom, as ſhould invade the Land, and arreſt and deſtroy them, whenever they ſhould hear or know of their Arrival; yet if the ſaid Queen and His Son ſhould come over in thoſe Ships which He would order for Them and Their Retinue, in Good and Obedient manner, according to His Will and Commandment, that then they ſhould receive them honourably and courteouſly, according to their *High Dignity*; but if they ſhould come in other Veſſels, and in a diſobedient manner, and againſt His Will, then He commands all His ſaid Subjects to treat the ſaid Aliens that ſhould come with them, and all ſuch as were of their Company, as Enemies to Himſelf and the Kingdom; the Perſons of His ſaid Queen and Son to be only ſaved and excepted; and concludes, That He will hold theſe who ſhall be ready, and uſe their endeavour to do theſe Things, as His Good and Loyal Subjects; but thoſe that ſhall be negligent, and will not do their Duty, He will hold as His Enemies, and puniſh them as ſuch. Given at *Gaywood* the Eighth of *February*.

* Ib.
He ſends the like Writs to the Admirals of the *North* and *South* Seas, &c.

* In the like manner it was written to all the Sheriffs of *England*, as alſo to both the Admirals of the *North* as well as *South* of the *Thames*; as alſo to *Ralph Baſſet* of *Drayton*, Conſtable of *Dover*, and to the Wardens of the *Cinque-Ports*: Theſe laſt bear date at *Leiceſter*, the Sixth day of *March* enſuing.

[1.] Froiſ. Lib. 1. cap. 9. *T. W.*

The Queen and Prince attended by the Earl of *Kent* the King's Brother, and other Noblemen land near *Harwich* with a ſmall Force.

All things being now ready for the Queen's and Prince Her Son's Embarking for *England*, [1.] She took Ship at *Dort*, attended by *Edmund* Earl of *Kent*, the King's Brother, who had never been in *England* ſince his late Ambaſſy into *France*; for being diſcontented at the Greatneſs of the *Diſpenſers*, he had wholly joined with the Queen his Siſter-in-Law; but the Chief Conducter of this Expedition was the Lord *Roger Mortimer*, though there join'd with him many other *Engliſh* Noblemen,

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blemen, who had been either baniſhed, or elſe had voluntarily fled their Countrey; yet I think they need not be particularly named, for the *Reader*, if he pleaſes, may ſee them in *Henry de Knyghton*'s Chronicle; the Army was but ſmall, not amounting to Three thouſand Men, being commanded by the Lord *John* of *Haynault*, and ſome other Noblemen of that Countrey. The Queen with this ſmall Fleet and Army, after a long and dangerous Paſſage, landed at the Haven of *Orewel*, near *Harwich*, on the 22d of *September*, from whence marching up into the Countrey, was firſt met by *Henry* Earl of *Lancaſter*, Brother to the late Earl, and after by the Earl Marſhal, and other Barons and Knights, with almoſt all the Prelates, but chiefly with the Biſhops of *Lincoln*, *Hereford*, *Dublin*, and *Ely*; and there were ſome Others, as eſpecially the Archbiſhop of *Canterbury*, who though they did not appear in perſon, yet privately ſent in Money to Her aſſiſtance; ſo that with thoſe She brought, and the Forces that came daily into Her, they ſoon made up a conſiderable Army, which being muſter'd and refreſh'd at St. *Edmundſbury*, She marched for[illegible] (as She ſaid) *To ſeek out Her Own and the Kingdom's Enemies*, who had then taken ſhelter under the King's Protection.

The Earl of *Lancaſter* and ſeveral other Noblemen, Biſhops, and others aſſiſted Her underhand.

So [2.] ſoon as the King (who was then at *London*) heard of the landing of the Queen, Her Son, and ſo many Strangers, He was very much diſpirited; but to do all that could be done in ſo deſperate a Caſe, He iſſued out a Proclamation againſt *Roger Mortimer* and Others of his Confederacy; giving notice, That he and other Traytors had enter'd His Kingdom by force, and brought along with them many Aliens and Strangers, and uſurped Royal Power; and therefore He was reſolved to oppoſe them in Perſon, to arreſt and deſtroy them and all their Company and Adherents, as He ought, and might, except the Queen, His Son, and the Earl of *Kent*, whom He would by all means poſſible preſerve as ſafe as before their landing; and ſummon'd all Perſons in, that by their Liegance were obliged to come with all their Force and Power, in defence of Him, Themſelves, and the Kingdom; and for the eaſe of the People, He engaged to pay the Soldier's Wages, and alſo promiſed to all Great Men His Charters of Pardon for Felony or Adherence to His Enemies, as well in times paſt, as preſent; and for Outlawry for what cauſe ſoever, except the Traytor *Roger Mortimer*, and thoſe People that came from beyond Sea with him, and thoſe that killed Sir *Roger de Beler*; and then promiſed a Thouſand Pounds Sterling, and Pardon to any one that ſhould bring Him the Body or Head of *Roger Mortimer*. Given under His Great Seal at the *Tower* of *London* the Eight and twentieth day of *September*. ×

[2.] Id. Ib. The King upon the News of the landing of the Queen and Prince, with *Roger Mortimer*, and Foreign Forces, iſſues out a Proclamation to all His Subjects to come in and aſſiſt Him againſt them, and to take and deſtroy them all, except the Queen, Prince and the Earl of *Kent*.

× Both these writts are entered on the Rolls. The former on the Pat. Rolls 20 T. W. Ed. 2. m. 11. ye latter in ye Cla: Rom. m. 17. dors. printed in R—s Coll. IV. vol. p. 331. 332. Also note that in the Record beside a general Pardon of all offences to whomsoever should bring in the Body or Head of Roger Mortimer, instead of 1000 Pound, as is expressed in the printed Historian cited in the Margin, promis'd to him that should do it. The Record promises but three Pounds Sterling which makes nine pound of our Money at this Day, and seems too scanty a Reward for so great a Hazard, as he must have undergone who should have kill'd him.

The Queen, by the Advice of the Lord *Mortimer*, to be even with the *Deſpencers* for this Proclamation, not long after Her landing, iſſued out another to this effect; That all Men ſhould enjoy Peace and Quiet, except the Publick Enemies of the Kingdom, (*viz.*) the Two *Deſpenſers* Father and Son, and *Robert Baldock* the King's *Chancellor*, and their Favourers, who were the cauſe of the preſent Diſturbance of the Nation; that no Goods ſhould be taken from any, without the Conſent of the Owners; and if above the value of Three Pence (then a day's Wages for a Common Soldier) his Finger was to be cut off; nor Sixpence (the Wages of the *Hobelour*) under pain of his Hands being cut off. *Nec valorem Duodecim Sterlingorum*, &c. (which I may render

Twelve-

The Queen in revenge iſſues out a Proclamation againſt the two *Spencers*, and *Robert Baldock* the Chancellor, with a ſtrict Prohibition againſt plundering.

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Twelvepence the daily Wages of a Man at Arms) upon Pain of Death; and She was as good as Her Word, for Her Army did no Injury to the Bodies or Goods of any but Her Enemies, which She ſought out, and every where applied their Goods to Her Own Uſe, and plunder'd their Farms.

The Reaſons why the Nation was now in a Ferment againſt the *Deſpenſers.*

Therefore it was no great wonder that the King's Proclamation had no extraordinary effect, the Nation being at that time in a great Ferment by reaſon of the Cruel and Arbitrary Government of the *Deſpenſers*, many of the Nobility having been executed contrary to Law, and the Eſtates of ſeveral of them extorted by Violence from the Right Owners; of which you may find ſeveral Inſtances from the Records of that time, in * Sir *William Dugdale*'s Baronage: And beſides all this, the Biſhops and Clergy were highly diſcontented at the King's late Violent Proceedings againſt the Biſhop of *Hereford* (as you have already heard); ſo that although in compliance with the King's Will, the Archbiſhop, and divers Others of them had before declared againſt the Baniſhment of the *Deſpenſers* as unjuſt and illegal; yet when they found themſelves grieved and oppreſſed (as they ſuppos'd) by theſe Favourite's Procurement, thoſe very Biſhops took the firſt Opportunity (when they could do it with ſafety) to declare againſt them; and therefore I think Dr. *Brady* is miſtaken, 'when he imputes the People's taking part with the '*Queen*, to their having been prepoſſeſſed with Strange Notions and Jea-'louſies concerning the *King* and both the *Spencers*, and the Great 'Things the *Queen* and *Mortimer* would do for *Holy Church* and the 'Kingdom. For I deſire any one who is at all vers'd in our Hiſtory, to ſhew me, that ever the *Engliſh* Nation made a General Defection from their King, and refuſed to aſſiſt Him, but when His Arbitrary and Tyrannical Government, either exercis'd by His Own Abſolute Will, or that of His Favourites or Miniſters, made the People ſenſible, that it was wholly deſtructive to their Civil Liberties and Religion. Therefore though what *Delamore* reports may be true, That the Biſhops and Clergy of the *Queen*'s Party, to bring in as many as they could into it, ſpread abroad a Lying Report, That the Pope had abſolved all *Engliſhmen* from their Oath of Fealty to the King, and had thunder'd out His Sentence of *Excommunication* againſt all thoſe that bore Arms againſt the *Queen*, which they alſo further confirmed, by pretending that there were two Cardinals in the *Queen*'s Army, who were ſent from the *Pope* for that purpoſe; yet without any ſuch Falſe Reports (which have been often the Means by which a weaker Party prevails over a ſtronger) it was eaſie to gueſs which ſide the People would take.

* Pag. 389.

As were alſo the Biſhops and Clergy againſt the K., and for what cauſe.

[3.] *T. W.* The Anſwer that the *Londoners* made to the King's Letters to provide Him Aſſiſtance.

And this moſt evidently appears in the *Londoner*'s Carriage upon this Occaſion; [3.] for when upon the News of the *Queen*'s being landed, the King ſent to them to provide Him an Aſſiſtance of Men and Money; after ſome deliberation they return'd Him this Anſwer, 'Tha 'they ſhould always reverence their Lord the *King*, the *Queen*, and 'their *Son*, the Lawful Heir of the Kingdom; that they ſhould ſhu 'their Gates againſt, and reſiſt, as far as they were able, all Foreigner 'and Traytors; yet declar'd, That they were not willing to march ou 'of their City to fight, unleſs, according to the Liberties granted them 'they could return the ſame day before Sun ſet. With which *Anſwe* the King not being at all ſatisfied, He preſently fortified the *Tower o* *London* with Ammunition and Victuals, and leaving therein His Young

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er Son, *John* of *Eltham*, with the Wife of *Hugh le Deſpencer* the Younger, left *London*, and went into the Weſtern Parts of the Kingdom, with the Two *Deſpenſers* in His Company, to find out a place where they might raiſe an Army againſt the *Queen* and Her Party.

The King Iſſues out a Proclamation againſt any Man's aſſiſting the Traytors lately Landed.

But before He left the Town (beſides the Proclamation already mention'd againſt *Roger Mortimer*) He Iſſued out Another, forbidding all Men upon pain of loſing Life and Eſtate, to Aſſiſt any of the Traytors and Enemies lately Landed, or ſo much as to Sell them any Victuals or Proviſions.

The King's Forces deſerting Him, He with the Younger *Spencer* betakes him to the Sea, intending to paſs over into *Ireland*.

This Proclamation had no better Effect than the former, for notwithſtanding this, the King's Party daily Decreaſed, and that of the Queen's as much Increaſed; wherefore He went down into *Glocesterſhire* and ſo to *Chepſtow*, from whence He ſent *Hugh le Deſpenſer* the Elder to keep and fortify the Town and Caſtle of *Briſtol*; yet for all this the King not having about Him a ſufficient Force to reſiſt the Queen, He thought it His beſt way, together with *Hugh le Deſpencer* the Younger, *Robert Baldock* His Chancellor, and ſome few others, to betake themſelves to Sea, with a Deſign to paſs over to the Iſle of *Lundy*, or elſe into *Ireland*; and how they came to be Diſappointed in it I ſhall tell you by and by.

[5] Id. ib. The Queen came to *London*, and after a ſhort ſtay, Marches with Her Army to *Gloceſter*.

But I ſhall now return to the Queen, [4.] who coming firſt to *London*, after a ſhort ſtay there Marched thence with Her Son and a Great Army to *Oxford*, where the Biſhop of *Hereford* Preached before the Queen and Prince, declaring, That the cauſe of their coming was to Deſtroy Evil Government in the Kingdom. From thence She went to *Gloceſter*, where Her Army very much Increaſed by the coming in of the Lords *Piercie* and *Wake*, and Others of the *North* Parts and Marches of *Wales*.

[4.] Id. Ib. The ordinary Tradeſmen take Arms and ſeiſe the Mayor.

[5.] Whil'ſt the Queen was thus employ'd, the common People or Rabble of *London*, *who* (as my Author long ſince obſerves) *never want Fury whenever they have the Licenſe of being Inſolent*, gathering together the meaneſt ſort of Artificers, took Arms and ſeiſed their Mayor, threatening to Kill him if he would not Swear to conſent to their Orders, which he did to ſave his Life; and then they made a Confederacy, That the Qu's Enemies where ever they ſhould be found, or of what State or Condition ſoever they were, or ſuch as ſhould procure any Damage to the Liberties of the City, ſhould be put to Death.

[1.] Id. Ib.

They Burn the Biſhop of *Exeter*'s Houſe, and take himſelf and cut off his Head.

[1.] Under pretence of this Oath, they preſently took *John Marſhal*, Servant to *Hugh le Deſpenſer* the Younger; and without any more ado cut off his Head and Plunder'd all his Goods; and on the ſame day continuing their Rage and Madneſs, they ran to the Biſhop of *Exeter*'s Houſe, ſetting Fire to the Gates of it, and when they had got in and could not find him, they Plunder'd and took away his Jewels, Plate, and Houſhold-ſtuff; and he himſelf unluckily coming out of the Fields on Horſeback to the *North* Door of St. *Paul*'s, the incenſed People drawing him from his Horſe, Beat and Wounded him Unmercifully, and then dragg'd him into *Cheapſide*, where after they had proclaim'd him a Publick Traytor they cut off his Head. The reaſon of their Fury againſt this Biſhop, was, That being Treaſurer of the Kingdom he had perſwaded the King's Council that the *Itinerant* Juſtices might Sit in *London*, who found that the Citizens had Offended in many Things, for which they loſt their Liberties; ſome were Fined, and others had Corporal Puniſhments.

It

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[2.] Angl.Sac. 1 Vol.fol.366.

A more particular Account of theſe Actions from an Author then living.

It may not be amiſs here to give you a further Account of the Manner of the Murther of this Biſhop, with ſome Eccleſiaſtical Tranſactions preceding the ſame, [2.] from *William de Dene* a Publick Notary of the Church of *Rocheſter*, who was living at that time; and h thus relates it. The Archbiſhop, Fifteen days after *Michaelmas*, intended to have held a Treaty with the Biſhops at St. *Paul's*, abou ſending ſome of their own Order to the King and Queen, as Mediators of Peace between them: The Biſhop of *Rocheſter* (whoſe Nam was *Hamon*) diſſwaded his going into the City, or beyond the *Thames* to treat, being then at *Lambeth*; telling him, the Hearts of the People were then turn'd againſt the Biſhops, and that they hated them imputing all the Evil that had happened in the Nation to their Slothfulneſs, Folly, and Ignorance. The next day they met at *Lambeth* and reſolved to ſend Two: The Biſhop of *Wincheſter* was willing t go for One; but could not get a Companion. On *Wedneſday* befor St. *Luke*'s day, the Citizens met at the *Guild-Hall*, where they contrived how they might take, and put to death the Biſhops of *London* and *Exeter*, and the King's Juſtices; and how they might plunder the Merchants; taking this Occaſion of the Queen's coming over; becauſe thoſe that would not adhere to Her, were reputed Traytors t the Kingdom. And as the Biſhop of *Exeter* was flying for Sanctuary to St. *Paul's* Church, they caught him at the *North*-door, and having grievouſly wounded him, drew him thro' the Streets to the great Croſ in *Cheapſide*, where theſe *Sons of the Devil*, (as he calls them) beheaded a Faithful, Wiſe, and Diſcreet Man, and very Uſeful to the Nation. And further ſays, that the whole Kingdom then was in Confuſion; for the Turbulent calling *Peaceable Men the Queen's Enemies who were under that Colour and Pretext plunder'd of their Goods.*

This Biſhop of *Exeter* Founder of *Exeter*-College, and *Hart-Hall*.

I have nothing elſe to add further concerning this Biſhop, *Walte Stapleton*; but that about Nine Years before, he founded *Exeter*-College in *Oxford*, as alſo *Hart-Hall*, not far from it.

[3.] *T. W.*

The Mob take away the Keys of the *Tower*, and let out all the Priſoners.

The [3.] next day after their Beheading of the Biſhop, the Mob or Rabble met by accident with Sir *John de Weſton*, Conſtable of th *Tower* of *London*, and taking from him the Keys by force, let out al the Priſoners; and beſides that, turn'd out the King's Officers, and put in others in the Name of the Lord *John* of *Eltham*, the King's Son, whom they made Guardian of the City and Kingdom. Yet di they not ceaſe ſtill to commit divers Ravages and Inſolencies. So likewiſe in other Places, all Perſons impriſon'd for Crimes againſt the State were diſcharg'd, and all Fugitives and Baniſhed Perſons return'd home

The Queen iſſues out a Proclamation; with the Tenor of it.

[4.] Scriptor. X fol. 2764.

But to return to the Queen whom we left at *Oxford*. So ſoon a She came thither, She Iſſued out a Proclamation in Her Own and He Son's Name, which may be found in the Plea, or [4.] the Defenc which *Adam Dorlton* then Biſhop of *Wincheſter*, and formerly of *Hereford*, ſome Years after made for himſelf; ſetting forth, that he di then by the Command of His Lord the King that now is, (*viz. Edward* the *Third*) in the Preſence of Him the ſaid King, the Earl o *Lancaſter*, and other Noblemen, Publiſh the Tenor of certain Letters Patents, under all their Seals; ſetting forth the Cauſes of th ſaid King's and the Queen's his Mother's coming over, which were iſſued in Her Name in theſe Words: '*Iſabel* by the Grace of God, Queen ' of *England*, Lady of *Ireland*, Counteſs of *Pontiff* (or *Ponthieu*,

'and

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'and We *Edward*, Eldeſt Son to the Noble King of *England*, Duke of *Guyenne* Earl of *Cheſter*, *Pontiff*, and *Monſtroil* (or *Monſtrevil*;) and We *Edmund*, Son to the Noble King of *England*, Earl of *Kent*, to all thoſe to whom theſe Letters ſhall come, Greeting; Whereas 'tis notoriouſly known, that the State of *Holy Church*, and the Realm of *England* are many ways blemiſhed and abaſed, by the Evil Counſel and Abetting of *Hugh le Deſpenſer*, who by Pride, and a Deſire to Lord it, and ſet himſelf over all Others, hath taken upon him Royal Power, againſt Right, Reaſon, and his Allegiance; and in like manner made uſe of all the Evil Counſel of *Robert Baldock* and Others his Adherents, ſo that *Holy Church* is revil'd and ſhamefully put under great Subjection, and the Prelates thereof ſpoiled of their Goods, againſt God, and Right; *Holy Church* being defamed and diſhonoured many ways, and the Crown of *England* deſtroyed in divers manners, in diſheritance of Our Lord the King, and His Heirs, the Great Men of the Realm, by the Malice and wicked Cruelty of the ſaid *Hugh*; many of them without fault, and without cauſe, put to ſhameful Deaths; ſome diſherited, others impriſon'd, baniſh'd and exil'd; Widows and Orphans wrongfully forejudged of their Right, and the People of the Land, by divers Talliages and undue Exactions very often burthened, and by divers Oppreſſions grieved without Mercy; by which Offences the ſaid *Hugh* hath ſhewn himſelf an open Tyrant and Enemy to God and *Holy Church*, to our moſt Dear Lord the King, and the whole Realm; and We, and many Others, with Us, and in Our Company, who have long been eſtranged from the Good Will, or Favour of Our Lord the King, by the Falſe Suggeſtions and Evil Procurement of the aforeſaid *Hugh*, and *Robert*, and their Adherents, are now come into the Land, to raiſe the State of *Holy Church* and the Realm, and to defend the People from theſe Miſchiefs and Grievous Oppreſſions, and to maintain to our power the Honour and Profit of *Holy Church*, and Our Lord the King, and the whole Realm, as aboveſaid; wherefore we command and pray you, for the Common Profit of You and every one of You, to be aiding to us at all times, and in all places, and by all the ways you know or can, that the things aboveſaid may be ſpeedily brought to a good effect and end; for know certainly, that all We, and all thoſe with Us, will not undertake any thing but what ſhall be to the Honour and Profit of *Holy Church*, and of the whole Kingdom, as in time you will ſee and find, if God pleaſe. Given at *Wallingford* the Fifteenth day of *October*, in the Twentieth Year of the Reign of our moſt Dear Lord the King.

to be

This *Declaration*, though dated a little before the Queen came to *Oxford*, yet the Contents thereof were not publiſhed, until it was done by the Biſhop of *Hereford* in the manner as is above related. But to return to the Matter:

[5.] *T. W.* The Queen leaves *Oxford*, and goes to *Gloceſter*, and at *Berkely* Caſtle reſtores that and the Honour to the right Owner.

[5.] From *Oxford* the Queen went to *Gloceſter*, and going from thence by *Berkley*-Caſtle, She reſtored that place to the Lord *Thomas de Berkley*, Heir of the Lord *Maurice*, lately deceaſed in *Wallingford* Caſtle, together with all things belonging to the Honour of *Berkley*, which Caſtle, with the Appurtenances, had been conferr'd upon *Hugh Spencer* the Younger; then the Queen with Her Army marched on, and beſieged the Town and Caſtle of *Briſtol*, which not being able to hold out againſt ſo great a Force, was ſoon ſurrender'd, together with the

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The Caſtle of *Briſtol* taken, and the Elder *Spencer* is there Hanged.

* L. 1. Cap. 12.

Froiſſart's Relation of this Action.

The manner of his Condemnation and Execution.

Caſtle, of which *Hugh Spencer* the Elder, Earl of *Wincheſter*, was Governor; who the day following, to ſatisfie the Clamour of the Common People, was drawn and hang'd in his Coat of Arms at the Common Gallows without the Town. * *Froiſſart* relates this Action more particularly, and ſays, That the Earl being then near Ninety Years of Age, was brought before the Queen, the Prince, and the reſt of the Lords that were with Her, and being asked what he had to ſay for himſelf, reply'd thus to the Queen, *Ah, Madam, may God give us a Good Judge, and a Good Judgment, but if we cannot have it in this Life, we ſhall have it in another.* Then the Lord *Thomas Wake* (who was Marſhal of the Army) roſe up, and read a Writing containing all the Crimes laid to his Charge, and then turn'd and ſpoke to an Antient Knight who was on his Right Hand, that he ſhould bring in upon his Faith what Judgment had uſed to be given upon ſuch Perſons for the like Crimes; then this Knight applied himſelf to all the Barons there preſent, and reported their Votes or Opinions, which were, That he deſerved Death for the many horrible Crimes which were laid to his Charge, and which they held for clear and certain: and therefore he was condemn'd firſ to be drawn on a Hurdle, then beheaded, and afterwards hang'd upon a Gibbet, all which was executed upon him accordingly. And this i farther confirm'd by Sir *Thomas De la More*, who thus relates the manner of it; That the Bowels of this Noble Knight, his Arms and Leg being ſtretched out at length, were moſt inhumanly cut out of his Belly before his Eyes, and the reſt of his Body hang'd up upon the Gallows: Which I have taken notice of to ſhew, that the manner of Executing of Traytors at that time, was, to make hanging the laſt part o their Puniſhment, and not until they were dead.

Froiſſart miſtaken in the time of the Execution of the Earl of *Arundel.*

But though *Froiſſart* is right enough in this part of the Relation, ye he is certainly miſtaken in making the Earl of *Arundel* to have been condemned at the ſame time; as alſo in what immediately follows, *vi* That the King and *Hugh Spencer* the Younger ſaw this Execution o his Father from the Caſtle of *Briſtol*, where they then were; and th thereupon one Morning early, they Two with a few in their Retinu went privately on board a ſmall Veſſel behind the Caſtle to paſs int *Wales*, but that being repell'd by a Contrary Wind, he was taken no far from *Briſtol* by the Lord *John de Beaumont*; which is contrary to a our *Engliſh* Hiſtorians, as you will find by and by.

Upon this Succeſs, divers Cities and Towns ſent Meſſengers to the Queen.

* Rot. Clauſ 20 *Ed.* 2. m. 3. Dorſ. Printed in Dr. B's Append. num. 70.

Her Son the Duke of *Aquitain* is made Guardian of the Kingdom during the King's Abſence.

Upon this Succeſs (as *Polydor Virgil* ſays) the Cities of *Wincheſte* *Salisbury*, *Bath* and *Wells*, and divers other neighbouring Places in th *Weſt*, ſent Meſſengers to the Queen to deliver them up to Her; an whilſt She thus continued at *Briſtol*, it appears by a * Record, th Her Son, the Duke of *Aquitain*, was by the *Common Conſent* of the *Gre* *Men* of the Kingdom, made Guardian or Regent of it during the King abſence, none there knowing what was become of Him: And I ſuppo it was in this Aſſembly that the Biſhop of *Norwich* was alſo appoint Chancellor, and the Biſhop of *Wincheſter* Treaſurer; though theſe O ders were ſoon alter'd; and *Walſingham* was miſtaken in making th things to have been done at *Hereford*; But this is more certain whi he relates in the ſame Place; That from *Briſtol* the Queen went to t City laſt mentioned, where She ſtaid about a Month, and in the me time She ſent the Lord *Henry* Earl of *Lancaſter*, and *Rees ap Howel*, *Welſh* Clerk, (who knew thoſe Parts very well) into *Wales* wi

ſon

ome Forces, for the diſcovering and ſeizing of the King's Perſon, where ever He ſhould be found, ſince there wanted only that to compleat Her Victory, whom they heard to have landed there lately, and o lie conceal'd ſomewhere in thoſe Parts: For indeed this Poor Prince aving been at Sea in the Mouth of the River *Severn* for about a Week, nd being perpetually beat back by contrary Winds, not being able o make the Iſle of *Lundy*, nor ſail over into *Ireland*, as He firſt intended, was forced to land in *Glamorganſhire*, and getting privately o the Abby of *Nethe*, there lay concealed among the Monks, until eing diſcover'd by ſome *Welſhmen* of thoſe Parts, who were corrupted with Money, He was there taken with *Hugh le Deſpencer* the Younger, *Robert Baldock*, and *Simon de Reding*, and they were all committed to the Cuſtody of the Lord abovenamed, by the Advice of the Biſhop of *Hereford*, who then with the Lord *Roger Mortimer* govern'd ll Affairs.

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The Queen ſends the Ld *Henry* of *Lancaſter* to find out and ſeize the King.

The K. having been for near a Week at Sea, Lands in *Glamorganſhire*, and lies hid in the Abby of *Nethe* till he was diſcovered by ſome *Welſhmen*.

He and *Hugh Deſpencer*, and *Robert Baldock*, are all taken together.

But before we proceed further, I cannot but take notice of that Memorable * Record already cited, which ſets forth the Civil Tranſactions relating to the Government, during the King's Abſence and Concealment, when it was ſuppos'd that He had left *England*, and quitted he Government in the Company of the Perſons abovemention'd, open Enemies to the Queen, and the Prince Her Son; whereupon on the x and twentieth Day of *October*, at *Briſtol*, the Archbiſhop of *Dubin*, the Biſhops of *Wincheſter*, *Ely*, *Lincoln*, *Hereford*, *Norwich*, and ther Prelates, and *Thomas* Earl of *Norfolk*, *Edmund* Earl of *Kent*, the ing's Brother, *Henry* Earl of *Lancaſter* and *Leiceſter*, *Thomas Wake*, *enry de Beaumont*, *William de la Zouche de Aſhby*, *Robert de Montalt*, *obert de Morley*, *Robert de Wattevile*, and Other Barons and Knights, the Preſence of the Queen, and Duke of *Aquitain* Her Son, by the onſent of the whole * *Community* of *England*, then preſent, unanimouſly choſe the ſame Duke to be Guardian of the Kingdom, ſo as the id Duke and Guardian ſhould govern the Kingdom in the Name and ight of the King His Father, in His Abſence: And he took the Government of the Kingdom upon him accordingly, and paſſed all Maters under his Privy Seal, not having any Other. Then afterwards on e Twentieth of *November*, when the Queen's and Duke's Enemies ere taken, and the King was return'd into His Kingdom, the ſaid ueen, Duke, Prelates, and Noblemen, with the Aſſent of the *Community* aforeſaid, then being at *Hereford*, by reaſon that the Power of the uardian ceaſed by the King's return into His Kingdom, ſent the Biſhop of *Hereford* to the King, who was then at *Monmouth*, to beſeech im to command, That all things that might tend to the Peace of the ingdom, might be ſealed with the Great Seal, which was at that time ith Him: This was done in the preſence of the Earl of *Lancaſter*, and r. *Thomas Chaundois*, Archdeacon of *Hereford*: Thereupon the King, ter ſome deliberation, was prevail'd with to ſend the Seal by Sir *William Blount*, in the Company of the ſaid Biſhop, to His Wife, and Son, ſee what they would do with it, which they carry'd accordingly; d the Seal remain'd for the moſt part in the Cuſtody of the Prince d the Lord *Roger Mortimer*, 'till the Biſhop of *Hereford* was made hancellor, as appears by the ſame Record.

* Rot. Clauſ. 20 *Ed.* 2. m 3. Dors.

An Account of the reſt of the Tranſactions, during the King's Abſence and Concealment; as alſo after it, His Diſcovery.

* This was ſo recited for Form's ſake, for this Aſſembly was no Parliament, but a great Council of the Barons and Knights of the Queen's Party.

The King ſends the Great Seal to his Wife and Son.

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[1.] *I. W.*
The King is ſent to the Caſtle of *Kenelworth.*

Hugh Spencer the Younger is Executed.

[1.] Whilſt the Earl of *Lancaſter* was conveying the King out o
Wales, by *Monmouth* and *Ledbury* in *Herefordſhire*, and other Places, t
His Caſtle of *Kenelworth* in *Warwickſhire*, where He ſpent the Winter
they ſent *Hugh Spencer* the Son, *Robert Baldock*, and *Simon Reding* t
the Queen at *Hereford*, but before their coming, the Earl of *Arundel*
John Daniel, and *Thomas Micheldene* had their Heads ſtruck off by th
procurement and hatred of *Roger Mortimer*, who was at this time th
Queen's moſt Familiar Counſellor, and without whom She ſcarce di
any thing: Thoſe that brought *Hugh Spencer*, had for their Rewar
Two thouſand Pounds, as She had promiſed, and ſoon after he was ad
judged to Death, without being put to anſwer, and was drawn, an
hang'd upon a Gallows fifty Foot high, and then quartered, and hi
Head fixed upon *London-Bridge*. On the ſame Day *Simon Reding* wa
drawn and hanged for ſpeaking hard things of the Queen.

A more particular Account of his Execution from *Froiſſart.*

Tho. Walſingham differs from himſelf in this Relation concernin
Hugh Spencer, and ſays, That he was not taken with the King, bu
that he betook himſelf to the Caſtle of *Caerfillei* in *Glamorganſhire*, (o
which he was Governor) and that it being well mann'd and victualed
he held out till Eaſter, when he ſurrendered it unto the Soldiers of th
King and Queen, upon Condition of having the Lives and Eſtates o
thoſe that defended it ſaved and preſerved; which ſince it is in no othe
Hiſtorian, I much doubt the truth of; only this is certain, that he wa
condemned to death without any Anſwer or Defence, and executed a
Hereford (as hath been already related). But *Froiſſart* gives a mor
particular Account of this Affair, and ſays, That this Nobleman bein
taken about the Feaſt of *All Saints*, was brought before the Queen an
the reſt of the Barons and Knights, being then at *Hereford*; where h
Accuſation being publickly read before him, and he having nothing t
object againſt it, he was by them condemned to the ſame Puniſhmen
that his Father was, which was cruelly executed upon him; his Bod
being ſtretched out upon a Ladder in the preſence of all the Spectator
his *Privy Members* were firſt cut off, and burnt before him; for whic
our *Author* gives a Reaſon; which if the Reader cannot gueſs, it is
filthy and ſcandalous to this King's Memory, that I ſhall not recite i
but proceed. Then his Heart and Bowels being taken out and burn
and his Head cut off, his Body was left to hang upon the Gibbet in th
ſame manner as his Father's had been before: With which * *Henry d*
Knyghton very much agrees; Who relates, that *Hugh le Deſpencer* th
Younger was arraigned before Sir *William Truſſel*, Juſtitiary, who mad
a long Speech to him at his Condemnation, containing all the *Articl*
laid to his Charge; which being very long, is thus contracted by Dr *Br*
dy, from that *Author*.

* Col. 2547, 2548.
The Manner of his Arraignment.

The Speech made to him by Sir *William Truſſel.*

'*Hugh le Deſpencer* know, that in the *Parliament* at *Weſtminſter*, i
'the Fifteenth Year of the King, your Father and your ſelf were awar
'ed Traytors and Enemies of the Realm, and baniſhed as ſuch, never t
'return without the aſſent of the King in full *Parliament* duly ſummone
'contrary to which *Award*, your Father and you *Hugh* were found in th
'Court without Warrant; and you *Hugh*, as you returned into the King
'dom, feloniouſly ſpoiled and robbed two *Domands*, (*i. e.* Merchan
'Ships ſo called) of Goods to the value of Forty thouſand pound
'then *Hugh* after this Felony, you came to the King, and cauſed Hi
'to go with Force againſt the *Peers* of the Realm, and Other His Lieg

People

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'People, to deſtroy and diſherit them, contrary to the Great Charter; and alſo taking upon you Royal Power, you *Hugh*, and your Aſſiſtants, with Force and Arms, robbed feloniouſly the Good People of the Realm, and by *Andrew Harclay* and other Traytors your Adherents, murthered the good E. of *Hereford*, Mo^r. *W. Sullee*, and Monſieur *Roger de Berfelde* (at *Borough-Bridge*;) and cauſed to be taken the moſt Honourable Lord *Thomas* the good Earl of *Lancaſter*, and cauſed him to be judged by a falſe Record againſt Law, Reaſon, and the Great Charter; and alſo to be murther'd, martyr'd, and put to a Cruel Death: Alſo in the ſame * March (*viz.* to *Borough-Bridge*) you cauſed many of my Lords, (*i. e.* the Earl of *Lancaſter*) Barons, and Knights, to be drawn and hang'd by falſe Record, againſt Law and Reaſon, and cauſed other Great Men to be put in Priſon, and murthered to get their Eſtates, as *Roger Mortimer* the Nephew, and Uncle, and *Hugh Audeley*, Father and Son. After this Deſtruction of the Nobility, you *Hugh* with your Father, and *Robert Baldock*, uſurping Royal Power over the King, led Him and His People into *Scotland* againſt His Enemies; where you, *Hugh*, by your Trayterous Conduct, cauſed Him to loſe Twenty Thouſand of His People, to His great Diſhonour, and Damage of the Realm, and to return without doing any thing.

'*Hugh*, neither would this Treaſon nor Tyranny ſatisfy you, until by Royal Power gained over the King, you deſtroyed the Franchiſes of Holy-Church, and the Prelates, as the Biſhops of *Hereford*, *Lincoln*, and *Norwich*; taking their Goods out of their Churches: And whereas you knew, God had done great Things by my Lord (the E. of *Lancaſter*) whom you cauſed to be murthered; you placed Armed Guards, and ſhut the Church-doors, that none ſhould enter to honour God and his Saints. *Hugh*, after theſe Miſchiefs, you adviſed the King to give unto the Falſe Traytors, the Earl of *Wincheſter*, *Andrew Harclay*, and your ſelf, Lands properly belonging to the Crown, in Diſheriſon thereof. *Hugh*, whereas the Queen and Her Son paſſed beyond the Sea by the King's Command, to ſave the Country of *Guyenne*, in danger to be loſt by your Trayterous Counſel; you ſent over a great Sum of Money to ſome of your wicked Adherents, to deſtroy the Queen and Her Son, who is Right Heir of the Kingdom; and to hinder their coming over. *Hugh*, your Father, *Robert Baldock*, your ſelf and other falſe Traytors, your Adherents, taking upon you Royal Power, made Great and Small by force to ſwear to, and aſſure you, to maintain you in your falſe Quarrels or Pretences; not having regard, that ſuch Confederacies were Falſe and Trayterous againſt Legiance, and the State of the King and His Crown; and foraſmuch as you *Hugh* and other Traytors, knew, that the Queen and Her Son were arrived in the Nation, by your evil Counſel, you cauſed the King to withdraw Himſelf, and go from them, and carried Him out of the Kingdom, to the danger of His Royal Perſon, and Diſhonour to Him and His People; feloniouſly taking with you the Treaſure of the Realm, contrary to the Great Charter.

'*Hugh*, you are now found a Traytor; wherefore all the Good People of the Kingdom, Great and Small, Rich and Poor, by common Aſſent, do award, That you are found a Thief, and therefore ſhall be hanged; and being found a Traytor, ſhall therefore be drawn and

* In the *French Journey*.

'and quartered: And for that you have been outlaw'd by the King, 'and by common Aſſent, and return'd to the Court without Warrant, 'you ſhall be beheaded; and for that you abetted and procur'd Diſcord between the King and Queen, and others of the Realm, you 'ſhall be embowell'd, and your Bowels burnt. Withdraw, Traytor; 'and ſo go take your Judgment, attainted, wicked Traytor. This Sentence was executed upon him on the Four and Twentieth of *November*.

* Comp. Hiſt. p. 161. Some Miſtakes of Dr. *Bradies* confuted.

* Dr. *Brady*, from the Authority of Sir *Thomas de la Moor*, calls this *Hugh Spencer* Earl of *Gloceſter*; in which I doubt not but he is miſtaken; for I do not find him ſtiled ſo by any other Author: And tho' perhaps he might have that Title given him by the Courteſie of his Creatures and Favourites, as having married *Eleanor* the eldeſt Daughter of the ſaid Earl; yet that he was never created ſo by any Charter, or Inveſtiture, is agreed by * Sir *William Dugdale*, in his Baronage of *England*: And he is alſo ſtil'd no otherwiſe than *Hugh le Deſpenſer* the Younger, in the * Act of Parliament for the Reverſal of his Attainder, which was paſs'd in the Twenty Firſt Year of *Richard* the *Second*, whereby *Thomas le Diſpenſer* his great Grandſon was not only reſtor'd in Blood, but created Earl of *Gloceſter*.

* 1 Vol. p. 393.

* Rot. Parl. 21. Rich. 2. n. 55.

* Ib.

* The Dr. alſo ſeems to be miſtaken, when he ſays further, that the ſaid *Hugh* was never tryed by a Common Jury, or by his Peers the Barons; the former of which was improper, he being a Peer; but that he was call'd to anſwer before the Duke of *Aquitain*, and the Barons at of *Hereford*, appears by *Froiſſart*'s Account of theſe Proceedings, as hath been already recited; and therefore this Sir *William Truſſel*, as ſupplying the Place of Chief Juſticiary of *England*, might in the name of all the Barons there preſent, make this Speech, and pronounce the Sentence of Death upon him: And the Reader may further obſerve, that the Reaſons given in the ſaid Statute of King *Richard* the Second aforeſaid, for the Reverſal of his Attainder, were chiefly, becauſe it was againſt *Magna Charta*, that any Man ſhould be exiled, tryed, or otherwiſe deſtroy'd, without Judgment of his Peers; alſo becauſe the Repeal of the Statute of *Edward* the Second, for his Reſtoration, was made in the Firſt Year of *Edward* the Third, when his ſaid Father was yet living, and tho' ſtill very young, could not reſiſt the ſame. But of this we ſhall ſay more, when we come to the Reign of K. *Richard* the Second.

Of the Attainder of *Hugh Spencer* the Younger.

The Taking and Execution of *Edmund* Earl of *Arundel*.

* Col. 2545.

I ſhall now proceed to give ſome Account of what became of the reſt of thoſe Great Officers and Noblemen that ſuffer'd in this Unhappy Quarrel: For tho' *Walſingham* relates, that *Edmund* Earl of *Arundel* was beheaded, before *Hugh le Deſpenſer*; yet * *Henry de Knyghton*, from the more Antient Chronicle of his own Houſe, (which he ſtill cites under the Title of *Leiceſtrenſis*) gives a more full Account of it, and the Crimes laid to his Charge, *viz.* That *Edmund* Earl of *Arundel* being taken (not long after the King) by Sir *John Charleton*, in *Shropſhire*, was brought before the Queen and Great Men at *Hereford*; where it was laid to his Charge, That having married his Son and Heir to the *Daughter* of *Hugh le Deſpenſer*, he had been privy to his Counſels, and had done the Queen much Prejudice in Her abſence, and had alſo procured the Death of *Thomas* late Earl of *Lancaſter*, with that of *Adomar de Valence* Earl of *Pembroke*, who was ſuppos'd to be poyſon'd in *France*: Wherefore the ſaid Earl was condemned to be drawn and hang'd, together with *John Daniel* an Eſquire of his, whoſe Advice he had followed more than he ought.

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As [2.] for *Robert de Baldock* the King's Chancellor, he being carried from *Hereford* to *London*, was there treated very ſeverely by the Rabble; but notwithſtanding he was committed to the Biſhop of *London's* Priſon for his Security, yet he was, about *Candlemaſs*, pulled out from thence by ſome of the Common People of *London*; as being (they thought) not kept ſafe enough; and as they carried him to *Newgate*, they beat him ſo cruelly by the way, that he died not long after by his Bruiſes, in great Torment. This Man hath a very bad Character by all our Hiſtorians, as a corrupt Miniſter, and Inſtrument of all the *Deſpenſer's* Enormities, and is called in our Antient *Engliſh*-Writers that *Falſe and* Peiled *Clark*; I ſuppoſe, becauſe of his Shaven Crown, as being Arch-deacon of *Middleſex*, and in Prieſt's Orders. But to return to the King his Maſter.

[2.] *T. W.* *Robert Baldock* being Committed to Priſon, is pull'd out from thence, and ſo Beaten by the Rabble that he Died; with his Character.

This Unfortunate Prince being about the third of *December* at *Ledbury*, is ſuppos'd to have iſſu'd out a * Writ for Proroguing the Parliament, which had been ſummon'd to meet Fifteen days after the Feaſt of St. *Andrew*, (or Fifteenth of *December*.) And in this Writ it is recited, That it was to be holden by *Iſabel* Queen-Conſort of *England*, and *Edward* his Eldeſt Son, Gu[illegible]n of *England*, the King being at that time out of the Kingdom. [illegible]en follows the Proroguing that Parliament to the morrow after *Epiphany*, or Twelfth-day; to be holden by Him, if perſonally preſent, or in His Abſence, by His ſaid Conſort and Son. Dated at *Ledbury*, on the Third of *December*, with His *Teſte* to it. Tho' it appears by the * Record here cited, that the Unfortunate King knew nothing of the Sealing of this Writ, having already parted with the Great Seal to the Queen and Prince, who had a little before delivered it to the Biſhop of *Norwich*, then on his Journey to *Woodſtock*; where he again deliver'd it up to the Prince, and the Lord *Roger Mortimer*: So that the Place where theſe Writs were Seal'd is very uncertain, tho' the matter is not much, ſince there is no Averment againſt the Record.

* Rot. Clauſ. 20. *Ed.* 2. m 4. Dors.

The Parliament is prorogued to the Morrow after *Epiphany* in the King's Name, but without his Conſent.

* Printed by Dr. *B.* in *Apen.* n. 71.

This being the laſt Year of King *Edward* the *Second's* Reign, the [3.] Queen with the Prince Her Son, the Archbiſhops of *Canterbury* and *York*, the Biſhop of *Winchester* Treaſurer, and the Biſhop of *Norwich*, Chancellor, together with the Biſhops of *Ely*, *Coventry*, and *Hereford*, and other Prelates, Peers, and Noblemen of the Kingdom, kept their *Chriſtmaſs* at *Wallingford*-Caſtle with great State and Magnificence; the King ſtill remaining a Priſoner at *Kenelworth*. So ſoon as the Feſtival Solemnity was over, the Queen with all the reſt of the Company removed to *London*, where She was received with great Joy, and many rich Preſents. Then on the morrow after *Epiphany*, * the whole Nobility of *England* met at *Weſtminſter*, according to the late Summons, where divers Articles of Miſ-government being brought in againſt King *Edward*, it was there unanimouſly agreed, That He ſhould be depos'd, and His Eldeſt Son *elected* King in His Room. * The Articles abovemention'd were certainly enter'd on the Parliament-Roll, but being now taken off the File, are not any where to be found, unleſs in the aforeſaid [4.] Anſwer or Defence of *Adam de Orleton* then Biſhop Elect of *Wincheſter*; which are thus tranſlated from the *French* Original.

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[3.] *T. W.* The Queen with great Officers of the Kingdom keep *Chriſtmas* at *Wallingford* Caſtle, and thence removes to *London*.

* *Tota Nobilitas Angliæ*, here ſignifies the Commons, as well as the Lords.

* The Acts of this Parliam. at *Weſtminſter*.

[4] Script·X. Col. 2765, 2766.

Firſt,

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Articles of Male Adminiſtration againſt the King brought into Parliament.

‘ Firſt, That the Perſon of the King was not ſufficient to Govern
‘ for in all His time He was led and governed by others, who gave Hi
‘ evil Counſel, to the Diſhonour of Himſelf, and Deſtruction of Hol
‘ Church, and all His People; not conſidering or knowing whether
‘ was Good or Evil; nor would He remedy theſe things, when He w
‘ requeſted by the Great and Wiſe Men of this Realm, nor ſuffer the
‘ to be amended.

2. Alſo, in all this time, He would not give Himſelf up to goo
‘ Counſel, nor take it, nor mind the Good Government of His Kin
‘ dom; but always gave Himſelf to Employments not convenient
‘ neglecting the Buſineſs of His Realm.

3. ‘ Alſo for want of Good Government, He loſt the Kingdom
‘ *Scotland*, and other Lands and Dominions in *Gaſcoigne* and *Irelan*
‘ which His Father left Him in Peace and Amity with the King
‘ *France*, and many other Great Perſons.

4. Alſo, by His Pride and Cruelty, He had deſtroyed Holy-Churc
‘ and the Perſons of Holy-Church: putting ſome in Priſon, and othe
‘ in great Diſtreſs; and He had alſo put to ſhameful Death, and im
‘ priſoned, baniſhed, and diſherited many Great and Noble-Men
‘ the Land.

5. ‘ Alſo, whereas He was bound by His Oath to do Right to a
‘ He would not do it for His own Profit, and the Covetouſneſs
‘ Him and His Evil Counſellers, who were with Him; neither r
‘ garded the other Points of the Oath which He made at His Coron
‘ tion, as He was obliged.

6. ‘ Alſo He abandoned His Realm, and did as much as in Him la
‘ to deſtroy it, and His People; and what is worſe, by the Cruelt
‘ and the Defaults of His Perſon, He is found Incorrigible, witho
‘ Hopes of Amendment. All which Things are ſo Notorious, th
‘ cannot be gain-ſaid.

* Ib.

The manner of King *Edward*'s Reſignation of the Crown.

* Theſe Articles were indited and dictated by *John Stratford*, B
ſhop of *Wincheſter*, and Treaſurer of *England*; and written by *Wil*
am Mees Clerk, His Secretary; and a Publick Notary having app
ved the Articles, they were by Common Agreement ſent to the Ki
then a Priſoner in *Kenelworth*-Caſtle, by *John Stratford* the aforeſaid B
ſhop, *Adam de Orleton* Biſhop of *Hereford*, and *Henry Burwaſh* Biſh
of *Lincoln*, together with Two Earls, Four Barons, and Three Knigh
of every County; as alſo ſome of the Citizens and Burgeſſes for *Lo*
don, the *Cinque-Ports*, and other Cities and Towns of *England*, wh
in the Name of them all, were to reſign their Homage and Fealty
the King; and ſhould give Him notice of the Election of His Son, a
ſhould procure His *Voluntary Reſignation* of the Crown; or otherw
they ſhould render up their Homages; and proceed as they ſhould thi
fit. The reaſon of which Proceeding was, [1.] that the Queen ſeem
very much grieved at this Sentence againſt Her Husband; and t
young Prince affected with this outward Paſſion of His Mother, wou
not accept the Title againſt His Father's Will; and therefore the Kin
precedent Reſignation was thought neceſſary for their better Sat
faction.

[1.] *T. W.*

Another Relation of it from *De la More's* Hiſtory, not probable in all points.

And Sir *Thomas de la Moor* hath ſhewn us by what means this *Re*
natiin was obtain'd; as that the Biſhops of *Wincheſter* and *Lincoln* ca
before the reſt to the King, to bring Him to it: And theſe togeth
wi

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with the Earl of *Lancaſter*, His Keeper, perſuaded Him to reſign His Crown to His Son; and the more to induce Him to it, promiſed Him as much Honour after His *Reſignation* as before; and on the other-hand threatned Him that if He would not, the People would yield up their Homage and Fealty, and paſs by His Sons, and chuſe One not of Royal Blood. But this, by the way, ſeems not very probable, ſince the Earl of *Lancaſter* was next Heir to the Crown, after the King's Children; and therefore, I ſay, it is not likely, that he ſhould make that a Motive for the King's *Reſignation*. But be that Part of the Meſſage as it will, the reſt of it is likely enough, That they promiſed Him Safety as to His Perſon, with a large and handſom Allowance for the Support of His Dignity. All which Motives prevail'd ſo far with Him, that He was brought to conſent to their Propoſal, and to make His *Reſignation* accordingly: The Manner of which being very Grave and Solemn, I ſhall give it you at large from the ſame * Author; who relates, That the Biſhop of *Hereford* having introduced all the ſaid Commiſſioners of Parliament, the King came out to them from His Bed-Chamber in a Mourning-Gown; and as ſoon as He heard their Meſſage, fell in a Swoon, and had fallen to the ground, had He not been ſupported by the Earl of *Lancaſter*, and Biſhop of *Wincheſter*: But theſe Circumſtances Dr. *Brady* hath omitted, (I ſuppoſe) becauſe he thought it would leſſen the Character of this Prince, whom he doth all he can to heighten; and only ſays in general, that the whole Matter they came for was diſpatched, not without great Grief and Reluctancy from the King.

Yet the reſt of it being more full than any other, is credible.

* *Tho. de la Moor.* Ib.

And tho' the Dr. from *Thomas* of *Walſingham*, hath given us the Manner of this *Reſignation*, yet he hath curtail'd the King's Anſwer to theſe Commiſſioners; and therefore I ſhall from the ſame Author truly recite this whole Tranſaction. The King having heard the Meſſage of the Commiſſioners, whereby they demanded the *Reſignation* of His Crown; anſwered with Tears in His Eyes, *That He was very ſorry that He had ſo miſbehaved Himſelf towards His People, and asked pardon for it of all that were there; but ſeeing now it could not be otherwiſe, He return'd them thanks for Electing His Firſt-born Son in His room:* And then made His *Reſignation*, by delivering up the Royal Enſigns of Sovereignty; by which, I ſuppoſe, he means the Crown and Scepter, which were then brought thither for that purpoſe. Then Sir *William Truſſel* (whether as a Member of Parliament, for he was certainly a Commoner, and no Peer; or as ſupplying the Place of Chief Juſtice of *England* I cannot determine) was order'd by the whole Parliament to pronounce their *Reſignation* and Homage to the King; which he did in this Form. [2.] '*I* William Truſſel, *Procurator of the Prelates, Earls, and Barons, and other People in my Procuracy named, having for this full and ſufficient Power, do ſurrender, and deliver up to You* Edward, *King of* England, *before this time, the Homage and Fealty of the Perſons in my Procuracy named, in the Name of them, and every of them, for certain Cauſes therein mentioned; and do return them up to You* Edward, *and acquit or diſcharge the Perſons aforeſaid, in the beſt manner that the Law and Cuſtom can give it: and do make this* Proteſtation *in the Name of all thoſe that will not for the future be in Your Fealty, or Allegiance, nor claim to hold any thing of You, as King; but account You as a private Perſon, without any manner of Royal Dignity.*

Dr. *Brady* too ſhort in this Relation of the King's Anſwer to the Commiſſioners ſent by the Parliament.

A full Account of it from *Walſingham.*

The manner of Sir *William Truſſel's* Surrendring up the Homage in the Name of the whole Parliament.

[2.] H K. Col 2550.

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[*] *Plebi.* Dr. *B.* p. 163. here tranſlates this word by *Rabble*, which in all other places he renders People or Laity; the reaſon of which is plain enough.

[*] Lib. 7. c. 41.

A Deſcription of K. *Edward's* Perſon; with a Character of His Diſpoſition.

Whereupon the Commiſſioners returning to the Parliameet at *London*, with the King's Anſwer, and the Royal Enſigns, made the * Common People rejoice; and preſently the whole Community of the Kingdom admitted *Edward*, a Youth of Fourteen Years of Age, to be their King Whoſe Admiſſion and Coronation, ſince it properly belongs to the next Reign, I ſhall, until then, reſer further to Treat of; and with the late King's Abdication of the Royal Power ſhall conclude this Reign; and from the Writers neareſt that time, give a brief Character of his Perſon and Diſpoſition.

'* *Ranulph Hygden* in his *Polychronicon*, deſcribes Him to be very 'handſome and well made, and of a healthy and ſtrong Conſtitution; 'but very fickle and inconſtant, often changing His Reſolutions, and that 'moſt commonly for the worſe; for not regarding the Company of His 'Nobility, He preferr'd Jeſters, Singers, Players, Rowers, and other 'Mechanicks; and being given to Drink, then eaſily betray'd His Secrets; 'often ſtriking thoſe about Him for a ſmall Offence; and followed the 'Advice of others more than his Own: He was Prodigal in His Gifts, 'Splendid in His Entertainments, Ready in Promiſing, but Uncertain 'in Performing, Unfortunate againſt His Enemies, Severe to His Domeſticks, ſtill fixing His Affections upon one Favourite, whom He alone 'loved, enriched, prefer'd, and honour'd; which Weakneſs tended to 'the Diſgrace of Himſelf, the Reproach of the Favourite, the Scandal of the People, and Detriment of the Kingdom. He alſo advanced very unfit Perſons to Eccleſiaſtical Dignities; which afterwards 'proved Thorns in the Sides of the Church. In His time there were 'frequent Contributions of the Clergy, and indeed a continual Squeezing both of them and the Laity; and when by the permiſſion of the 'Pope, a great deal of Money came into the King's Coffers, for His 'War againſt the *Scots*, yet by His ill Management it was often vainly 'ſpent, and laviſhed away.

Whether He made good this Character thro' all Parts of His Reign, I ſhall not affirm; yet that He gave Himſelf up to be wholy governed by His Favourites, who made uſe of the Eaſineſs of His Nature, to the great Abuſe of His Royal Power, hath been already ſhew'd; and tho' the Nobility might often deal too roughly with Him, in making Him baniſh His Favourites whether He would or not, and in cutting off the Head of *Gaveſton*, contrary to his Command; yet did they not proceed to theſe Extremities, until they found that no Laws nor Remonſtrances whatſoever had any effect upon Him: And tho' it muſt be confeſs'd, they dealt very rigorouſly and unjuſtly with Him, in thus *depoſing* Him for the Offences and Miſcarriages of others, His Officers and Miniſters; and perhaps beyond, if not contrary to the Intention of ſeveral of the Biſhops, Lords, and Commons, that firſt took part with the Queen and Prince at their Landing: Yet it is very eaſie and natural to ſuppoſe, that the Queen and Her Favourite the Lord *Mortimer*, together with the Earl of *Lancaſter*, and Biſhop of *Hereford*, and ſome others that had ſuffer'd either in their Fortunes or Relations, or had been in danger of their Lives, by reaſon of the cruel and ſevere Government of the *Deſpenſers*; when all theſe call'd to mind the great Turn of Affairs that had happened after the Execution of the Earl of *Lancaſter* and his Adherents, they could not but be afraid of the like *Revolution* of Fortune; and therefore could not think themſelves ſecure, until He was deprived of all Power of doing them any Hurt again: And this made ſome of them who were of a more cruel and ſuſpicious Nature, never to think themſelves ſafe ſo long as He was alive; which not long after brought on His Deſtruction, as you will find in the Sequel.

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But to give this Prince his due, tho' He was Raſh and Paſſionate, yet that He was in His own Nature merciful, appears by His lamenting the Death of His Couſin the Earl of *Lancaſter*, and by pardoning the Lives of ſeveral of the Lords, that had been in Arms againſt Him, tho' He kept their Eſtates. He ſeems alſo to have been Continent as to Women, ſince we do not read of any Miſtreſs, or Baſe Iſſue He had. However ſome of the Writers of that time, make Him Guilty of a worſe Vice, which ſince I do not believe to be true, I ſhall not further mention. But He was certainly of a Charitable and Publick Spirit; as appears not only by His founding the Abbey of *Langly*, to pray for the Soul of *Pierce Gaveſton*; * but at the Perſwaſion of *Adam de Brom* His *Almoner*, about two Years before His *Depoſition*, He founded *Oriel* College in *Oxford*; which was at firſt called *King's-Hall*, but the other Name hath taken place ſince, by reaſon the College was afterwards built upon a piece of Ground where ſtood a large Houſe called *Le Orielle*. But why that Place was ſo called, may be another Queſtion, which I will not undertake to determine.

* Antiq. *Oxon.* Anton. à Wood, p. 103. He founded *Oriel*-College in *Oxford*.

The Wife and Children of K. Edward *the Second.*

HE [1.] married *Iſabel*, Daughter of *Philip* the *Fair*, King of *France*; She being then but Twelve Years of Age, who lived His Wife Twenty Years, His Widow Thirty, and dying at Threeſcore and Three Years old at *Ryſings* near *London*, was buried in the Midſt of the Choir of the *Gray-Fryars*, *London*. By Her He had Iſſue Two Sons, and Two Daughters. [2.] His Eldeſt Son named *Edward*, ſirnamed of *Windſor*, becauſe born there, ſucceeded Him in the Kingdom: His Second Son named [3] *John* of *Eltham*, becauſe born at that Mannor, was at Twelve Years old created Earl of *Cornwal*; he died in *Scotland* in the Twentieth Year of His Age, Unmarried. His [4.] Eldeſt Daughter *Joan* being a Child, was married in the Fourth Year of King *Edward* Her Brother, to *David* Prince of *Scotland*, Son to King *Robert Bruce*, he being then but Seven Years old. She coming afterward into *England* to viſit Her Brother, died here in the Thirty Second Year of His Reign, and was buried at the *Gray-Fryars* in *London*, *A. D.* 1357. [5.] His Second Daughter was married to *Reginald* the Second E. of *Gelders*, with a Portion of Fifteen Thouſand Pounds. She had Iſſue by Him Two Sons, who were Earls ſucceſſively, but Both deceaſed without Iſſue.

[1.] *T. W.* *Sandford*'s Geneal. Hiſtory, p. 155.

[2.] *T. W.*

[3.] Id. Ypod. Neuſt.

[4.] *Sandford*'s Geneal. Hiſt. ibid.

[5.] Ib.

Taxes in this King's Reign.

IN [1.] the Parliament at *Northampton*, in the *Firſt* of His Reign, the Earls, Barons, Knights, and *all Others of the Kingdom*, granted to the King a *Twentieth* Part of their Moveables (except their Armour, War-Horſes, Jewels, Robes, and Veſſels of Gold and Silver) of Knights and other *Freemen*, and of their Wives. And the Citizens, Burgeſſes, and *Tenants* of the *Antient Demeſnes* of the Crown, granted a *Fifteenth* Part of their Moveables; as alſo did the Clergy.

[2.] Inter Rot. Comput. in Cuſtod. Cler. Pipæ, tempore *Ed.* 2. Clauſ. 1. *Ed.* 2. m. 12. intus.

[2.]Rot Clauſ. 2. *Ed.* 2. M. 23. in Sced.

In [2.] His *Second* Year, at a Parliament holden at *Weſtminſter*, a Month after *Eaſter*, the Laity granted a *Twenty-Fifth* of their Moveables.

[3.] In Rot. Comput. ut ſupra.

* Communitates.

In [3.] the *Seventh* Year, in his Parliament at *Weſtminſter*, the Earls, Barons, Knights, Freemen, and the * Commons of Counties, gave a *Twentieth* Part of their Goods; and the Citizens and Burgeſſes, and Communities of Cities, and Boroughs gave a *Fifteenth*.

[4.] Rot. Pat. 8. *Ed.* 2. M. 12. Dorſ P. 2.

In [4] His *Eighth* Year, He had a *Twentieth* Part of the Moveables of the Laity, granted by the Commons of the Counties of the Kingdom (*per Communitates comitatuum regni*) aſſembled in Parliament.

[5.]Rot. Parl. 9. *Ed.* 2. m. 2.

In [5] His *Ninth* Year, He had granted a *Fifteenth* Part, of the Citizens, Burgeſſes, and *Tenants* in *Antient Demeſnes*, for his War with the *Scots*, in the Parliament held at *Lincoln*; the ſame Year, the *Community* of the Kingdom, or the Military Men being then alſo ſummoned to do their Service.

[6.]Rot. Clauſ. 15. *Ed.* 2. m. 16. Dorſ.

[7.]Rot. Clauſ. 16. *Ed.* 2. m. 20. Dorſ.

* *Note*, Theſe Synods or Convocations did not meet till after the Parliament at *York* was riſen.

In [6.] the *Fifteenth* Year of His Reign, the King ſummoned a Parliament to meet at *Rippon*, but it was held at *York* three Weeks after *Eaſter*: And after the End of this Parliament, on the *Twenty Seventh* of *Nov.* next following, He directed [7.] His Writs dated at *York*, to the Prelates and Clergy of both Provinces, to meet in two Synods or Convocations, the one at *Lincoln*, the other at *York*; the former of which the Archbiſhop of *Canterbury* was immediately to Summon, to treat of a Competent Aid to be granted to Him towards His Expedition againſt the *Scots*, who had then invaded *England*. In which Writs, as it were for a Direction, He recites * what the Prelates, Earls, Barons, Noblemen, and the Commons of the Kingdom had done in the Parliament at *York*; *viz.* That they had granted Him a *Tenth* Part of the Goods of the Community or Body of the Kingdom, and a *Sixth* Part of the Goods of Citizens, Burgeſſes, and *Tenants* of *Antient Demeſnes*. The *Latin* Original runs thus: *Prælati*, *Comites*, *Barones* & Proceres, *necnon Communitates dicti regni apud* Eborum, *ad tractandum ſuperdictis negotiis & aliis, Nos & Statum dicti Regni tangentibus nuper convocati*; & Decimam *de Bonis de Communitate ejuſdem Regni*, & Sextam *de Civitatibus, Burgis, & antiquis Dominicis noſtris, nobis liberaliter conceſſerunt & gratanter.* From whence you may obſerve, That the Citizens, Burgeſſes, and Tenants in *Antient Demeſnes*, are there reckon'd as diſtinct from the *Community* or Body of the Kingdom; tho' they are taken in as Part of the *Commons* or *Commonalty* thereof.

But thus much is to be ſaid for this King's Reign, That we find few or no Complaints of any *Taxes* impos'd by Colour of His *Prerogative*, contrary to Law, notwithſtanding the exorbitant Power of the two *Deſpenſers*: But this might be owing to their Policy, who having made themſelves ſo obnoxious to the Nobility, would do what they could to make the Common People their Friends. But towards the latter end of His Reign, the Confiſcation of the Eſtates of the E. of *Lancaſter*, and the reſt of the Barons attainted, were ſo conſiderable, that tho' He gave away a great deal of Lands to the *Deſpenſers* and their Adherents, yet that which ſtill remain'd in the Crown made Him to have a greater Revenue than any of His Predeceſſors ſince King *Henry* the *Second*'s time.

A Sum or Abſtract *of the Principal* STATUTES *made in the Reign of King* Edward *the* Second.

THE Firſt is called, *A Statute for Knights*, made 1 *Edw.* II. Wherein are ſet down divers Cauſes for which a Man may be xcuſed from taking upon him the *Order of Knighthood*. But this is now repealed by the 16 *Car.* I. c. 20.

The ſame Year was likewiſe made the *Statute de frangentibus Priſonam*; which enacts, That it ſhall be Felony for any Perſon to break Priſon, being in for Felony; otherwiſe not.

Articuli Cleri 9 Edw. II.

THeſe *Articles* being Sixteen in Number, and indeed ſo many diſtinct Laws, contain divers Powers and Privileges, declared or granted to the *Clergy*: But moſt of them are now become obſolete, or in great meaſure altered by Subſequent Statutes, and thereforee I ſhall only give you the Titles of the ſeveral *Chapters* of them.

Ch. I. *No Prohibition ſhall be granted where Tythes be demanded, but where Money for them.*

Ch. II. *Debate upon the Right of Tythes exceeding the Fourth Part: Enjoining Penance Corporal or Pecuniary.*

Ch. III. *Laying Violent Hands upon a Clerk. Excommunication for Penance Corporal.*

Ch. IV. *Prelates may correct for Defamation.*

Ch. V. *No Prohibition where* Tythe *is demanded of a New Mill.*

Ch. VI. *Where a Suit for* One *Offence may be proſecuted both in Court Spiritual and Temporal.*

Ch. VII. *In what only Caſe the King's Letters ſhall be ſent to diſcharge an Excommunicate.*

Ch. VIII. *Clerks in the King's Service ſhall be diſcharged of their Reſidence, but ſhall be corrected by the Ordinary.*

Ch. IX. *Diſtreſſes ſhall not be taken in the Highways, nor in the Ancient of the Church.*

Ch. X. *They that abjure the Realm, ſhall be in Peace, ſo long as they be in the Church, or Highway.*

Ch. XI. *Religious Houſes ſhall not be charged by Compulſion with Corrodies, Penſions, Reſort, or taking of their Horſes or Carts.*

Ch. XII. *A Clerk Excommunicate may be taken out of the Pariſh where he dwelleth.*

Ch. XIII. *The Examination of a Parſon preſented to a Benefice, belongeth to a Spiritual Judge.*

Ch. XIV. *There ſhall be free Election of Dignities of the Church.*

Ch. XV. *A Clerk fleeing into the Church for Felony, ſhall not be compelled to abjure.*

Ch. XVI. *The Priviledge of the Church being demanded by the Ordinary, ſhall not be deny'd to a Clerk that hath confeſſed Felony.*

The

The Statute *of* Sheriffs *made at* Lincoln, 9 Edw. II.

That Sheriffs ſhall be aſſigned by the Chancellor, Treaſurer, Barons of the *Exchequer*, and Juſtices, and in the abſence of the Chancellor, by the Treaſurer, Barons and Juſtices: And that none ſhall be Sheriff, except he have ſufficient Lands in the County where he is Sheriff, to anſwer the King and His People. The reſt of the *Statute* appoints who ſhall have the keeping of Hundreds, and by whom Execution of Writs ſhall be made: Saving always Return of Writs to them that ought to have them.

The Statute of Gavelet *made at* London, 10 Edw. II. 1316.

It is provided by the King and His Juſtices, and alſo granted to the Citizens of *London*, That the Lords of Rents in the ſaid City may recover them by a Writ of *Gavelet*; and in default thereof, the Lands in Demeſne.

The Statute *of* York, Anno 12 Edw. II. 1318.

Chap. I. *Tenants in Aſſize of* Novel Diſſeiſin *may make Attorneys, and may plead by Bayliffs, if they will, as they uſed to do heretofore.*

Chap. II. *Proceſs ſhall be awarded to cauſe Witneſſes to appear, to prove a Deed, or other Writing that is deny'd in Court; and upon non-appearance at the Grand Diſtreſs, or a* Nihil *or* Non invent. *returned, the taking of the Inqueſt ſhall not be deferred by the abſence of ſuch Witneſſes; with ſome few other things relating to Practice; which are too tedious here to inſert.*

Ch. III. *Enqueſts and Juries touching Plea of Land, that require not great Examination, ſhall be taken by* Niſi prius *in the Countrey, before a Juſtice of the Place where the Plea is, accompany'd with a Subſtantial Perſon of the Countrey, Knight or other, &c. But this part of the Law is now grown obſolete. But then follows, that Enqueſts and Juries, in Pleas of Land that require great Examination, ſhall be taken in the Countrey, before two Juſtices of the Bench; which is the Practice at this Day.*

Ch. IV. *Juſtices of* Niſi prius *have power to record Nonſuits and Defaults in the Countrey, at the Days and Places aſſigned; which ſhall be reported in the Bench at a Day certain, there to be enrolled, and thereupon Judgment ſhall be given.*

Ch. V. *An Indenture ſhall be made between the Sheriff and Bayliff of a Franchiſe under their Names, of every Return delivered by the Bayliff to the Sheriff; and if the Sheriff change the Return ſo delivered to him by Indenture, and be thereof convict, he ſhall be puniſhed by the King, and ſhall yield to the Lord of the Liberty, and to the Party, double Damages: Likewiſe Sheriffs and Bayliffs ſhall ſet their Names to their Returns, on pain of being grievouſly amerced to the King's Uſe.*

Ch. VI. *No Perſon in any City or Borough, who by reaſon of their Office ought to keep the* * Aſſizes *of Wine or Victuals, ſhall buy or ſell any ſuch Proviſions, ſo long as they ſhall continue in their ſaid Offices: But this is now grown out of uſe.*

* *i. e.* Meaſures and Price.

The Statute *of Eſſoins, made* 12 Edw. II.

Declares how many ways *Eſſoins* may be challenged, and in what
aſes they do lie, and in what not.

The Statute *of* Carliſle, *made* 15 Edw. II.

This looks more like a *Writ*, or *Precipe*, than an *Act* of *Parliament*;
r it begins thus, *The King unto the Juſtices of His Bench, greeting:*
nd a little after, *We have ſent unto you our Mind in Writng, firmly to be ob-*
rved,&c. But whatſoever it is, it appoints the Conuſors of Fines perſo-
ally to come before the Juſtices, if they are able; if not, a Commiſ-
on is to be awarded (and in what manner, and to whom di-
ected) to take ſuch Fines; and alſo it ſaves the Authority of the Chan-
llor, and of the Chief Juſtices, in admitting Attorneys, as had been
fore obſerved. At the end it is ſaid to be *Given* (that is, I ſuppoſe,
onfirmed) *at our Parliament at Carliſle*, the Year above-written.

The Statute de Prerogativa Regis, *made* 17 Edw. II.

This Body of Laws, contained in Sixteen *Chapters*, was made to de-
lare, what were the King's Antient Prerogatives; which are as fol-
ow, *viz.*

hap. I. *The King ſhall have the Wardſhip of the Heir of His Tenant that holdeth in Chief.*

h. II. *The King ſhall have the Mariage of the Heir of His Tenant, being within Age, and in His Ward.*

h. III. *The King ſhall have* primier ſeiſin *of the Land of His Tenant* in Capite.

h. IV. *The King ſhall aſſign Dower to the Widows of His Tenants; and ſuch Widows before Aſſignment ſhall ſwear, That they will not marry without the King's Licenſe, upon forfeiture of the Lands and Tenements they ſo hold of Him.*

h. V. *Parceners, or Co-heirs, holding of the King in Chief, ſhall all of them do Homage alike.*

h. VI. *The Ward of the Body of a Woman that marries before ſhe be marriageable, ſhall be in the King till her Age of Conſent: And the King's Tenant in Chief ſhall not alien the major part of his Lands without Licenſe.*

h. VII. *Tenants by Serjeanty ſhall pay a Fine to the King at their Alienation of them.*

h. VIII. *No time ſhall prejudice the King's Preſentation to a Church, ſo that He preſent within the ſpace of Six Months.*

h. IX. *The King ſhall have the Cuſtody of Idiots Lands, but after their Death ſhall render them to the Right Heir, to prevent the Idiots from alienating, and the Heirs from being diſinherited.*

h. X. *The King ſhall have the direction of Lunaticks Lands to be ſafely kept without waſt, for them and their Families (if they have any) to be maintained out of their Profits; the reſt to be kept for their Uſe, and delivered unto them, when of* Sane Memorie; *ſo that they ſhall not be aliened.*

Ch. XI. *The King ſhall have Wreck of the Sea throughout the Realm Whales and Sturgeons taken any where within the Realm, except in Pla ces priviledged by the King.*

Ch XII. *The King ſhall have the Eſcheat of* Norman *Lands, to whoſe Fe ſoever they belong, ſaving the Service appertaining to the Chief Lord of the ſame Fee,* &c.

Ch. XIII. *The Heir of the King's Tenent in Chief dying, ſhall gain no Free hold, if he enter before he hath done Homage to, or received Seiſin the King; and if during that time he die ſeized, his Wife ſhall loſe he Dower.*

Ch. XIV. *The King ſhall have the Eſcheat of Archbiſhops and Biſhops Free hold Tenants, attainted of Felony, during the Vacation, whilſt their Tem poralities were in His Hands, ſaving the Services due to ſuch Pre lates.*

Ch. XV. *In a Grant of Land, or a Mannor with the Appurtenances by th King, Knights Fees, Advowſons, and Dowers do not paſs from Him, with out Special Words.*

Ch XVI. *The King ſhall have all the Goods of Felons Attaint, and Fug tives, and the Year, Day, and Waſt of their Lands; and then the Lan ſhall be delivered to the Lord of the Fee; but he may (if he pleaſe) fi before with the King, for the Year, Day, and Waſt; with certain Land excepted; as in* Gloceſterſhire *and* Kent.

The next that follows (of the ſame 17 *Edw.* II.) ſeems rather to b a *Declaration* than a *Statute*, and directs in what Words a Freeman ſha do his Homage and Fealty, and a Villain his Fealty.

Statutum de terris Templariorum, made *Anno* 17 *Edw.* II.

This veſts the Lands belonging to the Order of *Knights Templers* lately diſſolved in that of the *Knights-Hoſpitallers*, commonly called of *St. John* of *Jeruſalem*; but this likewiſe is diſſolved in this King dom.

The *Statute* for view of *Frank-pledge*, made the 18th of thi King, gives you the *Articles* of the *Charge* in a *Court Leet*; to whic I refer.

There are divers other Laws and Ordinances of uncertain time, an alſo as uncertain whether they were made in Parliament, or only by th King and His Council; but moſt of them being now Obſolete, I ſha ſay no more of them.

A Brief Account from the Lord Chief Juſtice Hale's Manuſcript Treatiſe *of the Progreſs of the Law during the Reign of King* Edward *the* II.

THis Prince ſucceeded His Father; and though by reaſon of th Troubles and Uneaſineſs of His Reign, the very Law it ſelf ha many Interruptions, yet it preſerved its Current in a great meaſure ac cording to that Frame and State that His Father left it; for beſides th Records of Judicial Proceedings in the Courts in His Reign, there wer ſom ſome things that ſeem to give us great Light into the State of the Law in His Time.

As firſt His *Statutes*, and eſpecially that of the 17 *Edw.* II. *de Prerogativa Regis*; which (tho' it be called a Statute, yet) for the moſt part is but a Sum or Collection of certain Prerogatives that were known long before: As for Inſtance; The King's Wardſhip of Lands *in Capite*, attracting to it the Wardſhip of Lands held of others, and the Grant of a Mannor not carrying an *Advowſon appendant*, unleſs particularly named; as alſo the King's Title to the Eſcheats of the Lands of the *Normans* was in uſe from the firſt Defection of *Normandy*, under King *John*; beſides the King's Title to Wrecks, Royal Fiſhes, and many other Things which were Antient Prerogatives of the Crown.

The Reports of the Years and Terms of this Reign were not printed in one Entire Series of Time, only ſome Broken Caſes remain; yet there are many Entire Copies very well reported, wherein are divers Reſolutions agreeing with thoſe of the Time of *Edw.* I. The beſt Copy I know of at this day extant, is in the Library of *Lincoln's-Inn*, which gives us a fair Specimen of the Learning of the Judges and Pleaders of that Time; and I ſuppoſe it was from this Copy, as well as perhaps one of His own, that the late Serjeant *Maynard* publiſhed his Edition of the Reports or Year-Book of this King's Reign.

Affairs of the Church in His Time.

I Need not ſay much more of this than I have done already; only the Reader may take notice, that in the Third Year of this King, the Order of the *Knights-Templars* being diſſolved by the Council of *Vienne* in *Dauphinè*, was alſo totally ſuppreſſed in *England*, *A. D.* 1310. by the Sentence of the Synods of both the Provinces of *Canterbury* and *York*, as I have already mention'd in the precedent Hiſtory: but this King's Reign, being very unquiet and diſturbed by Foreign Wars and Domeſtick Troubles, He durſt not put the Act in execution, that had been made by His Father againſt the Papal *Proviſions* of Benefices by the Court of *Rome*; as I have likewiſe already obſerved; with which, as well as with the Biſhops here at home, tho' the King was obliged, for the Reaſons before given, always to keep fair; yet He ſtill continued to ſummon the Clergy to His Parliaments, not only by continuing the Clauſe of *Præmanientes*, begun by His Father, in all Writs of Summons to the Archbiſhops and Biſhops, but alſo by iſſuing out two other Provincial, Parliamentary Writs, directed to the two Archbiſhops, requiring them to add their own *Mandates* to the *Clergy* of their Provinces, not to fail to do what the King by his other Summons required of them; the Form of which Writs are entred in the Regiſters of ſeveral Biſhops of that Time, and are likewiſe entred on the Rolls: You may ſee the Form of them in the Reverend Dr. *Wake*'s State of the *Church*, (p. 71.) and alſo in *Prynne*'s *Parliamentary Regiſter*, Part. 1. Num. 74. who alſo further obſerves, That as the firſt theſe kind of Writs is found to be in the Fifth of this King's Reign, ſo the laſt that appears upon Record, is, of the 14th of His Son *Edward* the *Third*; about which time it is very probable the King began to omit them, being not much concerned whether the *Clergy* came duly to Parliament, or not, ſo long as they appeared, and did His Buſineſs in their *Convocations*.

The End of the Reign of King Edward *the* Second.

8 IA 56

THE
General Hiſtory
OF
ENGLAND
BOTH
Eccleſiaſtical and Civil.

VOL. III. BOOK XI.

Containing the Reign of King *Edward* III.

Anno Dom.
Mcccxxvii.

KING *Edward* the *Second* being by the Sentence of the Biſhops, Lords and Commons aſſembled in Parliament, as alſo by His Own Solemn Reſignation, depoſed and laid aſide, [1.] His Eldeſt Son *Edward*, Duke of *Aquitain*, and Earl of *Cornwal*, then of the Age of Fourteen Years, was n the 20th Day of *January* elected and declared King by the *Eſtates* of e Kingdom, who reckoned this the firſt Day of His Reign; and there re He immediately acted as King, tho' it was before His Coronation; hich will appear by a * Writ directed to all the Sheriffs of *England*, mmanding them to proclaim His Peace in theſe Words:

The King to the Sheriff of *Yorkſhire*, Greeting; '*Since* Edward *late King of* England, *Our Father, by Counſel and Aſſent of the Prelates, Earls, Barons, and other Great Men, and of the Commons of the ſaid Kingdom; as likewiſe of His Own Free Will, hath removed Himſelf from the Government of the ſaid Kingdom, willing and granting that We, as His Eldeſt Son and Heir, ſhould take upon Us the Rule and Government thereof; and We yielding to the Good Pleaſure of our ſaid Father, by the Counſel and Advice of the Prelates, Earls, Barons, Great Men, and Commons aforeaid, have taken upon Us the Government of the ſaid Kingdom, and received he Homages and Fealties of the ſaid Prelates and Great Men, according to*

[1] *T. W.* *Edward* Duke of *Aquitain* elected and declared King by the *Eſtates* of the Kingdom.

* Rot. Clauſ. 1 *Ed.*3 part. 1. m 28. *Vid.* Dr. *B's* Append n.74. He iſſues out a Writ to proclaim His Peace.

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‘ *Cuſtom, therefore deſiring our Peace, for the Quiet and Tranquility of our ‘ People, to be inviolably obſerved, We command, That forthwith, after ‘ ſight of theſe Preſents, you cauſe our Peace publickly to be proclaimed ‘ through your whole Bailiwick; forbidding all and ſingular, under pain of ‘ Diſheriſon, and loſing Life and Member, that they preſume not to infringe ‘ or violate Our Peace, but that all Men do proſecute their Suits and Acti‘ ons without violence, according to the Laws and Cuſtoms of the Land,* &c. Witneſs the King at *Weſtminſter* the 29th of *January*.

[2.] *Stanford.* *Gen* Hiſt. p. 158. The King is knighted by *Henry* Earl of *Lancaſter.* [3.] Id. [4.] *T. W.* He is crown'd by the Arch-Biſhop of *Canterbury.*

Then [2.] three Days after, *viz.* on the firſt of *February*, the King was by His Couſin *Henry* Earl of *Lancaſter*, girded with the Sword of Knighthood, according to the Cuſtom of that Age, when this Honour was thought as a fit Introduction to the Higheſt Dignities. [3.] After this the King Himſelf knighted ſeveral other Young Noblemen, among whom were the three Sons of the Lord *Mortimer*. When theſe Ceremonies were over, [4.] He being Royally attended (according to Cuſtom) went to the Abby Church of *Weſtminſter*, and there was crown'd by *Walter Reginald* Archbiſhop of *Canterbury*, who preached a Sermon upon that occaſion, taking for his Text, *Vox Populi, Vox Dei:* The Deſign of which is ſo obvious, that it needs no Comment; and thereupon as an Earneſt of the Great Advantages His People were to reap from His Proſperous Reign, He iſſued forth a Proclamation of General Pardon, which gave occaſion for ſucceeding Kings to do the like upon their firſt coming to the Crown, following ſo Great a Precedent.

[5. *Leland's* Hiſt. Collect. 1 Vol. in Bib. Bod. p. 655. Twelve Guardians appointed over the K.

Now [5.] becauſe of the King's Tender Age, there were Twelve Guardians appointed Him, (to wit) five Biſhops, two Earls, and five Barons; the Names of them were theſe; *Walter Reginald* Archbiſhop of *Canterbury*, *William Melton* Archbiſhop of *York*, *John Stratford* Biſhop of *Winchester*, *Thomas Cobham* Biſhop of *Worceſter*, and *Adam* Orleton Biſhop of *Hereford*; the two Earls were *Thomas* of *Brotherton* Earl Marſhal, and *Edmund* of *Woodſtock*, Earl of *Kent*, both the King's Uncles; the Barons were *John* Lord *Warren*, *Thomas* Lord *Wake*, *Henry* Lord *Piercy*, *Oliver Ingham*, and *John* Lord *Roſs*; but [6.] over and above all theſe; and by General Conſent of the Lords in Parliament, and the Twelve Guardians themſelves, *Henry* Earl of *Lancaſter*, *Lincoln*, *Leiceſter* and *Derby*, the King's Couſin, was deputed to have the Chief Care of His Perſon.

[6.] *T. W.* *Henry* Earl of *Lancaſter* made Protector of His Perſon.

* Rot. Clauſ. 1 *Ed.* 3 m. 27. Part 1. print. in Dr. *B*'s Ap. n. 81.

* The Parliament which was called in the late King's Time is ſtill continued.

The * Parliament which was called in the late King's Name, continued ſtill ſitting; for on the Third of *February*, two Days after the Coronation, we find all thoſe that had been any ways concern'd in the Quarrel of *Thomas* late Earl of *Lancaſter*, and had been baniſhed and diſinherited for the ſame, to have petitioned the King and Council in Parliament, that they might be reſtored to their Eſtates, with the Profits of them, from the time they had been wrongfully diſſeiſed; and accordingly it was granted by the Aſſent of the whole Parliament; ‘ That all ‘ Lands and Tenements which had been ſeiſed by reaſon of the ſaid Quar‘ rel or Contention (and which was affirm'd to be juſt by the whole ‘ Parliament) ſhould be reſtor'd as well in *Ireland* and *Wales*, as in *Eng‘ land*, together with their Profits and Arrears of Rent, except thoſe that ‘ had been received to the King's Uſe.

On

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All perſons that came over with the Queen and Prince are indemnified for ſo doing, with the Heads of that Statute.

On the ſame Day all thoſe that came over with the Queen and the Prince Her Son, and thoſe that joined with them after their Arrival, were alſo pardon'd and indemniſy'd; the Preamble to this Pardon or Statute is very long and remarkable, as containing all the Cauſes and Reaſons of the late Revolution; which ſince it is printed at large in our *Statute-Books. I ſhall only give you the Heads of it, and refer the Reader, that deſires to be further ſatisfy'd, to the Statute it ſelf.

* Primo Ed. 1. cap. 1.

'It firſt recites the Baniſhment of the Two *les Diſpenſers*, Father and Son, by Act of Parliament: Secondly, Their Return without the Conſent of the *Community* of the Realm: Thirdly, Their cauſing the King to perſue *Thomas* Earl of *Lancaſter*, and other Barons and Commons that endeavoured to oppoſe it; in which Perſuit, the ſaid Earl, and divers other Great Men and People of the Realm, were put to death and diſinherited, and others impriſon'd, outlaw'd, or baniſhed. Fourthly, That after theſe Miſchiefs, *Robert Baldock*, and *Edmund* Earl of *Arundel* uſurped to themſelves Royal Power, ſo that the King could do nothing but as they counſelled Him, were it never ſo wrong. Fifthly, That after the Queen's going into *France*, by the King's Will, and Common Council of the Realm, the Perſons above mention'd excited the late King againſt the Son *Edward*, and the Queen His Conſort, ſo that they remained in a manner exil'd from the ſaid King *Edward*, and the Realm of *England*; wherefore it was neceſſary for our Sovereign Lord the King that now is, and the Queen His Mother, being in ſo great Jeopardy of themſelves in a Strange Countrey, ſeeing the Deſtructions, Oppreſſions and Diſheriſons which were notoriouſly committed in the Realm of *England* upon Holy Church, the Prelates, Earls, Barons, &c. and other Great Men, and the *Community*, by the ſaid Perſons abovementioned, by encroaching Royal Power to themſelves, to take as good Counſel as they might; and ſince they could not remedy the ſame unleſs they came into *England* with an Army of Men of War, and had by the Grace of God with that Puiſſance, and the help of the *Great Men* and the *Commons* of the Realm, vanquiſhed and deſtroy'd the ſaid Parties abovementioned, &c. Then follows the Enacting Part, *viz.* That therefore our Sovereign Lord the King that now is, upon certain Petitions and Requeſts made to Him in this *Parliament*, upon ſuch *Articles* as are there above rehearſed, by the *Common Council* of the *Prelates*, *Earls*, *Barons*, and other *Great Men*, and by the *Commonalty* of the Realm there preſent, by His Commandment hath provided, ordained and eſtabliſhed in manner following:

'* That no *Great Man*, nor other, of what Eſtate, Dignity or Condition he be, that came over with the ſaid King that now is, and with the Queen His Mother, into the Realm of *England*, nor any other then dwelling in *England*, that came with the ſaid King that now is, and the Queen in aid of them, to perſue their ſaid Enemies, *in which perſuit the King His Father was taken, and put in Ward, and yet remaineth in Ward*; ſhall be impeached, moleſted, or grieved in Perſon, or in Goods, in the King's Court, or any other Court, for the perſuit of the ſaid King, the taking and with-holding of His Body, or perſuit of any other, or taking of their Perſons, Goods, or Death of any Man, or any other thing perpetrated or committed in the ſaid purſuit; from the day that the ſaid King and Queen did arrive, till the day of the Co-

* Ib.

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'ronation of the ſame King. There alſo follow divers other Clauſes in this Statute, but ſeeing they make not much to our purpoſe, I omit 'em; this being ſufficient to ſhew you, that no taking up of Arms againſt the King is juſtifiable according to the Common Laws of *England*; however it may really prove for the preſervation of the Common Rights and Liberties of the People; and therefore all thoſe that had any ways contributed or aſſiſted in this Revolution, did not think themſelves ſe'cure even from the preſent King (in caſe He ſhould ever change His Mind) without this Act of Parliament to indemnifie them for what they had done. But had the Times turn'd, and King *Edward* the Second recover'd the Throne, I doubt whether this Pardon would have then done them any Service. But to come to the Hiſtory.

* Rot. Clauſ. 1 *Ed.* 3. m. 16. Dorſ.

Commiſſioners appointed to go into *Scotland* to treat of Peace with the *Scots*, who had lately entred the Borders.

[1.] *Thomas Southwell's* Chron. cited by *John Stow*.

The Parliament being ended, * Commiſſioners were appointed to go into *Scotland* to treat of Peace; for the *Scots* preſuming on the late Diſturbances in *England*, had now broke the Truce they had lately made with the Depoſed King, and [1.] on the day of this King's Coronation, had entred the Borders, and endeavour'd to have taken the Caſtle of *Norham* by ſurprize; but tho' ſixteen of them had mounted the Walls in the Night, yet the Governor Sir *Robert Mannors* having had notice of their Deſign, was ſo ſtrict upon his Guard, that by the vigilance of his Men he took ſome of them Priſoners, and put the reſt to the Sword; upon which thoſe that were without immediately march'd off.

[2.] *Hector Boeth. Buchan.*

The *Scotiſh* K. ſends to defie King *Edward*.

The [2.] Peace being thus openly broken, *Robert* King of *Scots* reſolved to perſue the Advantage He thought He had got through the Diviſions in *England*, and the Minority of their Prince, tho' He Himſelf was much weakned with Years, as well as Infirmities; therefore not long after ſent King *Edward* a ſhort and briſk Defiance, telling Him He would ſoon invade *England* with Fire and Sword.

[3.] *Hect.* ib. *Buch.* l. 8.

The Cauſe of this Breach, according to the *Scotiſh* Hiſtorians.

[3.] But to ſay ſomewhat further of the Cauſe of this War; the *Scotiſh* Writers impute it to ſome Fraud or Colluſion of the late *Engliſh* Ambaſſadors, who were now return'd without obtaining any thing they came for, yet are accuſed for having gone about to enſnare the *Scotiſh* Nation; but what thoſe Frauds or Deceits were they then uſed, theſe Writers do not tell us, nor, I believe were able to aſſign any; for it appears by the Authorities already cited from our Hiſtorians, that the *Scots* had broken the Truce before any Ambaſſadors could be ſent to them by the Young King *Edward*; and as for the Old one, we do not find He ſent any to them for two Years before His Depoſing, nor was *England* in a Condition either at the latter end of the late Reign, or beginning of this, to have renewed a War with the *Scots*; and therefore it is moſt probable that it was undertaken by them upon the Motives already mention'd; as alſo upon the ſpecious Pretence of reſtoring the Depos'd to His Crown and Liberty. But to proſecute our Hiſtory.

[4.] Id. Ib.

The *Scots* invade *England* with 20000 Men.

The [4.] *Scots* in perſuance of this late Defiance, had towards *Eaſter* invaded the *Engliſh* Borders with an Army of about Twenty thouſand Horſe, and ſome few Foot, which was ſo order'd, that they might make the more ſudden Invaſion, do greater Miſchiefs, and then retire the more ſpeedily, if there were occaſion: This Army was commanded by the Earl of *Murrey*, and the Lord *Thomas Randolph*, two experienced Generals; for their King *Robert* being diſabled (as I ſaid a little above) with Years

ears and Sickneſs was unable to appear in Perſon: In the mean while] King *Edward* much incenſed at the late Defiance, ſent His Uncle omas *Brotherton* Earl of *Norfolk*, with a ſelect Detachment of Sol- rs to *Newcaſtle*; where he muſter'd them about the Beginning of e; and the Lord *Robert Vfford*, and the Lord *John Mowbray*, were ewiſe ſent with another Body of Men, to reinforce the Lord *Lucy* en Governor of *Carliſle*. And at the ſame time alſo the King iſſued t His General Summons to the reſt of His Subjects, requiring them ~~ſuch a~~ day x to meet Him at Newcastle ~~York~~, well provided with Horſe and rms. [1.] But not relying on theſe alone, He ſent to the Lord n *de Beaumont*, Brother to the Earl of *Haynault*, deſiring him to me over to His Aſſiſtance. This Lord, in Complyance with theſe ſires, came over accordingly into *England*, attended by divers Lords d Knights of *Haynault*, *Flanders*, and *Artois*, with Five Hundred en at Arms; which together with thoſe that not long after arrived der the Conduct of the Lord *William*, Son to the Duke of *Juliers*,] made up in all about Two Thouſand *Foreigners*. This I take no- e of, becauſe the Reader may obſerve, that it hath not been unu- l for the Kings of this Realm, in times of great Danger, to make e of the Aſſiſtance of Foreign Mercenary Forces; eſpecially if their n, by long Peace, or frequent ill Succeſs, have proved diſpirited d unwarlike.

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[5.] *Froiſſart* Vol. 1. c. 18. The K. ſends His Uncle *Thomas* Earl of *Norfolk* with a ſelect Party to reſiſt the *Scots*.

[1.] Id. ib. And receives Aſſiſtance from the Ld. *John de Beaumont*, Brother to the E. of *Haynault*.

[2.] *H. Knyghton*, c. 2551.

x on ye Monday before the Feast of our Lords Ascension to meet him at New castle upon Tyne, wth their Horses & armes, & all their usual service, ready to march with ye nobles and great men of the Land against Robert Bruce, & the rest of the Kings Enemies. This Summons is by way of Writt directed to all ye Earls, Barons, Bishops, Abbots, and Tenants in Capite of England, and is entered on the Close Rolls of this year p. 1. m. 2. d. vid. R–'s IV. Vol. p. 481. 482.

King [3] *Edward* being arrived at *York*, ſtayed there about the pace of Six Weeks, to muſter and review His Army; But part of is time (as much as could be ſpared from His Military Affairs) was ent in Jollity, Feaſting and Dancing, for the Entertainment of theſe oreign Princes; the Queen-Mother being there in Perſon, with the dies of Her Court. But this Mirth was allay'd by a very ſad and nlucky Accident; [4.] for the Evening after one of theſe Enter- inments, there happened a great Fray between the *Engliſh* Ar- ers, and the Servants and Horſe-Boys of the Foreign Auxiliaries, s often happens in Armies compoſ'd of divers Nations) in which any of the latter were ſlain, as alſo above Eighty of the *Engliſh* rchers: Yet no ſooner was this Tumult a little quieted through the ing's Command, as well as the Queen's Mediation, [5.] but the Fo- ign Soldiers reſolved to be revenged; and therefore combining toge- er, they ſet upon the Archers of *Northampton* and *Lincolnſhires*, and lled that night above Three Hundred of them. At this the *Engliſh* ere ſo enraged, that they were going to join all in a Body and fall up- n the Foreigners, and cut them all to pieces; and would have done , had not the King interpos'd His Authority, and likewiſe ſet a rong Guard of Part of the Army to ſecure them from being again ſaulted by the *Engliſh*; *who could never endure to ſee Foreign Mercina- es preferr'd before them, either in Favour or Command.* x But to come ſomething more conſiderable.

[3.] *Froiſſ.* ib. K. *Edward* arrives at *York* with His Army.

[4.] Id. ib. c. 18. A great Fray between the *Engliſh* Archers and the Foreign Auxiliaries.

[5.] *H. K* ib. The Foreigners reſolving to be revenged, ſet upon the *Engliſh* Archers, and killed a great many of them.

x But the Author of the History call'd Eulogium relates this matter after a more hainous manner viz: that the Townsmen of York being incensed against the Heynaulters for debauching with their wives and daughters set upon them in the streets, whathereupon [illegible] set fire to the Town, so that ~~the whole~~ almost the whole street of St. Nicolas in the suburbs was burnt down, ~~which~~ this caused a very fierce engagement between them which began in the morning before Sun riseing, in which above 500 Heynaulters were slain and of the English 242.

Whilſt the King continued at *York*, a [1.] Treaty of Peace was ſet n foot with certain Ambaſſadors ſent from the King of *Scots*, and ree Weeks ſpent about it; but not being able to come to any Agree- ent with the King's Council that were appointed to treat with them, e Preparations of War were again renewed, and the Mareſchals of e Camp gave notice, that all Men ſhould be ready to march upon e firſt Signal. [2.] Then about the Beginning of *June*, the King, attend-

[1.] *Caxton*'s Chron. Certain Ambaſſadors ſent from the *Scots* to treat of Peace, but without any effect.

[2.] *Froiſſ.* ib.

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The King with the Flower of the *Engliſh* Nobility marches againſt the *Scots*, who thereupon retire into the Biſhoprick of *Durham*.

[3] *Holingſh.* Hiſt. Scot. p. 228.

attended by the Earl of *Kent*, together with the Flower of the Nobility of *England*, beſides the Foreign Princes above-mention'd, ſet ou for *Scotland*; but before they could get ſo far as *Newcaſtle*, [3.] the *Scotiſh* Army had privately retreated into the Biſhoprick of *Durham*, without ſo much as being ever encountered by the *Engliſh*, unleſs it was b ſome of the Country-Militia, whom they quickly put to flight.

The K. finding the *Scotiſh* Army retreated, marches in perſuit of them.

[3.] *Froiſſ.* ib.

King *Edward* drawing nearer the Borders of *Scotland*, and finding the Army of that Country afraid of the mighty Numbers of th *Engliſh* Forces, then above Sixty Thouſand retreating to entrenc themſelves in ſome Place of Safety and Advantage; He marche in perſuit of them, being directed by the Smoak of the Houſe and Villages, which the *Scots* had ſet fire to in their Retrea But after a Day or two's March, when the King found the Enem (chiefly conſiſting in Light-Horſe without much Baggage) were no to be overtaken, and that His Men were quite tired thro' the tediou neſs of the Way; He then held a Council of War with His Gener Officers, to conſider what was beſt to be done on this Occaſion; An after mature Deliberation, it was there unanimouſly reſolved, That ſe ing in what a Condition the *Engliſh*-Army then was, the King wi the Flower of his Forces, leaving their heavy Baggage and Carriage behind them under a ſtrong Guard, ſhould paſs the *Tyne*, and meet th *Scots* in their return home. This was immediately put in Executio the King Himſelf undertaking it with a Flying-Army, conſiſtin chiefly of Horſe; and after a March of above Twenty Miles, the the next day got over the River, tho' with much difficulty, by re ſon of the abundance of looſe and ſlippery Stones that lay in their wa When they had compaſſed this, and were got a Day's March furthe without ſeeing or hearing of the *Scots*, they fell into ſuch lamentab want of Proviſions, and beſides found themſelves ſo fatigu'd and ha raſs'd with Five or Six days continual March, that the King with H Forces were forced to quit the Barren Country of *Northumberland*, a repaſſing the *Tyne* again enter'd the *Biſhoprick* of *Durham*; Whe they had not been long, but *Thomas Rooksby* an Eſquire of *Yorkſhir* brought Him News, that the Enemy was ſtill encamped in *Englan* three or four Miles off upon a high Hill in *Weredale*. The King, for th Intelligence, beſtowed upon this Gentleman no leſs than one Hundre Pounds *per Ann.* to him and his Heirs for ever, beſides the Honour Knighthood, which He alſo ſuper-added at the ſame time. X

The K. leaving His Baggage, *&c.* behind Him, goes with the Flower of His Army to find out the *Scots*, but falls into great Wants and Difficulties in the Execution of it.

The *Scots* are diſcover'd where they lay, and the Perſon that brought the News is well rewarded.

X A Copy of the same
Thomas de Rokesby's Patent
for this 100li pr annum is
entred on the Patent
Rolls of [illegible]
[illegible] 1. Ed. 3 p. 2. m
13. Dors: vid. R— IV. vol
p. 312.

[4] Id. ib.

The King coming to the Banks of the River *Were*, the *Scots* will not permit Him to paſs it; whereupon He ſends them a Meſſage, with their Anſwer to it.

The [4.] King then bent His Forces towards the Enemy; but whe He came to the Bank of the River *Were*, He found the *Scots* Arm drawn up at the Foot of an adjacent Mountain, in order of Batte Upon which King *Edward* alſo ſet His Forces in Battel-Array; But t cunning *Scots* underſtood their Advantage better, than to let the *E gliſh* quietly paſs over the River to them; and it was as unſafe for the ~~too~~, to go over and fight the *Engliſh*. Wherefore King *Edward* by t Advice of His General Officers, ſent His Heralds to the *Scot* Camp, to let their Generals know, that if they were willing to p over the River, in order to a Battel, the King would give them fr Liberty; or if they did not like that, He deſired the ſame leave f Himſelf and His Army. Upon this Propoſal, the *Scots* having ca led a Council of War, the valiant Lord *Douglas* one of their General was willing to embrace the Propoſal; but the Lord *Randolph* bein mor

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more prudent and cautious declined it, and return'd the King an Anſwer to this effect: *That the* Scotiſh *Lords were better adviſed than to follow the Counſel of an Enemy; That they were reſolved to maintain their Poſt, and not to quit it, ſo long as they had the Advantage; and therefore would accept of neither of theſe Propoſals; and if the* Engliſh *did not like it, they might help themſelves as well as they could.* After this Anſwer, the *Scotiſh* Generals leaving a ſufficient Force to guard the Paſs over the River, retreated to their former Encampment on the Mountain: And thus for three days both Armies lay facing each other, neither Party daring to paſs the River, for fear of the Advantage the other might get over them; ſo that King *Edward* had no way left (being now between the Enemy and home) but to block up their Army, and ſtarve them for want of Victuals and Forage: For he underſtood by certain Priſoners, that their Oatmeal, Wine and Salt were almoſt ſpent, and then they would in a ſhort time have nothing but Fleſh left them to ſubſiſt on, which, without Bread or Oatmeal, could be no grateful nor wholeſom Diet; but the *Scots* were not ſo eaſily to be ſtarved, for (as [5.] *Froiſſart* informs us) they were then ſo abſtemious and patient in time of War, that for a good while they could live on Fleſh half-boiled, and drink out of the next River: Nor yet had they any Pans or Cauldrons to dreſs their Meat in; for what Beaſts they found, (as they always did good ſtore in thoſe *Northern*-Parts) they would ſeeth them in their own Skins ſtretched out on Stakes in the manner of Cauldrons, and having thus ſod their Meat, they would take a little Iron Plate, which they uſed to truſs upon their Saddles; and laying it on the Fire, take forth ſome Oatmeal, (which they carried behind them in little Bags for that purpoſe) and having kneaded and mix'd it with Water, made Cakes of it; which being thus baked on the Pan, they uſed for Bread to Comfort and Strengthen their Stomachs, when they did eat Fleſh. This I have taken notice of, to let the Reader ſee, that the ordinary way of living among the *Scotiſh* Nation in that Age, was much the ſame with that of the *Highlanders* at this day.

[5.] Id. ib.
The manner of the *Scots* Diet in time of War.

But [1.] tho' the *Scots* were not eaſily to be ſtarved, yet whether they wanted Forage for their Horſes, or that they had a mind to encamp in a Place of greater Safety, I will not determine; but it is certain, about four days after, they diſlodged in the Night, and marched off to another Mountain near the Side of the ſame River, having a great Wood on the one hand of them, and a large Bogg on the other. This Place lay in *Stanhope-Park* belonging to the Biſhop of *Durham*. When King *Edward* perceived the *Scots* were removed, and had learned by His Scouts the Place in which they were encamped, He immediately marched after them with His Army; yet having the River ſtill between Him and the Enemy, it was to as little purpoſe as before: And tho' He lay there for the Space of above Fifteen days, with a deſign to block up and ſtarve the *Scottiſh* Army, it ſignify'd nothing; for they did not only make a ſafe Retreat into their own Country, but alſo put the King in very great danger of His Life and Liberty. For the firſt night after the Removal of their Camp, the [2.] Lord *Douglas* having Intelligence that the *Engliſh* kept but a careleſs Guard, he paſſed the River beyond the *Engliſh* Camp, and with two Hundred Men at Arms well mounted, broke into it, and (as the [3.] *Scottiſh*

[1.] Id. ib.
The *Scots* decamp in the night, and take up their Quarters in *Stanhope-Park*.

The K. perſuing the *Scots*, is in great danger of being taken Priſoner.
[2.] *Froiſſ.* id. ib.

[3.] Hec. Boeth & Buch. ibid.

The Relation of the *Scotiſh* Hiſtorians not probable in all Circumſtances

* Col. 2552.

A better Relation from *H. de Knyghton* of this Action.

Writers relate) ſlew Three Hundred *Engliſh* before ever he arrived at the King's Tent, ſome of the Cords of which he cut, and had certainly either killed or taken Him Priſoner, had He not immediately leaped out of His Bed, and ſlipped away in the dark among His Guards; upon which *Douglas* retreated with little or no loſs. But it is not very likely that the *Scots* ſhould come ſo near the King's Tent, and kill ſo many Men in his Paſſage thither without ever alarming Him or His Guards; and therefore what * *Henry de Knyghton* reports, is much more probable: That the Lord *Douglas* intending to take the King Priſoner, or kill Him if he fail'd in it, (either of which would make an end of the War) enter'd the Camp by Stealth with ſome of the ſtouteſt of the *Scotiſh* Nation, and counterfeiting himſelf an *Engliſh* Officer going the Rounds, he cried out, *Ha*! *St.* George, *no Watch*; until at laſt arriving near the Royal Tent, he firſt ſlew the King's Chamberlain, and then a Chaplain, who coming to awake Him, interpos'd his Perſon between Him and the Lord *Douglas*; upon which the King ſtarting out of His Bed, and ſnatching up His Sword, therewith defended Himſelf, till the Guards that lay near came into His Aſſiſtance: Which *Douglas* perceiving, he immediately retreated; and it being very dark, got off ſafe, tho' with the loſs of many of his Men. This is the beſt Account that our Writers give of this Action, and ſeems much more probable than the other; all the Advantage that the *Engliſh* obtain'd by it was, that it made them ſtand better upon their Guard for the future.

[3.] *Froiſſ.* ib. *H. K.* ib.

The *Scots* being in want of Proviſions, ſteal away by night.

When [3.] the *Scots* had lain thus encamped for about a Fortnight longer, they began to be in great want of Bread, Salt, and other Neceſſaries, though they had Fleſh enough; and finding they could gain no more Advantages over the *Engliſh* by ſurprize, and not daring to give them open Battel, who ſo much exceeded them in Number; they reſolved to make a private and ſpeedy Retreat homeward: Whereupon their Generals gave them notice, that they ſhould all be ready to march under their ſeveral Banners at the time prefixed, but without letting them know whither, for fear the *Engliſh* ſhould any ways have intelligence of it: Yet thus much the King learned from a *Scotiſh* Knight, who had been lately taken Priſoner, and from thence concluding, that they intended to ſurprize Him, and make a General Aſſault upon His Camp by night; He immediately commanded His Forces to be drawn up in three Battallions, the middlemoſt of which was to ſtand before the Camp, and the other two on each ſide, to receive the *Scots* which way ſoever they ſhould attempt to fall upon it. But when the *Engliſh* had ſtood to their Arms all night, they had notice by two *Scotiſh* Trumpeters taken by their Scouts, that their Army had ſilently decamped about Midnight, and having marched away through the Woods, had now got ſeveral Miles before them: Upon which intelligence the King called a Council of War, and it being there conſidered, that the *Scotiſh* Army conſiſting chiefly of Horſe, would certainly reach their own Country before the *Engliſh* could overtake them, and the Autumn being far ſpent, that it was too late to undertake another Expedition this Year; beſides the great Expence of Money, and Loſs of Men and Horſes by long Fatigues, and the Diſeaſes of the Camp; I ſay, upon all theſe Conſiderations it was at laſt reſolved, That the King with the whole Army ſhould preſently return home into *England*.

The K. having intelligence of their March, makes His Army ſtand to their Arms.

The *Scots* being gone, the King returns into *England* with a great Loſs of Men and Money.

Before [4] they departed, many of the *Engliſh* went to view the Deſerted Camp of the *Scots*, as well out of curioſity as hopes of Plunder; but they found nothing worth the carrying away, beſides the Carkaſſes of above Five Hundred Deer and Black Cattle, which lay there ready killed; and Ten Thouſand Pair of Shoes made of raw Hides, with the Hair on: And among the reſt there were Five poor *Engliſh* Priſoners faſt bound to Trees, with their Legs broken, that ſo they might not eſcape to give intelligence; of whom their Countrymen took all the care they could.

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[4.] *Froiſſ.* ib. The *Engliſh* view the Place of the *Scots* Camp, but find nothing worth taking.

Then [5.] the *Engliſh* Army decamped, and marched towards *Durham*, where the King found all His Carriages and Baggage ſafe; and marching from thence to *York*, He was there received with great Joy by the Queen His Mother, and Her Retinue. The King ſometime after, having diſmiſſed the Lord *Beaumont* and the reſt of the Foreign Commanders with great Preſents, and the Common Soldiers with ſome Money paid down, and the reſt to be ſatisfied in a ſhort time, He return'd into the *Southern* Parts.

[5.] Id. ib. The King arrives at *York*, and is joyfully received by the Qu. His Mother; the Foreign Forces are paid and diſmiſſed.

Thus ended this Unfortunate and Inglorious Expedition, which happen'd thro' the Treachery or bad Conduct of the *Engliſh* Commanders, the King Himſelf being very young. This ill Succeſs is chiefly laid at the door of the Lord *Roger Mortimer*, as you will find hereafter, whereby the *Engliſh* loſt one of the greateſt Advantages over the *Scots* that ever they had; for if the King had then divided His Army, which was doubly ſuperior to the Number of the *Scots*, and had left the one half of it to defend the Borders, and with the other had marched immediately into *Scotland*, He might in all probability have reduced that Kingdom, or elſe have forced the *Scots* to a Battel; and had He therein proved victorious, He might have gone where He had pleaſed. But theſe are the Misfortunes of young Princes, who tho' they prove afterwards of wonderful Courage and Prudence, yet often receive great Defeats and Loſſes in their Minority, through the want of ſufficient Fidelity and Conduct in thoſe who have the chief Government and Adminiſtration of Affairs.

The King for want of good Conduct loſes a great Advantage over the *Scots*.

But to put an end to the Affairs of *Scotland*: [1.] Not long after King *Edward*'s Departure into *England*, the *Scots* rais'd a great Army, and, according to their wonted Cuſtom, entred *Northumberland*, and waſted and plunder'd it, except the Caſtles, or other ſtrong Places; which the reſt of the Inhabitants of the *Marches* hearing of, they were glad to redeem themſelves from Plunder by the Payment of a great Sum of Money; and thereby obtain'd a Truce till *Whitſontide* following.

[1.] Chr. Lan.

We ſhall now look back and ſee what had been doing in *England* during this Expedition; [2.] the Depos'd K. had hitherto been kept Priſoner in ſafe, but eaſie Cuſtody by *Thomas* E. of *Lancaſter* His Coſin, who began to pity His Condition; He ſeemed not to want any thing but the Company of His Q. who tho' She ſent Him ſome Suits of Cloathes and Linen, yet would never ſee Him, either through an Averſion She had to His Perſon, (or as others relate) through the Inſtigation of the Lord *Mortimer*, who perſwaded Her that the King intended to kill Her when ever She could get Her into His Power. But this is more certain, that this Lord, together with *Adam de Orleton* Biſhop of *Hereford*, fearing that K. *Edward* ſhould eſcape out of Priſon, and recover His Crown, they

[2.] Sir *Thomas de la More*. A Relation of the Sufferings of the late K.

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might be made to ſuffer ſeverely for what they had acted againſt Him, ſo far prevail'd upon the Queen's Weakneſs and Fears, that She gave Her Conſent He ſhould be made away during Her Son's Abſence; in order to which about the beginning of *April*, He was taken from the Cuſtody of the Earl of **Lancaſter**, and delivered to Sir *John Matravers*, and Sir *John Gurney*, Knights, being Perſons that would do any thing the Court required of them: Theſe had Commiſſion to enter any of the King's Caſtles, and there to command in chief as long as they pleas'd to ſtay there; by virtue of which they remov'd the late King privately from *Kenelworth-Caſtle* to that of *Corfe* in *Dorſetſhire*, and from thence after a while to *Briſtol-Caſtle*; where tho' He was kept very privately, yet it being known to ſome of the Chief Citizens, they ſecretly combined to ſet Him at liberty, and convey Him to ſome ſafe Place beyond Sea; of which Deſign, when it was ready to be put in execution, His Keepers having ſome notice, they preſently removed Him from thence to *Berkley Caſtle* in *Gloceſterſhire*; and I muſt not omit telling you, that in His Paſſage thither, He was treated with great Indignity; for the above-cited [3.] Writer of His Life informs us, That being made to ride upon a ſorry Jade, bareheaded, *Gourney*; one of His Keepers, as they paſſed by a certain Grange, clapped upon His Head a Crown of Straw, adding this Flout, * *Fare forth Sir King*; nor did they end here, for having a mind to cut off the Hair of His Head and Beard, that He might be more diſguis'd from the knowledge of any they ſhould chance to meet with, they made Him alight at a certain Ditch in their way, from whence an Inſolent Fellow fetched Him ſome Cold and Dirty Water in an old Helmet, as He ſat on a Mole-hill to be trim'd, ſaying, That Cold Water ſhould ſerve Him for that time; to which the Poor Prince reply'd, That in ſpight of them He would have Warm. This Action, ſince it is ſo well atteſted, I will not queſtion, tho' I think I juſtly may, whether this Reply, and the Tears He then ſhed, ſhew'd that Heroick Greatneſs of Mind, which is above ſuch Reſentmens of Mean Injuries and Affronts: But to let that paſs; So ſoon as they arriv'd at *Berkley-Caſtle*, the Lord thereof was diſmiſſed from having any Command there, or (as was ſuppos'd) willingly removed to another Seat; for which, as being thought privy to the Intended Deſign, he was after queſtion'd in Parliament, and put in great danger of his Life, as you will find hereafter. But to come to the Matter in hand.

He is taken out of Cuſtody of the Earl of *Lancaſter*.

And is privately removed from one Caſtle to another.

[3.] Id ib. He is uſed with great Barbarity.

* *i. e.* In Old *Engliſh*, *Advance* Sir *King*.

The late King is brought to *Berkley*-Caſtle.

[4.] So ſoon as the Conſpirators had brought the late King to this Place, they lodged Him in a high Turret of the Caſtle, where tho' by Ill and unwholſome Diet, and placing dead and ſtinking Carkaſſes near His Chamber, as alſo by unworthy Treatment and Reproaches, they found they could neither make Him fall ſick, nor yet cauſe Him to make Himſelf away, they reſolv'd to take a ſpeedier Courſe, and after they had entertain'd Him with a plentiful Supper that He might ſleep the ſounder, and be the leſs ſuſpicious of their Wicked Deſign, they came at Midnight with about Fifteen Ruffians into His Chamber, and laying a heavy Table upon His Upper Parts, they made Him turn to ſuch a Poſture, [5.] as that they could eaſily thruſt a Hollow Pipe through His Poſteriors into His Body, and through that a ſmall ſharp Iron heated red hot, which they turn'd up and down, until with unſpeakable Torments and intolerable Groans which were heard by the Neighbourhood, He at laſt expired: This Cruel Death they choſe to put Him

[4.] Id. Ib. He is there lodg'd in a Turret with Dead Carkaſſes plac'd near His Chamber.

[5.] *T. W.* The Conſpirators enter in the Night, and murther Him in a moſt cruel manner.

Him to, becauſe it concealed the Violence done to His Body; and to put a better Colour upon the Matter, they gave out, that He died ſuddenly: and expoſing the Corps to publick view, they ſent for the Prior of *Briſtol*, and Abbot of *Gloceſter*, with the Burgeſſes of thoſe Towns, as alſo for ſeveral Knts and Perſons of Quality; but though they could not ſee the Skin any where broken, yet from the Blood that was ſetled in His Face, divers of the wiſer and more penetrating ſort concluded, that His death was violent, but the manner of it was not diſcovered till ſome time after, when the Authors, as well as Actors in it were called to a juſt Account for this Horrid Villany: Such was the Tragical End of this Unfortunate Prince, in the Forty third Year of His Age; who however ill He had carried Himſelf, yet certainly did not deſerve ſo cruel a Treatment from thoſe who had been His Subjects, and ought to have been His Keepers, and not His Murtherers.

They give out that He died ſuddenly, and ſend for the Prior of *Briſtol*, and Abbot of *Gloceſter*, with divers Perſons of Quality to view the Corps.

I ſhall ſay no more of this Tragical Story, but [1] that the Abbots and Monks of St. *Peter*'s in *Gloceſter*, to whom this Prince had been a great Benefactor, out of Gratitude fetch'd His Corps from *Berkley*-Caſtle, and with a decent, tho' private Funeral, bury'd it in their own Church, where His Son, *Edward* the *Third*, erected to His Memory a fair Monument of Alabaſter, with His Portraiture thereon, under the Second Arch, on the North ſide of the Altar, betwixt two Pillars, and where it is to be ſeen at this day. But to come to ſomewhat more diverting:

[1.] *Sanford*'s *Geneal.* Hiſt. p. 152.

Which is buried at *Gloceſter* by the *Abbot* of that Place.

The King preſently after His Return from His *Scotiſh* Expedition, held a Parliament at *Lincoln* on the morrow after the Feaſt of *Holy-Croſs*, or 13th of *September*, as appears by the * Writ of Summons on Record, which is very long, there being recited in it the principal Matters that happened in this War, with the eſcape of the *Scots* at *Stanhope*, much after the ſame manner as hath been already related: This bears date at *Stanhope* the 7th of *Auguſt*; but tho' the Parliament met at the time appointed, yet I cannot find what was done in it; but certainly nothing very conſiderable, ſince our Hiſtorians are ſo ſilent concerning it, and the Records thereof are loſt.

* Rot. Clauſ. 1 *Ed.* 3. m. 16. Dorſ.

[2.] So ſoon as this Parliament was over, the King returned to *London*, where notwithſtanding His late ill Succeſs, He was joyfully met by the Mayor and Aldermen without the City; for He was a Young Prince of Great Hopes, and expreſs'd more than ordinary Spirit in His Countenance as well as Actions: Not long after His Return He held a [3.] Parliament, or rather Great Council of the Nobility, at *Weſtminſter*, on St. *Brice*'s day, or 13th of *November*, in which the chief Matter I find then to have been tranſacted, was, that He not only confirm'd to the *Londoners* all their former Priviledges, but granted them divers new ones, ordaining, 'That the Lord Mayor, or His Deputy, for the time being, ſhould ſit as the King's Chief Juſtice in all Places within the Liberties; and that every Alderman, who had been Mayor, ſhould be a Juſtice of the Peace within His own Ward: He alſo granted unto the Citizens the Fee Farm of *London* for three hundred Pounds *per Ann.* *And that * the Lawful Franchiſes of the City ſhould not be ſeized into the King's Hands, but only on occaſion of Abuſe or Miſuſage, or for Treaſon or Rebellion countenanced or done by the whole City:* [4] He then alſo further ordained 'That *Southwark* ſhould be under the Government of the 'City

[2.] *T. W.*

He is joyfully received by the Mayor and Aldermen of *London.*

[3.] *Jo. de. Tinmouth* in Bib. Lambeth, *ad hunc Ann.*

A Great Council held at *Weſtminſter*, wherein the Liberties of the City are confirmed and increaſed.

Coke's 2d Inſt. f. 20.

[4.] *Stow*'s Survey of *London.* p. 248.

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'City, and that the Mayor of *London*, as Bailiff of *Southwark* ſhould 'depute under Him the Bailiff of the *Borough*. This deſerves our notice.

[5] *Holingſhead ex Regiſtro hujus Abbat. vocat. Werketon. quod etiam vidi penes Dom. Rich. Gipps.*

A Relation of the great Riot and Inſurrection made by the People of St *Edmunds-Bury* againſt the Abbot and Monks. They imprison the Prior and Monks, and force them to ſeal an Obligation of 1 000 *l.*

I ſhall here for want of Matters of greater moment, take notice of a notable Riot and Inſurrection that happened in the beginning of the Year upon this occaſion; [5] The Inhabitants of the Town of St. *Edmund*'s *Bury* in *Suffolk* having a Quarrel with the Abbots and Monks of that Monaſtery, about their Priviledges, made a great Riot and Inſurrection twice this Year againſt them; the firſt time was on *Wedneſday* after the *Converſion* of St *Paul*, or 25th day of *January*, when *Robert de Texton*, and *Richard Drayton*, with a great many others, in a warlike manner aſſaulted the Gates of the ſaid Abby, and breaking them down, entred it by force, and beating and wounding the Monks and what Servants they met with, plunder'd the Houſe of a vaſt quantity of Plate, Veſtments, Books, *&c.* beſides Five hundred Pounds in Silver, and Three thouſand Florins of Gold, all which they took and carried away, together with ſeveral Antient Charters of King *Cnute*, *Hardicnute* His Son, and *Edward* the *Confeſſor*; as alſo thoſe of King *Henry* the *Firſt* and *Third*, granted to the ſaid Abby, with the Bulls of ſeveral Popes; and not contented with this, they ſeized likewiſe *Peter Clopton*, Prior of the ſaid Abby, with divers of the Monks, and imprisoned them in a place called the *Leaden-Hall*, till almoſt *Candlemas*, and then they brought them back again into their *Chapter-Houſe*, and there made them ſeal an Obligation to one *Kempe* and Others therein named, of Ten thouſand Pounds, as alſo a Releaſe of all Actions, Debts, Treſpaſſes, *&c.* againſt the ſaid *Kempe* and the reſt therein named.

* Id. ib. After which they renew the Riot, ſeize upon the Abbot and Monks, and keep them Priſoners till they ſeal'd a Charter, whereby the Inhabitants of the Town were to be made a Corporation.

* After which Riot, the Abbot being now return'd to *Bury* on the *Thurſday* after *Candlemas*, the Perſons above mentioned enter'd the Abby again, and ſeizing the Abbot himſelf, and certain of His Monks, kept them Priſoners till the next day, when they made them to ſeal other Writings, and among the reſt a Charter, whereby the Abbot made the Inhabitants of the ſaid Town to be a Free *Corporation*, conſiſting of a Bailiff and Aldermen, beſides divers other Priviledges; and then made them ſeal to the ſaid Town, as to a Corporation, three ſeveral Obligations, amounting in all to Seven thouſand Pounds, and alſo a Releaſe of all Treſpaſſes and Damages; for they had at the ſame time not only plunder'd the Abby afreſh of a great deal more Plate and other things, but had deſtroy'd two Houſes belonging thereunto in the ſaid Town, let out the Fiſh-bounds, and cut down a great many Trees, all which amounted in the whole to the value of Forty thouſand Pounds.

* Id. ib. Upon the Abbot's proſecuting them at Law, they renew the Riot, and burn down the Abby Gates, with ſeveral Houſes.

* Nor did they ſtop here; but finding the Abbot and Monks had begun to ſue them at Law for what had been already done, the Townſmen being aſſiſted by divers rude and diſorderly People out of the Country, on St. *Luke*'s Day again took up Arms, and aſſaulting the Abbey-Gates, ſet them on fire, and burnt them, with ſeveral Houſes adjoining: Which Riot they continued not only the next, but for two or three days following, till they had burnt down and deſtroyed all the Farms and Granges belonging to the Abbey, not only in *Bury*, but within three or four Miles round about it; together with all the Corn, and other Grain to a very great value. Complaint of which Inſurrections being made to the King, He thereupon iſſued out a Writ or Com-

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miſſion to Sir John Stonore, Walter Friskeney, and other Juſtices of Oyer nd Terminer, by virtue of which, the Offenders in the ſaid Riot were ondemned to pay the Sum of Forty Thouſand Pounds; and the ſaid ichard Drayton and the reſt of the Criminals that could be found, were ommitted to Priſon.

The King upon Complaint of this Riot iſſues out a Commiſſion againſt all the Offenders, by which the Juſtices proceed with great ſeverity.

* And beſides this, there was alſo an Indictment preſerr'd againſt the id Richard Drayton and the reſt, for the Second Riot by them comitted as aforeſaid; and this was upon a Commiſſion directed to the rl of Norfolk, Lord Marſhal of England, Thomas Burdolf, and others, virtue of which nineteen of the ſaid Rioters were taken and hanged, nd one that would not plead preſs'd to death; beſides which all the Inabitants of the ſaid Town, becauſe they did not hinder the ſaid Maefactors in the beginning of their Inſurrection (as they ought to have one) were condemned to pay the Abbot and Convent, towards their oſſes and Damages the Sum of One hundred and Forty thouſand ounds; a vaſt Sum even in our Times.

* Id. ib.

Many of the Rioters executed, and the Inhabitants condemned to pay the Convent 140000 l.

But this I ſuppoſe was done only to keep them in the greater Awe nd Subjection to the Abby and Convent, and not with a deſign it ſhould ver be paid; for I find in the ſame Regiſter, that about four Years afr, at St. Edmund's-Bury there was an Agreement made between Richd, then Abbot, and his Convent, with the Townſmen of the ſaid lace, in the preſence of the Biſhop of Wincheſter, Lord Chancellor, e ſaid Sir John Stonore, and other of the King's Juſtices, That on Coition the ſaid Townſmen truly paid to the ſaid Abbot Two thouſand arks within the ſpace of Twenty Years next enſuing (viz. One hunred Marks per Ann.) till the ſaid Sum ſhould be diſcharged, they would ereupon forgive all the reſt of the ſaid Damages, amounting to Twelve ouſand Two hundred Thirty three Pounds, Six Shillings and Eight ence; ſo that in the mean while they continued quiet and peaceable, d did not diſturb the ſaid Abbot and his Succeſſors; and ſhould alſo ſtore to them certain Charters and Obligations, which they had ford from them by Dureſs to make under the Common Seal; all hich thereupon were delivered up by them to be cancell'd, as they ere accordingly done; and ſo this difference between the ſaid Abby d Town of St. Edmunds-Bury was wholly agreed and made up. This ake notice of, that ſo the Reader may obſerve, that the Fury of the ommon People, (or Mob, as we now term them) when let looſe, s then as bad, or worſe than ever we have known it in our ime.

An Agreement is at laſt made between the Abbot and Townſmen for the paying 2000 Marks in the ſpace of 20 Years.

I can find nothing elſe remarkable that happen'd this Year, [1.] except e Death of Walter Reginald, Archbiſhop of Canterbury in the Month of ovember; he was a lover of Learning, but however is noted for his eat Ingratitude to the late King Edward, to whom he had been Tur, and was by the Pope preferr'd to the Archbiſhoprick purely upon is Recommendation; and yet upon the Queen's Arrival in England, he ined with Her againſt the King, and privately furniſhed Her with eat Sums of Money: To him ſucceeded Simon de Mepham a Kentiſh an, Dr. of Divinity, and Chanon of Chicheſter, who was a perſon inent for Learning and ſtrictneſs of Life.

[1.] Godwin de Præſul. p 4:6.

The Death of Walter ABp. of Canterbury.

We are come now to the Second Year of this King's Reign, in hich the firſt thing, and that the moſt fortunate, we find to have been tranſacted,

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* Rot. Clauſ. 2 *Ed* 3. m 3. Dorſ.
[2] *Froiſſ.* ib. c. 19. * Rot. Pat. 2 *Ed.* 3. part. 1. m. 15.
The King is married to the Lady *Philippe* of *Hainault* by *Proxy*.
[3.] H K Col. 2552.
She comes to *London*, and goes to the K. at *York*, where She is married again.
[4.] *Sandford* Gen Hiſt. p. 159.
Her Coronation at *Weſtminſter*.

tranſacted, was * the Conſummation of His Marriage with the [2.] Lady *Philippe* of *Hainault*; * for tho' the Biſhop of *Coventry* and *Litchfield*, with other Perſons of Quality, were about *Autumn* laſt Year ſen over as Ambaſſadors to the Earl her Father, to demand her on th King's behalf, (which was preſently granted, as having been agreed o before) yet in this Treaty, and obtaining the Pope's Diſpenſation, and in ſolemnizing the Marriage by *Proxy* at the City of *Valenciennes*, abou three or four Months were ſpent, ſo that the Royal [3.] Bride did no arrive at *London* until a little after *Chriſtmaſs*, where She was nobly received, and from whence She went immediately to *York*, where the King then was, and on the 24th of *January* they were again publickly married by the Archbiſhop of that City; [4.] but She was not crowned Queen at *Weſtminſter* until the Firſt *Sunday* in *Lent*, upon the King' return from *York*.

* Rot. Clauſ. 2 *Ed*. 3. m. 3. Dorſ.
A parliament Summon'd to treat of certain *Articles* between *England* and *Scotland*, but nothing is done; and why.
* ~~Rot. Clauſ.~~ 2 *Ed*. 3. m. 31. Dorſ.
Another Parliament held at *Northampton*, where a Shameful Peace is made with the *Scots*, and upon what Terms.
The Subſtance of King *Edward's* Charter to the King of *Scots*.

The Reaſon of the Court's Continuing ſtill there, was, that a *Parliament had been ſummon'd thither on the *Sunday* after *Candlemaſs-day*, t treat of certain *Articles* then propounded between the Kingdoms o *Scotland* and *England*, at *Newcaſtle*; but nothing was done in it, becauſe the Biſhops and other Great Men did not appear, as is expreſſed i the next * Writ of Summons dated *March* the 5*th* enſuing, for a Parliament to meet three Weeks after *Eaſter* at *Northampton*, in which (a *Murimouth*, and *Walſingham* from him relates) there was a ſhameſu Truce or Peace clapt up between the *Engliſh* and *Scots*, by the direction and contrivance of the Queen and *Roger Mortimer* Her Favourite the Conditions of which were theſe; Firſt, That Prince *David*, only Son and Heir to *Robert* King of *Scots*, ſhould marry the Lady *Joa* King *Edward's* Eldeſt Siſter; in conſideration of which, He was t grant the *Scotiſh* King a Charter, to releaſe all His Claim of Superiority which *Edward* or His Anceſtors had or could pretend to over that Kingdom; this Charter being no where extant as I know of, but in th Manuſcript Chronicle of *Lanercoſt*; I ſhall here therefore give an Extract of it, having printed it at large in the *Appendix*: It begins with a Recital of the dangerous Wars, and great Miſchiefs that had for a lon time fallen upon both Kingdoms by reaſon of that Claim of Superiority which He, the King of *England*, and His Predeceſſors had mad over that of *Scotland*: To put an end to which, He by the Conſent o the *Biſhops*, *Earls*, *Barons*, and *Commons* of His Kingdom aſſembled i Parliament, grants to *Robert* King of *Scotland*, His Heirs and Succeſſors, that they ſhall hold that Kingdom free, and for ever diſcharged o all Subjection, and all Claim and Demand thereof from the King o *England*; His Heirs and Succeſſors, and further renounce for Himſelf &c. by theſe Preſents all former Obligations, Agreements or Compacts made by or with any or either of their Predeceſſors concerning th Subjection of the Kingdom of *Scotland*, or its People both of the Clergy and Laity; and that if any ſuch Charters or Inſtruments ſhall b found, He wills that they ſhall for the future be accounted as null, voi and of no value: Dated at *York* the Firſt Day of *March*, *A. R. Secundo* So that all Original Inſtruments of Homage from the Crown of *Scotland* being now loſt and deſtroy'd, if that the Charters of Homage made by King *John Bailiol* were not recorded on our Rolls in the *Tower*, we could not be able to prove (unleſs by the Teſtimony of our Hiſtorians) that ſuch Charters had ever been made.

There were alſo ſome other *Articles*, [4.] tho' of leſs moment, than agreed to, as that the *Scotiſh* King ſhould renounce all Claim to *Northumberland* and *Cumberland*, &c. and the *Engliſh* Noblemen were to give up all their Right to the Lands which they or their Anceſtors had enjoy'd in *Scotland*, unleſs they would reſide there, and become Subjects to that Crown; but the *Scots* were ſo eager for this Peace, that in conſideration of theſe Grants, it was agreed on the behalf of the King of *Scotland*, That He ſhould pay King *Edward* the Sum of Twenty thouſand Marks: I ſuppoſe this was for the Damages they had committed upon *England* the laſt Year: However it ſeems *Mortimer* had all this Money, as will appear anon by the *Articles* exhibited in Parliament againſt him.

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[4.] *H. K. Col.* 2558.

Some other *Articles* of leſs moment then agreed on.

The Mariage between King *David* and the Young Lady was now made, yet King *Edward* would not ſtand to this Agreement when He came of Age, but the War with *Scotland* was again renew'd, as you will ſee hereafter.

In this Parliament likewiſe it was that [5.] King *Edward* began firſt to lay claim to the Kingdom of *France*; for His Uncle, King *Charles* the *Fair*, had lately deceas'd in *January*, after above ſix Years Reign; and though [6.] King *Edward* Himſelf acknowledged the force of the *Salick* Law, whereby the *Infant* Daughter of the ſaid *Charles* was excluded, yet the King inſiſted, that though that Law debarr'd Females from ſucceeding to that Crown, yet it did not exclude the Male-Heirs that deſcended from them, and therefore He claim'd it as next Heir-Male to His Uncle. But theſe Matters being fully diſcuſſed and allow'd of in this Parliament, it was thereupon ordained [1.] that *Adam d'Orleton*, Biſhop of *Worceſter*, × and *Roger Northborough*, Biſhop of *Coventry* and *Litchfield* ſhould go into *France*, and there in the Name of King *Edward* their Maſter, claim that Kingdom, and as much as in them lay, hinder the Coronation of *Philip*, Son to *Charles* of *Valois*, the late King's Brother; but before the Ambaſſadors could reach *Paris*, *Philip* was crowned at *Rheimes*, ſo that their Journey prov'd in vain, and the King was forced to ſurceaſe His Claim for that time, though He again renew'd it when He found Himſelf ſtrong enough to make War on King *Philip* for that Crown, as you will find in its due place.

[5.] MS. Vet. in Bib. *Benn Cantab.*

[6.] *Mezeray. An.* 1328.

[1.] Antiq. *Brit.* p. 228.

× as it appears by the Commission under the great Seal entred on the Patent Roll. 2. Ed. 3. p. 1. m. where the last Bp. is stil'd Bp. of Chester, wch was then a common Title for the Bishop of Coventry & Litchfield. vid. Rym. Coll. IV. vol. p. 354.

But I cannot here omit what the *French* Hiſtorians relate; That King *Edward*'s Ambaſſadors did now put in His Claim to the Crown on behalf of their Maſter, and that it being ſolemnly heard, and the Title of *Philip de Valois* alſo ſet forth before the Eſtates of the Kingdom, they adjudged it to the latter, as moſt agreeable to their *Salick Law*.

Some Matters of moment happening after the late Parliament, that required great Advice, there were new * Writs iſſued out bearing date *Auguſt* 28th, for another to meet at *Salisbury* on the *Sunday* next after the *Quindene* of St. *Michael*: In [2.] this Parliament there were made three Earls, *viz.* *John* of *Eltham*, the King's Brother, Earl of *Cornwal*; *Roger Motimer*, Earl of the *Marches* of *Wales*, by the Title of Earl of *March*; and the Chief **Bottiller*, or *Butler* of *Ireland*, Earl of *Ormond*: To this Parliament the Earl of *Lancaſter*, and the Lord *Wake* were alſo ſummon'd, but they refuſed to appear; the Earl, becauſe he having been appointed by Parliament the King's Chief Counſellor and Guardian of His Perſon, the Lord *Mortimer* had now taken to Himſelf

*Rot. Clauſ. 2 *Ed.* 3. m. 31. Dorſ.

[2.] *T. W.*

A Parliament called, wherein three New Earls were created.

* He is called in *Latin*, *Pincerna.*

The E. of *Lancaſter* and Lord *Wake* ſummon'd to this Parl but refuſe to come.

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[3.] *H. K.* col. 2554 *T. W.*

Whereupon they with the Earls of *Kent* and *Norfolk* raiſe Forces againſt *Mortimer*.

* *Walſingham* places it in *Bedfordſhire*, but that is not likely, being ſo far from *Salisbury* where the Court then was: I therefore think it was *Bradford* lying about 20 Miles from that City.

The E of *Lancaſter* being deſerted by the Earls laſt mentioned, is forced to ſubmit himſelf to the Qu. and *Mortimer*.

[4.] *Mezeray ad hunc Ann.*

himſelf the Royal Power, and would not permit him to come near the King, ſo as to adviſe and protect Him according to His truſt: The Lord *Wake* alledged other Grievances and Fears of the evil Deſigns of *Mortimer*, who then came armed to this Parliament, contrary to Law; [3.] Whereupon not only theſe two Lords, but alſo the Earls of *Norfolk* and *Kent*, the King's Uncles, and other Great Men, who had not conſented to their wicked Deſigns, raiſed Forces in the *Southern* Parts againſt *Mortimer*, and thoſe of his Party. Which when the new-made Earls heard, they likewiſe raiſing a ſtrong Force of *Engliſh* and *Welſh*, marched with them to *Leiceſter*, and there plunder'd and ſpoil'd the whole Country, in revenge to the Earl of *Lancaſter*, whoſe Eſtate lay there: But he himſelf was then coming from the *Southern* Parts with his Forces, with which he marched towards *Mortimer* and his Party, and encamped near * *Bradford*, intending thereabouts to give them Battel; but the Earls of *Norfolk* and *Kent* being afraid, left him, and ſubmitted themſelves to the Queen-Mother and *Mortimer*. Then the Earl of *Lancaſter* ſeeing himſelf thus deſerted, made his Submiſſion to the King before the whole Army; and was, by the Mediation of *Simon* Archbiſhop of *Canterbury*, and other Biſhops, reconciled, upon his making Oath with others of his Company, and giving Security by Recognizances, that neither he nor they would attempt any thing upon the Perſons of the King, the two Queens, nor of any other, Great or Small, of their Council, or that were about them: Nor would do, nor procure to be done, any Injury or Damage unto them, privately or openly; nor aſſent to the doing thereof: And would alſo ſubmit to the Judgment of the next Parliament for what he had done already.

But before we conclude this Year, I muſt not forbear taking notice of a Foreign Affair of great moment; which was, [4.] that a great Quarrel aroſe between Pope *John* the *Two and Twentieth*, and the Emperor *Lewis* of *Bavaria*, concerning his Holineſs's Right of Crowning Him, For having accepted of that Dignity without the Pope's Approbation; He thereupon not only diſown'd His Authority, but alſo iſſued out a Bull of Excommunication againſt Him. Whereat the Emperor being incenſed, marched into *Italy* with an Army, to depoſe the Pope; and at firſt had ſuch good Succeſs as to put him to flight, and get one *Nicholas de Corbier*, a Fryar-*Minor*, to be choſen in his room. But the Emperor, through His own ill Conduct, being forced to leave *Italy*, the former Pope (who had been ſet aſide) again recovered his Power, and pronounced the Emperor *Excommunicated* and depoſed from the Empire: But as for the Anti-Pope, who called himſelf *Nicholas* the *Fifth*, He being deſerted by thoſe of his own Order, was, after divers Adventures, forced in the Year 1330. to ſurrender Himſelf to the Pope with a Rope about his Neck. Yet he was not pardon'd for all that, but was clapt up in Priſon, where he died ſome Months after. All which things, though they did not fall out in the ſame Year, yet I thought fit to put together in this place, for the better connection of this Story.

[1.] *Froiſſ.* ib.

So ſoon as *Philip* [1.] the new King of *France* was ſetled in His Throne, He thought it neceſſary to make His late Competitor King *Edward* to acknowledge His Title; wherefore He ſent Ambaſſadors into *England*, to ſummon Him to come over and do His Homage for the

Dutchy of *Aquitain* and Earldom of *Ponthieu.* Theſe Ambaſſadors being arrived, and having delivered their Meſſage, the Matter was for ſome time debated in the Council; where tho' moſt of the Lords allowed the King's Title to the Crown of *France*, yet did they not think it ſafe either for Him or the Kingdom, at that time to inſiſt upon it, not being then in a Condition to make War with *France.* [2.] Whereupon, to ſecure the K's Right as much as poſſible, He appointed as His Procurator one of His Council, who made a Proteſtation on His behalf o this effect, *viz.*

Phil. the new K. of *France* ſummons K. *Edw.* to come and do Him Homage; which the K. is adviſed by His Council to perform.

[2.] Ord. Raynold. contin. Annal. Baron. ad An. 1340.

Yet makes a Proteſtation to ſave His Right to the Crown of *France* notwithſtanding.

'That for any Homage whatever, to be made to the Lord *Philip* 'of *Valois* (then bearing Himſelf as King of *France*) by King *Ed*'*ward* of *England*, for the Dukedom of *Aquitain*, and the Earldom of '*Ponthieu*, He did not, nor would thereby intend to renounce His 'Hereditary Right which He had to the ſaid Realm of *France*, or any way derogate from the ſame; even although thereupon Letters ſhould afterwards be Signed with either of His Seals. And He did further proteſt, that He would not do any Homage to the Lord *Philip* of His own free-will, but as He ſhould do it for the juſt fear He had of loſing the ſaid Dutchy and Earldom; and becauſe He was afraid that unleſs He ſhould do Homage to the ſaid *Philip*, He could not avoid other great Dangers, and irreparable Loſſes; Therefore in Confirmaion of the Premiſes, King *Edward* cauſed His ſaid Procurator to take n Oath, by laying His Hands on the Holy Goſpels, before all thoſe of His Council then preſent.

This Caution being thus taken, [3.] Dr. *Graveſend*, Biſhop of *London*, was ordered to return an Anſwer to the *French* Ambaſſadors, to his effect: 'That the King His Maſter would, in Complyance with the Deſires of the *French* King, go over ſuddenly into *France*, and as to the Homage demanded, He would do His Devoir as He ought. Then the Ambaſſadors being well preſented and careſſed, took their eaves and returned home. And having given their King an Account f their Ambaſſy, He was ſo well ſatisfied with King *Edward*'s Complynce, that He preſently ſent His Envoys to the Kings of *Bohemia* and *Navarre*, inviting them to be preſent at this Ceremony.

[4] *Froiſſ.* ib. cap. 25.

The King of *France* upon the News of K. *Edward*'s granting to come over and do His Homage, invites the Kings of *Bohemia* and *Navarre* to be preſent at it.

Then [4.] King *Edward*, accompanied with the Earls of *Norolk* and *Kent*, His Uncles, and divers others of the Biſhops and chief Nobility of *England*, having left His Brother the Earl of *Cornwal* His Lieutenant, about the latter end of *May* paſſed over into *France*; and oing to *Amiens* in *Picardy*, He was there honourably received by King *Philip*, and the other Kings and Princes, and Peers of *France*; who were to be witneſſes of this Homage and Submiſſion. All things being ow ready for this Ceremony, King *Edward* came on the Sixth of *une* into the Choir of the Cathedral of *Amiens*, to do His Homage, in Robe of Crimſon-Velvet embroider'd with Leopards of Gold, His Crown on His Head, His Sword by His Side, and Golden Spurs on His Heels; where King *Philip* of *Valois* ſat ready to receive Him on His Royal Throne in a Robe of Purple Velvet powder'd with *Flowers e Luces* of Gold, His Crown on His Head, His Scepter in His Hand, ith the other Enſigns of Majeſty. But becauſe Hiſtorians very much iffer about the Manner of the Performance of this Homage, I ſhall rſt relate what the *French* Writers ſay concerning it, and then proceed o the Account which *Froiſſart* and others give of it, different from

[4 Id. ib.

The King goes over to *Ami-* *e* purpoſe.

The Manner of this Ceremony.

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* *Recueil de France*, p. 47.

The *French* Hiſtorians their Relation of it.

theirs. *Du* * *Tillet* tells us, that his Relation of it is taken from certain Antient Records in the Chamber of Accounts in *Paris*, and is as follows:

King *Edward* being come into the Church at *Amiens*, kneeled down before the King of *France*, to do His Homage in the accuſtomed Form; but before this was performed, *Monſieur de Noyers* made a Proteſtation on the behalf of King *Philip*, that He would not receive it for any thing which He or the late King *Charles* held, or ought to hold in *Gaſcoigne*, and *Agenois*. Then the Biſhop of *Lincoln*, for King *Edward*, made a like Proteſtation, That He did not thereby intend to renounce any Right which He had, or ought to have, in the Dutchy of *Guienne* and its Appurtenances. Then the Viſcount *de Melun*, Grand Chamberlain of *France*, read the Form of the Homage out of a Schedule, according to his Office; and when King *Edward* anſwered *Yea*, (as to what was demanded of Him) the Viſcount ſpoke for the King of *France*, and ſaid, that He accepted of the King of *England*'s Homage, ſaving the ſaid Proteſtation made on His Maſter's behalf. This being performed, King *Edward* put His Hands between thoſe of King *Philip*, who then kiſſed Him on the mouth, as Lord of the Feud.

* P. 36.

Froiſſart relates the Homage made by the King not to have been full and abſolute.

The learned * Mr. *Barnes* in his elaborate Hiſtory of this King's Reign, undertakes to give us a more particular Account of this Tranſaction; but ſince I do not find it in any of the Authors he there cites, I ſhall confine my ſelf to what they ſay farther concerning it. *Froiſſart*, in the place c[illegible]our Author, ſays no more, than that it ſeems to him, *that King Edward perform'd this Homage only by word of Mouth, without putting His Hands within thoſe of the King of* France, *or of any other Prince or Prelate deputed by Him*: Nor that King *Edward*, according to the Advice of His Council, would do more, until He return'd into *England*, and had conſulted ſuch Privileges and Charters which might give Him ſome Light thereinto, and ſhew Him how and in what manner He ought to become a Liege-Man to the King of *France*. To which King *Philip* anſwered thus: *Couſin, We will not impoſe any thing upon You; what You have already done, ſufficeth for the preſent: So that upon Your Return, when You have found from the Records of Your Predeceſſors, You perform what They have done on the like Occaſions.* Having thus ſpoke, the Aſſembly broke up, the *French* King not then expreſſing any outward Diſcontent: Yet a little after, revolving in His mind the Affront this young Prince had put upon Him, in refuſing any abſolute Submiſſion, He reſolved to revenge it; and, notwithſtanding His Letters of Safe-Conduct, to ſeize His Perſon.

[5] *H. K.* col. 2555.

The King having intimation of a Deſign to ſeize His Perſon, comes away on the ſudden.

* P. 132, 133.

But [5] *Knyghton* relates, that *Henry Burwaſh* Biſhop of *Lincoln* (a Prelate of a deep Reach) having had ſome Intimation of it, adviſed the King immediately to withdraw; which He preſently did, and ſo left *France*, to the great Surprize of thoſe Princes that were then aſſembled. But notwithſtanding what this Author relates, we do not find any thing in the *French* Hiſtorians, but that this Homage was performed in the accuſtomed manner; as appears by the Inſtrument of it ſtill preſerved in the Chamber of Accounts at *Paris*: A Copy of which you may find in the learned *Monſieur Leibnitz* his *Codex Diplomaticus*, printed at large. But as for the Proteſtation then made by the Biſhop of *Lincoln* on King *Edward*'s behalf, you will find that preſently after, upon the *French* King's not being ſatisfied with it, He was forced further to acknowledge it by His Letters-Patents. But to proceed.

Tho' the *French* King would not come to an open Rupture upon this Action, yet He was reſolved not to deſiſt from preſſing the King to a more particular Acknowledgment as to the Nature of the Homage He was to perform; and therefore preſently diſpatched after Him the two Biſhops of *Chartres* and *Beauvois*, the Lord *Lewis* of *Cleremont*, the Duke of *Bourbon*, the Counts of *Harecourt* and *Tankervil*, as His Ambaſſadors, accompanied with ſeveral Knights and learned Men; who came to demand a further Performance and Satisfaction, concerning the Homage that had been made to the King their Maſter. When K. *Ed's* Council had duly conſidered the Uſage of former Kings of *England*, in their doing Homage for the Dukedom of *Aquitain*, and found that things had been antiently ſo performed, as they were now demanded to be done; tho' moſt of them were offended at the great Arrogance of the King of *France*, and allow'd their Maſter a much better Title to that Crown; yet conſidering how unable *England* was to enter into a War with ſo powerful a Prince, they concluded it to be the wiſeſt Courſe for the King at preſent to ſtifle His Pretenſions, and to give His Brother of *France* all the Satisfaction He required. Wherefore after a great deal of time ſpent in ſearching Records, and arguing *pro* and *con*, (the Ambaſſadors being fain to ſtay in *England* all that Winter) in the beginning of *May* they obtain'd a Poſitive Anſwer; and the King was at laſt prevail'd upon to give the [2.] Letters-Patents under His Great Seal; wherein He not only acknowledged that He owed the King of *France Liege-Homage* for the Territories He held of Him, but alſo promiſed for Himſelf and His Succeſſors, Dukes of *Aquitain*, that the Homage ſhould be made in manner following: The K. of *England*, Duke of *Aquitain*, ſhould hold His Hands between the Hands of the King of *France*; and he that is to ſpeak for the King of *France* ſhall ſay thus: *You become Liege-Man to our Lord the King, here preſent as Duke of* Guienne *and Peer of* France; *and You promiſe to bear to Him Faith and Loyalty:* Say, *Yes.* And then the King of *England*, Duke of *Aquitain* and His Succeſſors, ſhall ſay *Yes.* And then the King of *France* ſhall receive the ſaid King of *England* and Duke of *Guienne* to the ſame Liege-Homage, with Faith and Troth by word of mouth; ſaving His own Right and all other. And the like He was to do for the Earldom of *Ponthieu* and *Monſtrieul.* And He further promiſed to bear unto Him Faith and Loyalty. Then the Letters-Patents conclude in this manner: And thus it ſhall be done and renewed as often as Homage ſhall be done; of which, We and Our Succeſſors, Dukes of *Guienne*, ſhall (after the ſaid Homage performed) deliver our Letters-Patents ſealed with Our Great Seal, if the King of *France* ſhall ſo require. And moreover, We promiſe in good Faith to hold and keep entirely the Peace and Accord, made between the King of *France* and the ſaid King of *England*, Dukes of *Guienne*, &c. Theſe Letters being ſealed with the Great Seal of *England*, were deliver'd to the *French* Ambaſſadors, and upon their Arrival were preſented to the King their Maſter; who order'd them to be laid up in His Chancery. ^ I have been the more particular in relating the manner of this Homage, becauſe it is the laſt that ever was perform'd by any King of *England* to the Crown of

[1.] *Froiſſ.* ib. The *French* K diſpatches Ambaſſadors to K. *Edward* to demand further Satisfaction concerning the late Homage.

The King's Council adviſe Him to comply with theſe Demands; and upon what Account.

[2.] Id. ib. c. 24. *Du Cheſne* l. 14. p. 638. The King grants a Charter to the K. of *France*, acknowledging that His Territories in *France* were held of Him by *Homage-Liege.*

^ and a Copy of the like Letters Patents from King Philip, declaring the sd Homage to be Liege Homage, and the manner how it was to be performed by the Kings of England as Dukes of Guienne for all times coming was transmitted into England, and is extant under the Seal of the Provosty of Paris, bearing Date Sept. 2d 1331. a Copy of which you will find published from the original in R—'s IV Vol. p. 481. 482.

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of *France*; as alſo, becauſe **Dr** *Brady* hath thought fit to leave it out in the laſt Volume of his Hiſtory.

[3.] *John Tinmonth.* Hiſt. Aurea. Chron. *MS.* in Bib. Lamb. *Ad Myremuth.*

A Solemn Torneament held in *Cheapſide*, where the Queen and Her Ladies were in great danger by the fall of a Scaffold.

I muſt not here forget, that whilſt the *French* Ambaſſadors ſtay'd in *England*, the King to ſhew them the Proweſs of the *Engliſh* Nation, entertain'd [3.]them with a Solemn Tournaement of Thirteen Knights on a ſide, which was perform'd in *Cheapſide*, between the Croſs and *Soper lane*, now *Queen ſtreet*, the Street being well cover'd with Sand, to keep their Horſes from ſlipping; acroſs the Street at the upper end, was erected a ſpacious Scaffold, made like a Tower, whereon the Queen and all the Chief Ladies of the Court ſat to behold the Performance; about the midſt of which happen'd an unlucky Accident that had like to have prov'd fatal to them all, for the Scaffold breaking under them, it put the Queen and Ladies into a very great Fright, but as it pleas'd God, they receiv'd no other Hurt. The King thereupon ſwore He would ſeverely puniſh the deceitful Workmen, but being ſoften'd by the Queen's Interceſſion for them on Her Knees, She at laſt, (tho with ſome difficulty) obtained their Pardon of Him.

[4.] Id Ib. The ABp declares all thoſe excommunicated who had any hand in the Death of the Bp. of *Exeter*.

As for Church Affairs, I find nothing worth obſerving, [4.] but that the Archbiſhop of ***Canterbury*** this Year held a General Synod of the *Clergy* of his Province at ***London***, wherein he declared all thoſe *excommunicated* that had any hand in the Murther of ***Walter Stapleton***, late Biſhop of ***Exeter***, altho he had been already attainted by Act of Parliament. Nothing elſe cor[illegible]erable was done, but that the Feaſt of the Nativity of our Bleſſed [illegible]in, and ſome other Holy-days were ordered to be better obſerved.

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[5.] *T. W.*

* Rot. Clauſ. 4 *Ed.* 3. m. 41. Dorſ.

The Condemnation of the Earl of *Kent* in Parliament, and on what Occaſion.

[1.] Ib. cap. 23.

This Year begins wit[illegible] Unfortunate Death of ***Edmund*** Earl of *Kent*, the King's Uncle, [[illegible]ho was now ſeized and accuſed of High Treaſon, in the Parliament that was * ſummoned to meet at ***Weſtminſter*** on the *Sunday* before the Feaſt of St. *Gregory* (or the 13*th* of *March*), and on the next day the ſaid Earl was by Judgment of his Peers in Parliament condemned to die; but the Hiſtorians of that time differ in the Crime whereof he was accuſed: ***Froiſſ.***relates, [1.] That being Heir Apparent to the Crown, he was accuſed of conſpiring the Death of the King, his Nephew, by Poiſon; but this is altogether improbable, ſince this Earl had then an Elder Brother, ***viz. Thomas*** Brother to the Earl of *Norfolk*; and the Lord *John* of ***Eltham***, the King's Brother, was alſo then alive, tho ***Froiſſard*** by a Miſtake ſuppoſes him to have been dead: I therefore rather agree with the major part of our ***Engliſh*** Hiſtorians,

[2.] *T. W. H. K.* Col. 1255.

He is made believe by *Mortimer* and his Crearures, that the late King is ſtill alive.

who relate, [2.] That he was found guilty, and condemned, for endeavouring to ſet the late King *Edward* his Brother (whom he ſuppoſed to be ſtill alive, and in Priſon) at liberty; and that this may not ſeem ſtrange, tho He had been dead above two Years, the Reader may obſerve, that the Lord *Mortimer*, either by himſelf, or others, made the ſaid Earl believe, that the late King was ſtill alive, notwithſtanding the Reports of His Death and Burial, and that He ſtill was ſhut up in *Corfe* Caſtle, tho not ſuffered to be ſeen by any but thoſe who were intruſted with this Secret: Whereupon the Earl, deceived by a Fryar whom he had intruſted to look into this Matter, believing that His Brother was ſtill alive, entred into a Plot for His delivery; as appears by an Inquiſition taken before *Robert Howel*, the Coroner of the King's Houſhold, and which was alſo confeſſed by the ſaid Earl before the Peers in Parliament, That he had been enjoined by the *Pope* to do his endea-

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our to deliver his ſaid Brother out of Priſon; and he alſo confeſſed the rch-Biſhop of *Tork* to have been privy to the Deſign, and to have romiſed to furniſh him with Five hundred Men to put it in execution; nd that Sir *Robert de Landeun* was ſent by the ſaid Arch-Biſhop about his Affair; and that Sir *Robert* alſo affirmed, he had Five thouſand Ien more ready to riſe for the ſame purpoſe: The Earl alſo farther acuſed divers others both of the *Clergy* and *Laity*, and among the reſt he Biſhop of *London*, to have been privy and aſſiſting to the ſame Degn; and there were likewiſe ſome Letters of the Earl's directed to the teKing his Brother, beſides his own Confeſſion, produced to the ſame ffect. [3.] Upon all which, he was not only found guilty, and conemned for Treaſon, and his Heirs to be diſinherited; but was alſo exeuted the day following, by a Precept directed to the Bailiffs of the City f *Wincheſter*, who could find none to perform that ungrateful Office, ough the Earl ſtood ready for Execution from Morning until Evening: o dear and well beloved he was by the Common People. At laſt a Vicked Wretch out of the *Marſhalſea*, to ſave His own Life, ſevered is Head from his Body, on the Nineteenth of *March*, * which was rivately buried in the Church of the *Fryar-Preachers* of that ity.

He confeſſe he had been enjoin'd by the Pope to endeavour the delivery of his Brother out of Priſon.

[3.] Id. ib. He is found guilty, and executed at *Wincheſter*.

* *Dug. Baron.* Vol. I. p. 147.

So that *Du Cheſne* the *French* Hiſtorian is miſtaken, who relates, hat he was drawn, hang'd, and quarter'd and his Quarters ſet upon e Gates of four of the Chief Cities of *England*, and his Head upon *ondon-Bridge*.

But the Year after, † the Lord *Edmund*, Son and Heir to this Earl, etition'd the King in the next Parliament, held in the Fourth Year of is Reign, That the Judgment given againſt his ſaid Father, might r the Errors therein be reverſed; and he and the Lady *Margaret* his other, in their ſeveral Petitions ſet forth, 'That his ſaid Father, her Husband, was falſly by *Roger Mortimer*, Sir *John Matravers*, and other is Accomplices, made to believe that King *Edward* was alive, after He was murther'd, with deſign to deceive him into a pretended Contrivance to releaſe Him out of Priſon, for which he loſt his Life and ſtate at the laſt Parliament at *Wincheſter*, as *Mortimer* had alſo confeſſed to the People at his Death, and that he died wrongfully. Whereupon *Edmund* his Son was reſtored to the Honour and Lands of his Faer, and the Counteſs to her Dowry.

† Rot. Parl. 4 *Ed* 3. m. 11, 12. Dorſ.

His *Attainder* is not long after reverſed in Parliament, and for what cauſe.

But leſt the Reader may wonder how one ſo nearly related to the ing ſhould thus loſe his Life and Fortune, for a Plot that was impoſſie to be executed, you are to take notice, that this was brought about by e Contrivance and Power of the Queen Mother, and the Lord *Mortier*, Her Favourite, who hated and fear'd the Earl, that ſo openly oppos'd eir Evil Deſigns, and therefore they rais'd this Falſe Report on purpoſe to draw in the Credulous Earl and others into this Fooliſh Plot; nd alſo when he was condemned, *Mortimer* never left urging the ueen to have him ſpeedily executed without the King's knowledge. his Earl, though in himſelf a Prince of great Lenity and Good Nature, as the leſs lamented, because his Servants were very oppreſſive the Common People, and many great Diſorders were committed his Family; for certainly 'tis not enough for a Man of High Quali y to do well himſelf, but he ought to take care that thoſe who are uner him do ſo likewiſe, ſince he is liable to cenſure for their Miſcarriages,

The Reaſon of the late Earl's ſudden Execution.

[4.] *T. W.* Hypod Neuſt.

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ges, which he might either prevent or puniſh if he pleaſed. His Death was alſo looked upon by ſome as a Juſt Judgment upon him for his joining with the Queen and *Mortimer* againſt the late King his Brother, by which means He was depos'd and now ſuffered himſelf, for endeavouring to deliver him when it was too late.

[5.] *T. W.* The ABp. of *York* and Bp. of *London*, with ſeveral Laymen accuſed of the ſame Crime, are acquitted, but others are condemned to perpetual Impriſonment.

I ſhall ſay no more concerning this Unfortunate Buſineſs, [5.] bu that the Archbiſhop of *York*, the Biſhop of *London*, and the Abbot o *Langdon*, with ſome other Perſons of Quality, all accuſed for the ſam Crime, were acquitted; and though the Eſtates of the Lay-men (ſuppoſed to be concern'd) were for a time ſeized into the King's hands, ye were they not long after reſtor'd; however the Earl of *Lincoln*, with ſom others, were apprehended about this Matter; but ſince nothing coul be made out againſt them, they were ſoon diſcharged; ſo that excep the Earl of *Kent*, none loſt their Lives for this fooliſh and impoſſibl Deſign, but divers did their Liberties: For Sir *Robert de Taunton*, wit ſome Preaching and *Carmelite* Fryars concerned in the ſame Plot, wer condemned to perpetual Impriſonment; but the *Provincials* of bot thoſe *Orders* were baniſhed the Kingdom for ever.

[1.] Buchan. l. 8. The Deceaſe of *Robert Bruce* K. of *Scots*. *Chron. de Lan.

As for Foreign Affairs, about [1.] the beginning of *July* this Year a little before the Marriage of His Son *David*, *Robert Bruce*, King o *Scotland*, having been long troubled with the *Leproſy*, deceaſed, after H had reigned four and twenty Years, notwithſtanding all that the Thre *Edwards*, ſucceſſively King's of *England*, could do againſt Him: He wa certainly a Prince of great Prudence and Courage, yet He is noted b our *Hiſtorians*, as one of no great Fidelity in keeping Oaths, Leagues or Treaties of Peace, further than they ſtood with His Intereſt.

[2.] Chron. de Lan.

Not long after the Death of this Prince, [2.] the King ſent the Ea of *Arundel*, then Warden of the *Marches*, into *Scotland* with ſufficien Forces, but he was attacqued by Sir *James Douglas* at a Place called *Imtel* in the Foreſt of *Tedworth*, where Sir *Thomas de Richmond* one of th Earl's Chief Officers being ſlain, he was forced to retreat into *Engla* with the loſs of many of his Men.

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[3.] *Pol. Vergil. Stow.* The K. goes over privately into *France* to viſit ſome *Holy Places*.

In [3.] *Eaſter Week* this Year, King *Edward*, to perform ſome Vo He had made, ^ reſolved to viſit ſome *Holy Places* in *France*, wherefo leaving His Brother the Earl of *Cornwal*, His Lieutenant during His a ſence, He on *Thurſday*, in the ſaid *Eaſter Week*, paſſed over privately i to *France*, accompanied by *John Stratford* Biſhop of *Wincheſter*, a the Lord *William Montacute*, afterwards Earl of *Salisbury*, being a diſguiſed like Tradeſmen or Merchants, the whole number of their R tinue not exceeding a dozen perſons.

× In Time of some late Danger not particularly mentioned, as appears by the Letters Patents [A.D. 1330. Rot. Pat. 4 Ed. 3. p. 1. m. 1. vid. Ks Coll. 11. vol. p. 480.] or Commission whereby the Earl of Cornwall was appointed Guardian or Lieutenant of the Kingdom, whilst the King should stay beyond Sea.

[4.] *Du Tillet. RecueilTraictez. &c.* p. 47. The *French* Hiſtorians give a different Relation of this Voyage. A Final Peace made with *France*, and the *Articles* of it.

But the [4.] *French Hiſtorians* give us another Account why t King went then over into *France*, *viz.* To appeaſe the War that w then begun in *Guienne*, upon His ſo long delaying to ſend over the D claration of His *Homage* within the time prefixt, and to anſwer t Contravention of the former Treaty in divers Particulars at firſt req red of Him: ſo that King *Philip* having cauſed Him again to be ſu moned, upon His not appearing, He had now ſent His Brother *Charl* Earl of *Alenſon* to lay ſiege to the Town of *Xaintes*, which King *Edwa* underſtanding, to put a ſtop to this War, began a new Treaty of Peac for the perfecting whereof, He had ſome time before ſent His *Amba* *dors* into *France*, with whom the following *Agreement* was made on t Ninth of *March* this Year, being to this effect.

1. That [5.] King *Philip* ſhould grant a full Repeal of Baniſhment to the Principal Authors of the late Diſturbance in *Guienne*, named in the Treaty of the Year 1326, according to the Promiſe made by His Predeceſſor *Charles* the *Fair*.

[5] Id. ib. p. 47. *Du Cheſne's* Hiſt. *d' Argl.*

2. That the Treaties preceding, which import, that thoſe who were baniſhed by the King of *France* or His *Court*, ſhould not be received nor conceal'd in *Guienne*, ſhould be kept inviolably. So that even without the Approbation of King *Edward*, the Seneſchals of *France* ſhould have power notwithſtanding to puniſh His Officers and Miniſters for Faults committed in their Precincts, as by Right of Sovereignty they ought; and the King of *France* doth eſpecially grant, that all the Liberties, of which the ſaid Seneſchals have been in Poſſeſſion before this Treaty, ſhould be conſerved unto them accordingly.

3. That as to the Sums of Sixty Thouſand Pounds of the one Part, and of Fifty Thouſand Marks *Sterling* on the other, which King *Edward* owed unto King *Philip*; Reaſon ſhould be done by Payment or Compenſation.

4. The Fourth is concerning the Quality, and Form of Homage for *Guienne* and *Ponthieu*, &c. which ſhould be renewed on every Succeſſion.

5. The Fifth is concerning the demoliſhing of the Caſtle of St. *Croix*, &c. according to the Form preſcribed; and that the other Points of the Form of Treaties remaining ſtill to be perfected, ſhould be reſpectively accompliſhed.

6. That the Siege of the Town of *Xainctes* ſhould be raiſed, ſo ſoon as King *Edward* ſhould have ratified the preſent Accord, &c. This Treaty was followed with another made at *Bois de Vincennes* the Thirtieth day of *May* following; and thereby it was further agreed, That the Profits of the Land of *Guienne*, which for Default of Homage were ſeized by the late King *Charles*, and converted to His uſe, ſhould be ſequeſtred in the Hands of two Commiſſioners, deputed on the behalf of either of the Kings, till all their Differences and Proceedings ſince the Truce, in the Year 1324, ſhould be amicably decided.

To conclude, King [1.] *Edward* having by His Ambaſſadors made that Declaration of His Homage already mentioned, went over in Perſon into *France*, under pretence of a Pilgrimage; and thereby put a Stop to the War already begun, by making a Viſit *incognito* to the King of *France*. [2.] In conſideration of which, King *Philip*, at His requeſt, remitted to Him the demoliſhing the Caſtle of St. *Croix*, and others mentioned in the late Articles; but the Town and Caſtle of *Xainctes* were not reſtor'd until the Year following; and the reſt of the Towns and Caſtles in thoſe Parts, which had been taken from the King's Father, were never reſtored, but remain'd all along under Sequeſtration; which was the Occaſion of a freſh Quarrel between theſe Princes, as you will find hereafter. The King having thus concluded His Affairs in *France*, as well as He could at that time, return'd into *England*; × and immediately after held a great Tournament at *Dartford* in *Kent*, thereby to exerciſe His Nobles in Feats of Arms.

[1.] *Du Cheſne* ib.

King *Edward* goes over privately to confirm theſe Articles.

[2] ib. *Du Tillet*

Whereupon K. *Philip* reſtores ſeveral Places, and demoliſhes others.

× [illegible] April [illegible] Day [illegible] a great deal of [illegible]

Some time after this, [3.] on the Fifteenth of *June*, Queen *Philippa* brought forth Her Firſt-born Son at *Woodſtock* near *Oxford*, who was baptized by His Father's Name, and afterwards obtain'd the Appellation

[3.] *John Tinmouth* Hiſt. Aur. T. W. *ſub An* 1329. *ſed falſo*

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Vid. H. K. *Col.* 2558.

Prince *Edward* born; the reaſon why He is called the Black Prince.

pellation of the *Black* Prince; being ſo called not from His Complexion, for that was very Fair, but from His Terrible Actions; which made His Enemies the *French* give Him this Sirname, that hath ſince ſo generally obtain'd among the Hiſtorians of thoſe Times.

The K. reſolves to take the Government into His own Hands.

[4] *H. K* Col. 2552.

C. W.

The Exorbitant Power of the Queen and the Lord *Mortimer.*

The King being now Eighteen Years of Age, and ſtrengthen'd by a Son, was reſolv'd to take the Government of the Kingdom into His own Hands; but the Exorbitant Power of the Earl of *Marche* ſtanding in his way, He was in the firſt place to be removed, before the King could become Maſter of Himſelf or His Affairs. For indeed ever ſince His Acceſſion to the Crown, He [4] had no more than Title of King, his Mother and the Lord *Mortimer* diſpoſing of the Treaſure of the Kingdom, and beſtowing all Places of Truſt juſt as they thought fit; not conſulting Him: So that this was a very difficult Matter to be brought about. For *Mortimer* had not only got a vaſt Eſtate by Inheritance, and made a large Addition to it by the Attainder of the late Earl of *Kent*; but he had ſo ſtrengthened himſelf by a great Multitude of Alliances and Dependents, that his Retinue exceeded that of the King's, towards Whom he carried himſelf more like a Superior than His Subject; which ſo far incenſed the young Prince, that he only watched for an Opportunity to ſurprize him; which, not long after, thus offer'd it ſelf.

* Rot. Clauſ. 4 *Ed.* 3. m 23. Dors.

A great Council held at *Nottingham*; where the K. reſolves to ſeize the Lord *Mortimer*; with the manner of it.

[5] *Stow ad hunc Ann.*

A * great Council of Lords being aſſembled at *Nottingham*, Fifteen days after *Michaelmaſs*, the Lord *Roger Mortimer* appeared there with ſo ſtrong a Guard, and was likewiſe ſo protected by the Queen-Mother, that it ſeemed almoſt impoſſible to ſeize him: [5] For She had aſſigned him Lodgings in the Caſtle, of which She Her Self every Night kept the Keys; neither the King Her Son, nor any of the Princes of the Blood being allowed to lodge in it. Whereby he became ſo odious to all Sorts of Men, that he was looked upon as the Debaucher of the Queen, the Murtherer of the late King, and the Deſigner of the Ruin of this. All which being repreſented to Him by the Lord *Montacute*, and ſome others of His Faithful Servants, He immediately thereupon gave that Lord a Command to take to his Aſſiſtance ſome bold and reſolute Perſons, and to ſeize *Mortimer* where ever they could handſomely light upon him. The Perſons therefore he choſe for this purpoſe, were Sir *John*, Sir *Edward*, and Sir *William Bohun*, all three younger Brothers to *John* Earl of *Hereford* and *Eſſex*, High Conſtable of *England*; the middlemoſt of them being then Vice-Conſtable of *Nottingham* Caſtle. Beſides theſe, there were engaged in it *John* Lord *Molins*, Sir *Robert Ufford*, and Sir *John Nevil*. But without the Aſſiſtance of Sir *William Eland*, the Conſtable of the Caſtle, no Admittance could be had into it; who being ſounded by the King's Order, he ſeemed willing to conſent to any thing that might be for His Service: But as for the Keys of the Caſtle, he ſaid, they were not in his Power, being every Night carried to the Queen, who laid them under Her Pillow until the Morning. But to make ſome amends for this, he diſcovered to them a certain ſubterraneous Vault or Paſſage, without the Weſt-ſide of the Caſtle, which led up to the *Keep* or Chief Tower of it. Upon which intelligence, one Friday-night being the Nineteenth of *October*, the King, with a ſelect Number of truſty Followers, (of whom the Conſtable and the Perſons above-mentioned were the Chief) [1.] enter'd the Caſtle by this Paſſage; (which is ſhewn

The K enters the Caſtle by a Subterraneous Paſſage, where he apprehends *Mortimer* and his Adherents.

[1.] *H. K.* Col. 2556.

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ſhewn at this day by the Name of *Mortimer*'s Hole) where, after ſome Reſiſtance, Sir *William Eland* ſeized the Earl of *Marche*, who was then in a Room adjoining to the Queen's, diſcourſing with *Henry* Biſhop of *Lincoln*; (and not in Her Chamber, going to Bed, as ſome Modern Authors falſly relate.) But the Lord *Montacute* finding ſome Reſiſtance from his Attendants before it could be executed, ſlew Sir *Hugh Turplington*, Steward of the King's Houſhold, and Sir *John Monmouth*, who were Creatures of *Mortimer*. On the King's Party, Sir *John Nevil* was wounded, but not (as ſome ſay) ſlain; for it will by and by appear, that he was after this alive. × For there is still extant on the Patent Rolls of this year a Grant to this Person of an Annuity of 200 marks pr. Ann: [Pat. 5. Ed. 3. p. 1. m. 6. vid. Rym. IV. vol. p. 487] in several manors to be held by him and his Heirs males till the sd. 200 marks sh. be otherwise settled

Stow ad hunc Ann.

The Queen is much concern'd at his Apprehenſion, and intercedes for him, but in vain.

The Queen-Mother being then in Bed, heard the Noiſe of this Rencounter, and ſuppoſing what the Matter was, preſently got up; and finding the King there, thus addreſſed Her Self to Him in *French*: *Bel Fitz, Bel Fitz, ayes pitie du Gentile Mortimer* But, it ſeems, He took no notice of Her Intreaties, for he was hurried away, and brought before the King; who immediately commanded him to be put into Safe Cuſtody in the Caſtle. Whereupon all the Keys were forthwith ſecured, that ſo none might go out to diſcover what was done, till the reſt of *Mortimer*'s Abettors were taken. So the next Morning, by the King's ſpecial Command, two of his Sons, Sir *Edmund* and Sir *Geoffrey*, were ſeized in the Town, together with Sir *Oliver Byngham*, Sir *Simon Bereford*, and Sir *John Daveril* Conſtable of *Corfe*-Caſtle, who had been an Evidence againſt *Edmund* late Earl of *Kent*, and given him falſe Information, that the late King his Brother was ſtill alive. The ſame day *Mortimer*, with the reſt taken upon his Account, were conveyed with a ſtrong Guard towards *London*, to the great Satisfaction of all the Spectators; And being brought thither, were committed cloſe Priſoners to the Tower; and ſo this Council was thereupon diſſolved.

His Abettors are alſo apprehended together with two of His Sons.

In the mean while the King being come to *Leiceſter*, and finding it neceſſary to call a Parliament for the Tryal of the Lord *Mortimer*, iſſued out from thence His * Writs of Summons, to this effect: *That from His taking upon Him the Government of the Kingdom to that time, the Buſineſs that concerned Himſelf and the State of the* Nation *had been managed to His Damage and Diſgrace, and the Impoveriſhing of His People: Wherefore His Conſcience urging Him, and not being able any longer to endure it, but deſiring with His whole Heart to Reform the State and Government of the Kingdom, according to Right and Reaſon, to the Honour of* God, *the Peace and Tranquillity of Holy-Church, and the whole People of the Kingdom; by Aſſent of the Prelates and Great Men aſſiſting Him, He called this Parliament,* &c. *Then Apologizing for His having ſhort'ned the Day of Summons, He ſaid, That it was from the fervent Deſire He had, that the Buſineſs concerning the State of the Kingdom might be happily ordered and diſpatched.* This Writ being of an Unuſual Form, I have here given you at large; and thoſe that deſire to ſee it in the *Latin* Original, may either conſult the Roll, or elſe read the Tranſcript of it in Dr. *Brady*'s * Appendix to the laſt Volume of his Hiſtory.

The K. ſummons a Parliament for the Trial of *Mortimer*, with the Form of the Writ.

* Rot. Clauſ. 4 Ed 3. m. 19. Dors.

* N. 82.

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The *Articles* exhibited in Parliament againſt the Lord *Mortimer*.

The *Parliament* being aſſembled at *Weſtminſter* according to the Summons, the firſt thing we find done in it, was, the exhibiting the following *Articles* againſt the Lord *Mortimer*, which I ſhall here give you, tranſlated from the *French* Original in the *Tower*; the Title runs thus;

Theſe are the Treaſons, Felonies and Miſchiefs done to Our Lord the King, and His People, by Roger Mortimer, *and Others of his Company.*

*Rot. 1. Parl. 4 d. 3. n. 1. printed in Dr *B's Append.* in *French*, n. 83.

*FIrſt, Whereas in the *Parliament* holden at *Weſtminſter* next after the King's Coronation, it was ordained, That four Biſhops, four Earls, and ſix Barons ſhould remain with the King to adviſe Him, and that four ſhould ſtill be with Him, *viz.* One Bp. one Earl, and two Barons at leaſt, and that no great Buſineſs ſhould be done without their Aſſent; after which Parliament the ſaid *Roger* not having regard to the ſaid Aſſent, uſurped to himſelf Royal Power, and the Government of the Realm, above the State of the King, and put out and placed Officers in the King's Houſe, and other where throughout the Kingdom, at his pleaſure, ſuch as were of his Party, and ſet *John Wyward* and Others about the King, to obſerve His Actions and Words; ſo as He was encompaſſed by His Enemies, that He could do nothing as He would, but only as a Man under Guard or Reſtraint.

2. Alſo, whereas the King's Father was at *Kenelworth*, by order and aſſent of the Peers of the Land, to ſtay there for His eaſe, and to be ſerved as ſuch a great Perſon ought to be; the ſaid *Roger* by his Uſurped Power, which he exerciſed over Him at his pleaſure, order'd that He ſhould be ſent to *Berkley*-Caſtle, where, by him and his Confederates, He was Traiterouſly, Feloniouſly, and falſly murthered and kill'd.

3. Alſo the ſaid *Roger* by his Uſurped Royal Power, forbad by the King's Writ under the Great Seal, That any ſhould come to the Parliament at *Salisbury* with Force and Arms, under pain of forfeiting whatever they had to the King; yet thither he came with others of his Party with Force and Arms to the ſaid Parliament, contrary to the Prohibition aforeſaid; wherefore divers *Peers* of the Land, as the *Earl* of *Lancaſter* and Others, knowing the manner of his coming, would not be there: And whereas the *Prelates* were aſſembled in one Houſe, to conſult about the Buſineſs of the King and Realm, the ſaid *Roger* broke open the Doors of the ſaid Houſe with Armed Men, upon the *Prelates*, and threatned them with Life and Member, if any of them ſhould be ſo hardy as to ſpeak or do any thing contrary to his Pleaſure in any Point. And in the ſame *Parliament* by the ſaid *Vſurped Power*, he cauſed the King to make him Earl of *Marche*, and to give him and his Heirs ſeveral Lands in Diſheriſon of the Crown; and afterwards the ſaid *Roger*, and thoſe of his Party, led the King armed againſt the Earl of *Lancaſter*, and other *Peers* of the Land, as far as *Wincheſter*, when they were coming to the *Parliament* at *Salisbury*, ſo that the Earl, and other *Peers*, to avoid the Evils that might have happen'd, out of regard to the King, departed and went toward their own Countries, grieving that

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they could not ſpeak with, or adviſe their Liege Lord as they ought to do.

4 Alſo the ſaid *Roger*, by the ſaid *Vſurped Power*, cauſed the King to march forcibly againſt the ſaid Earl, and other *Peers* of the Land, who were appointed to be with the King, to adviſe Him; and ſo proſecuted them with Force, that the ſaid Earl and ſome others of his Company, that wiſhed well to the Kingdom, ſubmitted to the *King*'s Grace, ſaving to them Life and Member, and that they might not be diſinherited, nor have too great a Fine ſet upon them; yet He cauſed them to be fined ſo grievouſly, that half their Lands, if ſold outright, would only pay it; and Others He cauſed to be driven out of the Nation, and their Lands to be ſeized, againſt the Form of the Great Charter, and Law of the Land.

5. Alſo, whereas the ſaid *Roger* knew well the *King*'s Father was dead and bury'd, he by others of his *Party* in deceivable manner, inform'd the Earl of *Kent*, that He was alive; wherefore the Earl being deſirous to know whether it was ſo or not, uſed all the good ways he could to diſcover the truth, and ſo long, till the ſaid *Roger* by his Uſurped *Royal Power*, cauſed him to be apprehended in the *Parliament* holden at *Weſtminſter*, and ſo perſued him, as in that *Parliament* he procured His Death.

6. Alſo the ſaid *Roger*, by his Uſurped *Royal Power*, cauſed the *King* to give to him and his Children, and Confederates, Caſtles, Towns, Mannors and Franchiſes in *England*, *Ireland*, and *Wales*, in decreaſe of the Revenues of the Crown.

7. Alſo the ſaid *Roger* in deceivable manner cauſed the *Knights* of Shires, at the *Parliament* at *Wincheſter*, to grant to the *King* one Man at Arms out of every Town of *England*, that anſwered in the Court of the *Eyre* by four Men, and the *Provoſt*, (*i. e.* the Rieve or Bailiff of the Lord of the Mannor) to ſerve at their own Coſt, for a Year in His War in *Gaſcoigne*; which Charge he contrived for the Advantage of himſelf and Party, in deſtruction of the People.

8. Alſo the ſaid *Roger*, by his ſaid Uſurped Power, cauſed Summons to be ſent to many great *Knights* and Others, that they ſhould come to the *King* where ever He was; and when they came, he cauſed them to be charged to prepare themſelves to go into *Gaſcoigne*, or fine at his pleaſure; which Fines were for the benefit of him and his Party.

9. Alſo the ſaid *Roger* falſly and maliciouſly made Diſcord between the *King*'s Father and His *Queen*; and poſſeſſed Her, that if She went to Him, She ſhould certainly be killed with a Dagger, or otherwiſe murthered; and by this way, and his other Subtleties, he ſo ordered it, that She would not come at Her Liege Lord and King, to the great diſhonour of Her Son and Self, and great damage of the whole Realm, perchance in time to come, which God forbid.

10. Alſo the ſaid *Roger* by his ſaid Uſurped *Royal Power*, had cauſed to be taken for him and his Party, the King's Treaſure, as much as he pleaſed, without tale, in Money and Jewels, in deſtruction of the King, ſo that He had not wherewithall to pay for His Victuals.

11. Alſo the ſaid *Roger*, by the ſaid *Vſurped Power*, cauſed to be ſhared between him and his Confederates the Twenty thouſand Marks which

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came out of *Scotland*, for the *Articles* of Peace, without any thing received by the King.

12. Alſo the ſaid *Roger*, by his above-mentioned *Royal Power*, received the *King*'s Duties, and Purveyance through the Kingdom, as if he had been *King*; and he and his Party had with them double the Company of Men and Horſe that were with the King, in deſtruction of the People, not paying for their Quarters any more than they themſelves pleaſed.

13. Alſo the ſaid *Roger*, by his ſaid *Royal Power*, cauſed the *King* to grant to the mounting of Two hundred *Iriſh* Chivalers, or Horſe, being of thoſe that killed the Great Men of *Ireland* and Others, who were in the *King*'s Faith; whereas the *King* ought immediately to have revenged their Deaths, rather than pardoned them, contrary to the Statute and Aſſent of *Parliament*.

14. Alſo the ſaid *Roger* contrived to have deſtroy'd the King's ſecret Friends, in whom he had moſt confidence; and he ſurmiſed to the King, in the preſence of the Queen His Mother, the Biſhops of *Lincoln* and *Salisbury*, and Others of His Council, that His ſaid ſecret Friends had excited Him to combine with his (the ſaid *Roger*'s) Enemies beyond Sea, in deſtruction of the Queen His Mother, and of him the ſaid *Roger*; and this he affirmed ſo impudently to the *King*, that He could not be believed againſt what he had ſaid; and for theſe things, and many others, not as yet fit to be declared, he had been apprehended: Wherefore the *King* charged the *Earls* and *Barons*, the *Peers* of the Land, as theſe things concern'd Himſelf, themſelves, and all the People of the Realm, to do Right and true Judgment upon him for the Crimes above written, as being notorious and known to be true, to themſelves, and all the People of the Kingdom.

Theſe *Articles*, tho ſomewhat long, I have here ſet down at large, becauſe they give greater light to divers Tranſactions in the three firſt Years of this King's Reign, than is to be had any where elſe.

The Earls and Barons give Judgment againſt *Mortimer*, that he ſhould be hanged, *&c.*

Then the *Earls*, *Barons*, and *Peers*, having examin'd theſe *Articles*, came into *Parliament* before the King, and they all delivered their Opinion, by one of their Body, That all things contained in the ſaid *Articles* were notorious, and known to themſelves, and all the People; wherefore they, as Judges in *Parliament*, by aſſent of the King, did award and Judge the ſaid *Roger* as a Traytor and Enemy to the King and Kingdom, to be drawn and hang'd, and commanded the Earl Marſhal to execute the Judgment, and the Mayor, Aldermen, and Sheriffs of *London*, with the Conſtable of the *Tower*, and thoſe who had the guard of him, to be aiding and aſſiſting with the Earl Marſhal at the Execution; which was performed accordingly on the Nine and twentieth of *November*, at a place then called the *Elms*, and now *Tyburn*: His Body, after it had hung two Days, and two Nights, was granted to the Fryar-Minors, who buried it in their Church, now called *Chriſt-Church*.

He is executed at *Tyburn*.

His Character.

This was the end of this Ambitious and Cruel Man, who made uſe of the Power and Favour of his Prince, (as too many Favourites too often do) to the enriching of himſelf, and the deſtruction of all thoſe that oppoſed him. The Reader may from hence obſerve, that as he had cauſed others to be condemned, without making any Defence, ſo was he likewiſe ſerved himſelf; or, as my Author remarks, ſuch was the violence of the Factions in thoſe times, that all thoſe Noblemen that had ſuffered death, were condemned without ever being heard, and conſequently without any Legal Conviction; and it was for this Reaſon, that in this King's Reign, four and twenty Years after, this Judgment was reverſed in another *Parliament*, as erroneous, as appears by the * *Parliament Roll.* But to return to the reſt of the Acts.

* Rot. Parl. 28 *Ed* 3. n 9, 10, 11, 12.

The † King in this *Parliament* charged the *Earls*, *Barons* and *Peers* to give right and true Judgment againſt *Simon de Bereford*, Knt., who had been aiding and adviſing with *Roger Mortimer* in all the *Treaſons*, *Felonies*, &c. for which he was afterwards adjudged to die, as was notoriouſly known to the ſaid *Peers*; whereupon they came before the King in *Parliament*, and ſaid all with one Voice, *That the ſaid* Simon *was not their Peer, and therefore they were not bound to judge him as a Peer of the Land:* But ſince it was a thing ſo notorious and known to all, that he was adviſing, aiding and aſſiſting the ſaid *Roger* in all the Felonies, Treaſons and Villanies aforeſaid, which were to the Uſurpation of *Royal Power*, the Murther of their *Liege Lord*, and deſtruction of the *Royal Blood*, and that he was guilty of divers other Felonies and Robberies, and principal maintainer of Robbers and Felonies; they as Peers and Judges of *Parliament*, by aſſent of the King, do award and adjudge him, as a Traytor and Enemy to the King and Realm, to be drawn and hang'd; and the Earl Marſhal was commanded to do Execution; which was done accordingly on *Munday* next after the Feaſt of St. *Thomas* the *Apoſtle*.

† Rot. Parl. 4 *Ed* 3. n 2.

Sir *Simon de Bereford* being alſo impeached, the Lords at firſt refuſe to try him, and why.

Yet he is condemned to be hanged, and he is executed accordingly.

But it appears by the ſame Parliament-Roll, that it was then alſo declared, That tho the Lords and Peers in Parliament had for this time in the King's preſence, proceeded as Judges to give Judgment upon thoſe that were no Peers; yet hereafter this ſhould be no Precedent to draw them to give Judgment on any other but their Peers, in caſe of Treaſon or Felony.

Yet declare that this ſhould not be drawn into a Precedent.

Then the Peers proceeded and paſſed Judgment upon the principal Actors in the Murther of the late King *Edward*, and the Death of *Edmund* Earl of *Kent*; and for the latter of theſe * Sir *John Maltrevers* being found guilty in making him falſly to believe, that the ſaid King was alive, the ſaid *John* was ſentenced to be drawn, hanged and beheaded as a Traytor, when and where ever he ſhould be found; and the Peers prayed the King to iſſue forth His Proclamation, That any one who could take him alive, and bring him to the King, ſhould have a thouſand Marks; and if he could not be taken alive, he that ſhould bring his Head, ſhould have Five hundred Pound of the King's Gift.

* Ib. n 3.

The *Peers* give Judgment on the Murtherers of the late K. *Edward*; as alſo on thoſe who had a hand in the Death of the Earl of *Kent*; Sir *John Maltravers* being found guilty of this, is condemned (tho' abſent) to be hanged, &c.

But it ſeems ſtrange, that this Man who is reported by all our Hiſtorians, to be as much concerned as any in the Murther of King *Edward*, ſhould not be now condemned for that, but another leſs Crime; which makes me ſuppoſe, that there was not ſuch ſufficient proof made out againſt him of that Murther, as there was of the other: But notwithſtanding this Price which was put upon his Head, it is certain [1.] he was never taken, but lived a baniſhed Man in *Germany*, at the time when my Author wrote his Chronicle.

But he died in Baniſhment.

[1] *Ad. de* Myrimeuth, *ad hunc Ann*

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* Ib. n. 4. The like Judgment given againſt others guilty of the ſame Crime.

Further * the ſame Judgment was given againſt *Bogo de Bayons*, and *John Daveril*, for the ſame cauſe, and he that could take *Bogo* alive, and bring him to the King, ſhould have a hundred pounds; or if he brought his Head, he ſhould have a hundred Marks; and he that could take *John Daveril* alive, and bring him to the *King*, ſhould have a hundred Marks; or if he could bring his Head, he ſhould have Forty pounds.

* Ib. n. 5. The like Judgment given upon *Thomas de Gurney* and *Will. Ocle* for the Murther of the late K.

The * ſame Judgment was given likewiſe againſt *Thomas de Gurney*, and *William de Ocle*, for the Death of *King Edward*, *That they had falſly and traiterouſly murthered Him*; and he that could take *Thomas* alive, was to have a hundred pounds; or if he could bring his Head, a hundred Marks: He that could bring *William de Ocle* alive, was to have a hundred Marks, or his Head, forty pounds.

[2] *T. W. Gurney* being ſeized at *Marſeilles*, is beheaded on ſhipboard.

× Walsingham is mistaken when he relates him to have been taken at Marseilles, since it appears by two several Letters written by K. Edward to Alfonso [illegible] Rot. Pat. 5 Ed. 3. p. 1. m. 13. vid. [illegible] Collection p. 4 [illegible] King of Castile, & also to the Mayor and [illegible] of [illegible] Burgos, [illegible] thanking them for [illegible] [illegible] [illegible] to [illegible] at Bayonne, to the Mayor of Bayonne to be sent over into England, and not long after he was [illegible].

What became of this *De Ocle* I cannot tell, but [2.] as for *Gurney*, he was not long after ſeized at *Marſeilles* in *France*, and being put on board a Ship, in order to be brought over to *England*, was by order of the Captain beheaded at Sea, leſt if he arrived, he ſhould accuſe ſome *Prelates* and other *Great Men*, as being privy and conſenting to the ſame Crime.

* Rot. Parl. 4 *Ed* 3. n. 16. printed in Dr. B's Ap. n. 85. The Lord *Berkele* is alſo arraigned for the ſame Crime, but he was not found guilty at his Tryal.

* This was another Seat of the ſaid Lords.

Likewiſe amongſt the * *Pleas* of the *Crown* of this *Parliament*, there is recorded the Arraignment of the Lord *Thomas de Berkele*, for the Death of King *Edward* the *Second*, to this effect; for that the ſaid King was committed to the keeping of the ſaid *Thomas*, and *John Matravers*, in the Caſtle of the ſaid Sir *Thomas* at *Berkele* when He was murthered: the ſaid *Thomas* ſaith, That at the time of the death of the ſaid King, he was ſick at * *Bradelye*, without the ſaid Caſtle, and knew not what was done there, nor was conſenting thereunto, and thereupon put himſelf upon his Tryal by Twelve Knights (named in the Record) who found him not guilty, nor that he fled, or withdrew himſelf upon it; but ſince he had placed under him *Thomas de Gurney*, and *William de Ocle* to keep the King, by whom He was murthered; he had a day given him to hear his Judgment in the next Parliament, and in the mean time was committed to *Ralph Nevill*, Steward of the King's Houſhold.

* Rot. Parl. 4 *Ed.* 3. n. 13. The Young Earl of *Kent* reſtored in Blood. As is alſo the Son of the late Earl of *Arundel*.

In this *Parliament*, * *Ed~~ward~~* mund the Young Earl of *Kent*, was alſo reſtored to his Father's Honour and Eſtate, as hath been already obſerved; for being encouraged thro the Clemency as well as Juſtice ſhewn by the King, to *Richard*, Son of the late *Earl* of *Arundel*, he alſo prayed to be reſtored to his Blood, Lands and Goods, ſeeing his Father was put to death, not being try'd by his Peers, according to the great Charter, and the Law of the Land; but becauſe the Attainder was confirm'd by Parliament at *Northampton*, he mended his Petition, and prayed to be reſtored of the King's meer Grace, which was granted accordingly.

* Ib. n. 14. A 1000 *l. per Annum* ſetled on Sir *William Montacute* for ſeizing the Lord *Mortimer*.

* Ib. n. 15.

Alſo * in the ſame *Parliament*, the *Prelates*, *Earls* and *Barons*, prayed and adviſed the King to give and grant a thouſand pounds *per Annum* to Sir *William Montacute*, and his Heirs, for his Service, in taking *Roger Mortimer*, *Earl* of *Marche*, and his Confederates, without Bloodſhed; a thouſand Marks whereof was to be out of the Lands of *Mortimer*. And upon the like Prayer and Advice, his Aſſiſtants, * *viz Edward Bohun* had four hundred Marks *per Annum* to him and his Heirs; *Robert de Ufford* three hundred, and *John Nevill* two hundred.

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And to give you the reſt of the moſt conſiderable Tranſactions of this Parliament, *William* Archbiſhop of *York*, *Stephen* Biſhop of *London*, *William* Abbot of *Langdon*, *William* Lord *Zouch* of *Mortimer*, and many others, who had agreed with *Edmund* late Earl of *Kent*, for the Delivery of the late King *Edward*, and been therefore impeached, were now wholly acquitted, and fully reſtor'd to all their Goods and Poſſeſſions.

Vid. Cotton's Abridg. p. 7.

The Archbiſhop of *York* and others acquitted for endeavouring the Delivery of the late K.

It was alſo * ordered, that thoſe who had taken up Arms with *Henry* Earl of *Lancaſter* at *Bedford*, or had been concern'd in the Matter of *Edmund* late Earl of *Kent*, ſhould be releaſed of all Fines impoſed for that reaſon upon them; and that their Lands which were therefore ſeized into the King's Hands, ſhould be reſtored with the Meſne-Profits, &c. and therefore the King pardoneth *Henry* Earl of *Lancaſter*, and all thoſe who took part with him, all Fines and Ranſoms whatſoever.

* Ib: p. 8.

Thoſe who had taken up Arms with the Earl are diſcharged from all Fines.

And farther, we find, that ſoon after the News of *Mortimer*'s Fall, and the Knowledge of this Pardon, [3.] *Thomas* Lord *Wake*, *Hugh* Lord *Audeley*, *Henry* Lord *Beaumont*, Sir *Thomas Roſſelin*, Sir *William Truſſel*, Sir *Thomas Withers*, and the reſt, whom *Mortimer*'s Power had forced beyond the Seas, returned from *France*, and were received as their Loyalty deſerved; being by the King freely reſtored to all their Lands and Poſſeſſions.

[3.] *H. K.*

Several Lords and Knights who had fled beyond Sea for fear of *Mortimer*, return and reſtor'd to their Eſtates.

This Parliament having diſpatched a great deal of Buſineſs in a ſhort time, was diſſolved a little before *Chriſtmaſs*. Then the King went down into the Country to divert Himſelf, and kept that Feſtival at *Wells*.

Anno Dom. Mcccxxxi.

With *Mortimer*, the Queen-Mother's Power alſo fell; For not long after, the King being made ſenſible how ill She had carried Her Self, with Reſpect to His late Father, Himſelf, and Her own Reputation, [4.] took the Management of Publick Affairs into His own Hands, and confined Her to Her Houſe at *Riſings* near *London*; and ſeizing upon the great and immoderate Jointure that had been ſetled upon Her at His firſt coming to the Crown, allow'd Her a Penſion of but Three Thouſand Pounds *per Ann.* but left Her ſuch Plate, Jewels, and other Furniture, as befitted Her Dignity: And tho' She came no more to Court, yet the King went conſtantly to viſit Her once or twice every Year, as long as She lived. ×

[4.] *T. W.*

The K. takes the Government into His own Hands; confines His Mother to Her Houſe, and ſeizing upon Her great Joynture allows Her a Penſion of 3000 *l. per Ann.*

× I cannot but here take notice, yt this year there was outwardly a perfect Peace, & agreement made between King Edward, & Philip of France, the former having perform'd all the Articles agreed on between them, and the latter having also been Content to pay the former the sum of 33000 Livres Tournois, at Easter next ensuing.

This Summer He ſpent in reforming the Abuſes and Corruptions of the Government: And in Autumn, on the day after *Michaelmaſs*, *He held another Parliament. In which the Biſhop of *Wincheſter* being Chancellor, declared the Cauſe of Summons to be concerning the Dutchy of *Aquitain*, and the King's other Lands beyond Sea; whether Peace ſhould be made, or other Iſſue put to the late Differences between the Kings of *England* and *France*, by reaſon of the ſaid Territories: And alſo about the Buſineſs of *Ireland*; and concerning the King's going thither: And likewiſe to ordain how the Peace might beſt be kept there. And it was agreed, that the King's Buſineſs ought to be diſpatch'd before any other.

* Rot. Clauſ. 5 Ed. 3. m. 7. Dors.

Rot. Parl. n. 2.

The K. ſummons a Parliament, at which the Bp. of *Wincheſter* declares the cauſes of it.

Then *the Chancellor applied himſelf to the Archbiſhop of *Canterbury*, and all the other Prelates, Earls, Barons, and other Great Men, for their Advice; Whether they thought it beſt, for the King to proceed by way of Proceſs, or War, or by amicable Treaty with the

* Ib. n. 3.

Upon which he deſires the Advice of the K. and Lords

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King of *France*, for the Reſtitution of *Aquitain*. And they agreed upon the laſt, ſeeing the two former ways might prove dangerous: And the Biſhops of *Wincheſter*, *Worceſter*, and *Norwich*, or one or two of them, as the King pleaſed, together with the Lords *Beaumont*, *Piercy*, and *Montacute*, Sir *Geoffry Leſcrop*, and Mr. *John de Shordich*, were to be ſent to the King of *France* for that purpoſe.

* Ib.

Some Forces ordered for *Ireland*.

As * to the Buſineſs of *Ireland*, it was agreed in the ſame Parliament, That the King ſhould provide Himſelf to go thither as ſoon as He could, and in the mean time, that He ſhould ſend over ſome Great Perſon with Men at Arms, to aid the Juſtices and other Liege-People againſt ſuch as oppoſed the Government.

* Id. n. 9.

In this Parliament alſo, * the King, by Aſſent of the Peers, and at their Requeſt, granted, That the Queen His Mother, becauſe the Penſion of Three Thouſands Pounds yearly, which She was to receive out of the *Exchequer*, for Her Support, was not well paid according to Her mind, ſhould have Lands and Rents of that Value aſſigned to Her.

* Ib. n. 10.

Ordered, that no Great Man ſhould for the future maintain or abett any Robber or other Malefactor.

Then * for keeping of the Peace it was alſo agreed in full Parliament, (every one of the ſaid Great Men having been eſpecially examined, and aſſenting) That no Great Man of the Land for the future, ſhould retain, maintain, or avow, openly or privately, by himſelf or others, any Robber or Malefactor indicted of Felony, or Fugitive for the ſame, nor any ſued to an Exigent, or of evil Fame. And the ſaid Great Men promiſed with all their Power to aſſiſt the Juſtices, Sheriffs, and other the King's Officers, in the Execution of all Judgments, and other things that belonged to their Offices; as well againſt Great Men as others, of what Condition ſoever they were. The Cauſe for the making of this Statute (as * *Walſingham* informs us) was, That certain Lawleſs Diſſolute Fellows relying upon the Protection of ſome of the Great Men of the Kingdom, and deſpiſing the King's Youth, would now make a Diſturbance; So that poſſeſſing themſelves of certain Paſſes thro' Woods and Mountains, they robbed all they met with, and increaſed to that degree, that they became a Terror to the whole Kingdom. Wherefore the King was forced to raiſe ſome Military Troops to ſuppreſs them, and acted with that Vigour, that divers of theſe Malefactors were taken and impriſoned, and others were executed; and by this means they were ſuppreſſed for a time, tho' you will hear more of them hereafter.

The Occaſion of this Statute.

* *Ad hunc An.*

England affording nothing more worth noting, I ſhall now give you an Account of an Accident that cauſed a Great Revolution in *Scotland* the next Year, by a few *Engliſh* and *Scotch* Voluntiers, headed by the Lord *Edward Baliol*, Son of *John*, formerly K. of that Nation. The Original of it was thus: [1.] This young Lord, after the Death of his Father in *Normandy*, had lived privately upon his Lordſhip called *Quimper* in that Province, until by reaſon of his protecting and ſending away an *Engliſh* Servant of his, that had killed a *Frenchman* in a Quarrel, he was not only diſſeized of his Eſtate, but caſt into Priſon by the King of *France*; where he continued for ſome time, till the Ld. *Henry Beaumont*'s going over thither, who being driven out by the Power of *Mortimer*, (as hath been already related) found ſo much favour with the King of *France*, his Kinſman, that by his interceſſion the Lord *Bailiol* was ſet free: And being look'd upon as the true Heir to the *Scotiſh* Crown, he was by the Lord **Beaumont** brought over into

[1.] *Caxton*'s Chron

The Ld *Baliol* put in priſon, and his Eſtate ſeized in *France*, and on what occaſion.

He is ſet free by the interceſſion of the Ld. *Beaumont*.

England,

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England, that by ſetting up his Title, he might thereby obtain his Inheritance in *Scotland* ; claiming in Right of his Wiſe the Earldom of *Buquhan* in that Kingdom. *Baliol* being thus arrived in *England*, lay for ſome time privately in *Yorkſhire* ; where the Lord *Beaumont* began ſecretly to raiſe Men in order to that Deſign : Which being in a good Forwardneſs, *Balliol* was in the Beginning of *Auguſt* preſented to the King, where he not only renewed his Father's Claim to *Scotland*, but alſo offer'd to hold it of the King by Homage, provided he were reſtored to his Right by His means.

He is preſented to the K. and renews his Claim to *Scotland*.

Tho' King *Edward* was much troubled at the diſhonourable Peace that had been ſtruck up with the *Scots* in His Minority, [2.] yet was He obliged by a Bond of Twenty Thouſand Pounds forſeitable to the Pope, to obſerve this Truce inviolable for the Term of Four Years, which were not yet expired ; and therefore He refuſed to give *Baliol* any Aſſiſtance Himſelf, but however He connived at his engaging ſuch *Engliſh* and *Scotiſh* Nobility and Gentry, as had by the late Peace and Agreement with the young King of *Scots*, been diſinherited of their Eſtates in that Kingdom. Thereupon theſe all agreed to raiſe Forces at their own Charges, and under *Bailiol*'s Title to make War upon King *David:* Which tho' they could not begin in this, yet you will find they did it with Succeſs the next Summer.

[2.] *H. K.* Col. 2560.

K. *Edward* refuſes to aſſiſt *Bailiol* openly, and for what cauſe ; yet connives at his engaging ſuch Noblemen as had loſt their Eſtates for taking his Part.

To add ſomewhat more of Foreign Affairs, I muſt here take notice of an Action, which (tho' it only concern'd a Subject of *France*, yet ſince it produced ſo great a War in that Kingdom) deſerves Obſervation. [3.] The Lord *Robert* of *Artois*, who had married K. *Philip*'s Siſter,(being a Perſon of extraordinary Parts and Intereſt, had been a great means of ſetting the Crown upon His Head) now fell into open Enmity with Him on this Occaſion. This Lord, after the Death of *Mahaud* Counteſs of *Artois*, challenged that Earldom, as Heir to his Father, againſt *Blanche* Daughter to the late King *Philip* the *long* and then Wiſe to *Eudes* Duke of *Burgundy* : And to this end he produced in the Parliament at *Paris* certain Charters under the Great Seals of the former Kings of *France*, to make out and confirm his Right; and which as he alledged had lain hitherto conceal'd. This Proceſs being heard before the King in the ſaid Parliament, theſe Charters upon ſtrict examination, were found to be Counterfeit, and his Cauſe declared unjuſt. Upon this, the Ld. *Robert* looking on the K. as the Author of his Diſgrace, (having openly appeared for the Lady *Blanche* His Niece) ſaid in his Paſſion, *By me* Philip *was made King, and by me He ſhall be un-king'd*, together with a great deal of other undutiful Language : Which being related to King *Philip*, He was ſo enraged at it, that He endeavoured to ſeize his Perſon , but he making his Eſcape, was thereupon baniſhed by Sound of Trumpet, and all his Eſtate confiſcated ; and what was yet more ſevere, his Lady (tho' the King's own Siſter) was made a cloſe Priſoner, together with her Children. *Robert* finding there was no more mercy for him in *France*, fled for refuge to the Earl of *Haynault* ; but the King's indignation would not ſuffer him to continue long there : So that the Duke of *Brabant* being excited by the King to make War upon the E. of *Haynault*, upon that and ſome other Accounts, the Lord *Robert*, that he might not prove a Ruin to his Friend, left his Country, and came over to the King of *England* the Year following; tho', not to make a Breach in this Story, I have

[3.] *Gaguin* & *Mezeray.* Hiſt. *de France.*

The Lord *Robert* of *Artois* falls out with the King of *France*, and on what occaſion.

He is baniſhed the Kingdom, and flies into *Haynault*.

Where not being able to ſtay, he comes over into *England*.

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I have placed it together under this; where at preſent I ſhall ſay no more of him, but that being a Great Favourite and Privy-Councellor to King *Edward*, He never ceaſed to excite Him to a War with *France*; which broke out ſome Years after.

Anno Dom. Mcccxxxii.

* Rot. Clauſ. 6 *Ed.* 3. m. 36. Dorſ.

Another Parliament at *Weſtminſter*.

* Rot. Parl. 6 *Ed* 3. n. 5.

The Cauſes of it declared by the Chancellor.

The neceſſity of the King's Affairs obliging Him to frequent *Parliaments*, * He now iſſued out Writs for a new one to be held on *Monday* after St. *Gregory*, or Twelfth of *March*, reciting in the Summons the Cauſes of His calling it, * which the Chancellor more fully declared at their meeting; to wit, that the King of *France*, and many other King's and Princes (mentioned in the Writ) having appointed their going towards the *Holy Land* in that preſent Month of *March*, they much deſired the Company of the King of *England*, for the better ſtrengthening themſelves againſt the Enemies of *Chriſtendom*, and that they had lately for this purpoſe ſent over Letters and Meſſengers to Him; He therefore demanded the Advice of the Prelates, Barons, and other Great Men in *Parliament*, whether it was fit for Him to accompany the King of *France*, or not.

* Ib.

Sir *Geoffry L' Eſcrope* ſets forth the Miſchiefs that had happened by reaſon of Robbers and Outlaws.

He alſo asks the Advice of the *Prelates* and *Peers* concerning the King's Voyage to the *Holy-Land*.

After this *Declaration*, Sir *Geoffry L' Eſcrop*, by command of the King, and in His preſence, before all the Prelates, Earls, Barons, and other Great Men, reported, That the King was inform'd, and it was notorious to them all, that divers looſe perſons defying the Law, were gathered together in great Companies, to the deſtruction of the King's Liges, the people of *Holy Church*, &c. taking and detaining ſome of the King's Juſtices in Priſon, until, to ſave their Lives, they had paid great Fines and Ranſoms, at the pleaſure of the ſaid Malefactors; ſome of the King's Subjects they had put to death, and robbed others of their Goods and Chattels, doing other ſad Miſchiefs and Felonies; and further, the ſaid Sir *Geoffry*, on behalf of the King, charged the Prelates, and all others there aſſembled, That by the Faith and Allegiance they owed to the King, they would counſel Him concerning His Voyage to the *Holy-Land*, which He very much deſired to undertake, and alſo how the Peace might be kept, and theſe Rioters in the mean time chaſtiſed and reſtrained from their Wickedneſs.

Ib. n. 5.

* *Grantz*; under which Titles the Knights of Shires were alſo comprehended.

Then the Lords and * Great Men being returned to the King's Preſence, by the Mouth of Sir *Henry Beaumont*, gave their Anſwers, that for the Conſervation of the Peace againſt thoſe Offenders, there ſhould be Juſtices ordained in every County, with power to puniſh and repreſs them; and further, That certain Officers ſhould be alſo appointed for apprehending Malefactors, and levying of *Hue* and *Cry*.

* Ib.

The Reſolution of the Lds in Parliament for the ſuppreſſing of Robbers.

* Whereupon, by the Advice of the Earls, Barons, &c. it was in the firſt place agreed, That as to theſe wicked people, the King ſhould proſecute them by Law, Force, and all other ways He ſhould be adviſed; and accordingly Commiſſions were iſſued out to the beſt Men in the Counties, and to the Sheriffs, to apprehend and impriſon them, and raiſe the *Poſſe Comitatus* againſt them, and cauſe them to be indicted, and puniſhed according to their Deſerts.

But it is very remarkable, that the *Prelates* and *Proctors* of the *Clergy* (who were preſent alſo at this *Parliament*) finding it not belong to them, being Spiritual Men, to give their Advice about keeping the Peace, and puniſhing the Breaches of it, therefore they went apart by themſelves, to deliberate of the other Matters propoſed to them; from whence it appears, that not only the *Prelates*, but Inferior *Clergy* of

both

oth Provinces then made a diſtinct *Eſtate* in *Parliament*, by Virtue of he Clauſe of *Premunientes*, inſerted in the Writs to the Archbiſhops nd Biſhops.

And it was further agreed by the **King* and *Eſtates* aforeſaid, That the Sentence of *Excommunication*, which had been ordained by the *Prelates* nd *Clergy*, ſhould be pronounced againſt them in the *Church* of St. *Paul* in *London*, and ſent to all the Biſhops in *England*, to be alſo pronounced gainſt them in their reſpective Dioceſſes.

*Ib. n. 5.

As, * That all thoſe who diſturbed the *Peace* and *Quiet* of *Holy Churh* nd the *Realm*, eſpecially ſuch as made Confederacies by Covenants, Obligations, &c. or in any other manner, were declared *Excommunica-ed*; as were alſo the * Receivers, Favourers and Defenders of them: And further, That all ſuch Covenants, Obligations, Confederacies and Alliances were made void and annulled by the ſaid *Prelates*, &c. and hat if any Oath was taken to confirm them, that was alſo declared void.

* Ib. n 6.

*Ib. n. 7, 8.

But to give you ſome further light into this Ordinance, and ſhew the Reaſons for the making of it; You may remember, that the Year before, certain diſſolute bold Fellows combin'd together, and meeting in great Companies, turn'd Robbers and Highway-men, and keeping in he Woods and Foreſts, robbed all that paſs'd thoſe ways; inſomuch that [4] Sir *Robert Willoughby*, Lord Chief Juſtice, travelling ~~then~~ lately owards *Grantham*, to put the *Statute* of *Trail-baſton* in execution gainſt ſuch Malefactors, was taken by one *Robert Folvile* and his Gang, nd forced for the ranſom of his Life, both to lay down Ninety Marks, nd alſo ſwear never to diſcover them; but he not only complained o the King of this Villany, but likewiſe repreſented this Matter to the *arliament*, who took ſuch order in it, as hath been already mention-d. And now to return again to our *Parliament*-Rolls.

[4] *H. K.* col. 2559.

* As concerning the King's Voyage to the *Holy-Land*, the *Prelates*, *Earls*, *Barons*, &c. with one conſent agreed, that it could not then be erformed, becauſe the time aſſigned for it by the King of *France*, was too hort.

* Ib. n 9.

The Lords in Parliament diſapprove of the King's Voyage to the *Holy-Land*.

*It was further declared in this *Parliament*, on behalf of the King, y the ſaid Sir *Geoffry L'Eſcrop*, That whereas in the laſt *Parliament*, n the Fifth Year of the King, it had been agreed, that all Differences oved between the Kings of *England* and *France*, concerning the Lands eyond Sea, ſhould be reconcil'd by Treaty, or way of Marri-ge, or in ſome other Amicable manner; and that thereupon the King had ſent his Commiſſioners to the King of *France*, who had treated with Him, and made Report to King *Edward*, that His Majeſty of *France* told hem, That if it pleaſed their Maſter to come over in perſon, He would ſhew more favour to Him, than to any other; wherefore it was neceſ-ary to ſend ſpeedily to the ſaid King; and for this end He demanded the Advice of the *Prelates*, *Earls*, *Barons*, &c. in full *Parliament*, Whether if thoſe *Envoys* at their Return, ſhould repreſent to the King, that His Affairs would be in a much better condition f He went over in perſon, He ſhould go, or not; and in that reſpect all the *Prelates*, *Earls*, *Barons*, and other *Great Men* conſented to His go-ng, in hopes that all Obſtacles to an amicable Compoſure between hem might be thereby removed, and much advantage accrue to Him; hey adviſed alſo, that his Voyage into *Ireland* might be poſtponed until

* Ib. n. 10.

Yet they conſent to his going over into *France* to compoſe all Differences with that King.

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til *Michaelmaſs* next, ſo that in the mean time ſome Men at Arms, and others might be ſent in aid of His Good Subjects there.

Ib. n. 11.
The Parliament is diſſolved, having diſpatch'd much Buſineſs in a little time

* Then the *Saturday* after the meeting of it, this *Parliament* wa diſſolved, not having ſat a whole week; which ſhews us how much Buſineſs could in thoſe times be diſpatched in a few days, when all thi were drawn up, and ready prepared before-hand by the King and Hi Council.

* Ib.

It is alſo very remarkable, that tho * the King then gave leave to the Knights of Shires, and Citizens and Burgeſſes, as alſo to the Lower Clergy to return home, yet He ordered the *Prelates*, *Earls*, *Barons*, and His Counſellors in *Parliament* to tarry longer, to have their Advice in ſome other Matters of great moment, which He had further to propoſe to them.

× But I find by the Patent Rolls of this year [Pat. 6. Ed. 3. p. 1. m. 5. 6. vid. Rr IV. vol. p. 518, 519] that the King sent over John Bishop of Winchester his Chancellour, Adam Bishop of Worcester, Sr William Clyaton, & Dr John Shurditch his Ambassadors to the King of France to treat with him about their Master's voyage with him to the Holy Land, & about an Interview to be between them about that Affair, as also concerning a Treaty of Marriage between Prince Edward, and Johan Daughter to King Philip. But ye war with Scotland breaking out this year which was followed with a War upon France broke off any further Effect of this Treaty.

I mention this, to ſhew further, that the Lower Clergy, as different from the *Prelates*, were preſent at this *Parliament*, and that therefore by the *Proctors* of the Inferior *Clergy* before mentioned, muſt b underſtood, their Delegates and Repreſentatives in *Parliament*, wh ſat by themſelves, and not with the *Lay-Commons*, as ſome Writer have without any juſt grounds affirmed.

A Relation of a ſtrange Revolution in *Scotland*, and by what means, with the weak condition of that Kingdom at this time.
[5.] *Froiſſ* ib. c. 20.

But to come to ſome Foreign Affairs; *England* affording us nothin elſe worth noting,× we will ſee what was done this Summer in *Scotland* where one of the ſtrangeſt Revolutions that we ſhall read of in Hiſtory was brought about by a few *Engliſh* Voluntiers (of whom we gav ſome Account the laſt Year). Theſe having now got their Forces ready, reſolved to invade *Scotland*, and indeed (as it happened) they coul never have founda better Opportunity for it; for beſides that King *Davi* was then a Minor, the old Lords, *Douglas* and *Randolph*, late Generals o the *Scotiſh* Forces were likewiſe both dead, [5.] the former being kill' in an Expedition againſt the *Moors* in *Spain*, and the latter lately deceaſed of a Natural Death at home; notwithſtanding what *Boethiu* and *Buchanan* falſly relate of his being poiſoned ſome time after this, b a Monk hired by King *Edward*, who feigned himſelf to be a Phyſician So that *Scotland* being now deſtitute of any experienced Commanders [1.] it much encouraged the Lord *Beaumont*, *David* of *Stratbolgi*, Ea of *Athol*; *Gilbert Umphrevil*, Earl of *Angus*, and *Henry* Lord *Pierc* (who claimed all *Galloway*); as alſo the Lord *Richard Talbot*, a Valian young Nobleman, together with many other Lords and Gentlemen i their deſign; And having made the Lord *Baliol* their General, and declared for his Right to the *Scotiſh* Crown, they raiſed a ſmall Army chiefly conſiſting of their own Tenants and other Dependants, and taking Shipping at *Ravenſpar* in *Yorkſhire*, [2.] came before *Kingcorn*, no far from *Dumferling* in *Scotland*, in the beginning of *March*; but th *Scots* having already Intelligence of their Deſign, had ſent Ten thouſand Men to hinder their Landing, [3.] under the Command of *Dunca Macdulf*, Earl of *Fife*, the Earl of *Carrick*, Baſtard Brother to King *David*, and Sir *Alexander Seton*, Eldeſt Son to the Lord of that Name but tho *Baliol*'s Forces were but ſmall, not amounting to more tha Three thouſand Men; yet theſe by the aſſiſtance, and under protection of the *Engliſh* Archers, who ſhot inceſſantly from their Ships, landed in ſpight of the *Scotiſh* Army, of which they preſently killed abou Nine hundred, and from thence marched to the *Abbey* of *Dumferling* where they found great ſtore of Proviſions, and other things neceſſary fo

[1.] *H. K* col. 2560.
The Ld *Beaumont* with the Earls of *Athol* and *Angus* make the Lord *Baliol* their General, and raiſe Forces to recover his Right to *Scotland*.
[2.] Id. ib.
[3.] *John Tinmouth*. Hiſt. Aur.
They land in *Scotland*, and put the Earls of *Fife* and *Carrick* with ſeveral other Noblemen to the Rout.

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or Soldiers; this done, being not yet Four thouſand Men (tho ** Bu-hanan* will have them to be Ten thouſand) they again took the Field, nd hearing where the *Scotiſh* Army lay, [4.] they paſſed the River *Erne* y Night, and ſurpriſing their Camp, entred it, and utterly defeated hat part of their Forces; and tho moſt of them eſcaped away in the Dark, yet above Three thouſand of them were ſlain. But the Manu-cript *Author* of *Scala-Chronicon*, gives a truer and more modeſt Account of his Action, and ſays, That this Engagement was in the Night, not with he main Body of the *Scotiſh* Army, but only with their Camp-Boys and ther Dependants that looked after the Horſes, whom having put to ight, they not long after by the light of a Houſe that was accidentally et on fire, diſcover'd the main Body of the *Scotiſh* Army approaching hem in two great Diviſions; whereupon the *Engliſh* (ſeeing they could ot avoid fighting without great danger) marched boldly, and fell upon them with that fury and ſuddenneſs, that the Vant-Guard of the *Scots* being too hard preſs'd, recoil'd upon the next Battalion, and put hem into ſuch diſorder, that the *Engliſh* laying hold on this Advantage, uite routed the whole Army, and kill'ed about fourteen thouſand of hem on the ſpot; [5.] the chief of whom were the Earls of *Carrick*, *Mar*, *Menteithe*, and *Athol* (not he of *Strathbogi*, but another upon whom the ate King of *Scots* had conferr'd that Title) beſides twelve Barons, and ight hundred Military Tenants; but what was moſt remarkable on he *Engliſh* ſide, was, that there fell but two Knights, thirty three quires, and of Ordinary Archers and Footmen few or none: This reat Victory was obtained on *Wedneſday* the Eleventh of *Auguſt* at a lace called *Gledeſmore*, not far from St. *John's-Town*. But I muſt here bſerve, that the *Scotiſh* Hiſtorians do not own any more than the firſt f theſe Defeats, and were either ignorant of, or elſe deſignedly conceal the latter.

* *L.* 9.

They paſs the River *Erne*, and ſurprize the *Scots* Army.

[4] *H. K.* col. 2561.

A fuller Account of this Engagement from *Scala-Chronicon*.

[5.] *H K.* Ib.

The Earls of *Carrick* and *Mar*, with many other Noblemen ſlain, the loſs on the *Engliſh* ſide being inconſiderable.

The Conſequence of which was, the ſurrender of *Perthe*, or [1.] t. *John's-Town* without any reſiſtance, where they found good ſtore of Proviſions and Warlike Ammunition. Whilſt they lay here, *Patrick* Earl of *Dunbar*, and Lord *Archebald Douglas* came and inveſted the Town with an Army of Forty thouſand Men, and beſides this, they had nt Sir *John Crabbe*, their Admiral, with a ſmall Fleet of ten Sail of *Flan-rian* Ships to burn the *Engliſh* Veſſels that lay at Anchor in the Mouth f the River *Tay*; but here they miſſed of their Deſign, for tho at firſt they ook one or two Ships, yet the reſt of the Fleet having time to arm, ade ſo vigorous a defence, that albeit they were inferior to the *Scots* in umber of Men, however they ſo exceeded them in Valour and Conduct, hat they not only put them to flight, but ſunk and took moſt of their *Veſſels*; *Crabbe* their Admiral getting on Shore, eſcaped to *Berwick*, nd brought the firſt News of this Defeat, which was given on St. *Bar-olomew*'s Day: Upon this Succeſs the *Scots* raiſed the Siege of St. *John's Town*, and marched off; then the *Engliſh* delivered the Cuſtody of it by he Lord *Baliol*'s Order to the Earl of *Fife*, who upon this late Succeſs ad revolted from King *David*, and not long after as treacherouſly went ack again to the other Party, and betray'd the Town as an Earneſt of is Loyalty to his former King. And I cannot but obſerve here by the bye, hat * *Adam Muremuthe* by his prepoſterous beginning of the Year at *Michaelmaſs*, hath placed this Expedition, and King *Baliol*'s Coronation hat followed it, under the foregoing Year; which has led *Walſingham*

[1.] Id. ib.

St. *John's-Town* ſurrendered to *Baliol*.

The Earl of *Dunbar*, and Lord *Douglas* inveſt the Town by Land, whilſt Sir *John Crabbe* does the like by Sea.

But the Fleet is defeated, and the Siege raiſed.

* *Ad An.* 1331.

as

⅄ Upon which victory the new King went to Roxborough, & there resided for some ti which I find most remarkable is, that during his stay there he seald a Charter (not taken notice of by our Historians) whereby he acknowledged his Kingdom of Scotland to be held of ye Kings of by Liege Homage and Fealty, & yt K. John his Father had done Homage for it to King Edward I ving by the Sufferance and Assistance of his Lord, and Cousin King Edward of England, and by ye ai Party, he had now his Kingdom of Scotland & was crowned King of the same. Therefore in acknow ye ancient Right by wch ye sd Kingdom, with ye Isles thereunto belonging had been held of the Kings of England as the Soveraign Ld. he now did Liege Homage to ye K. Edward his dear Lord & Cousin in ye words following, the said King holding his Hands between his Soveraigns. I Edward by ye Grace of God King of Scotland & ye Isles thereunto belonging become your Liege Man for ye sd. Kingdom & Isles agt all men to live & dye. Which Homage being receivd as afforesaid, he further confirmed his Fidelity to ye King of England by touching the Holy Evangelists, & taking an Oath to ye same Effect with ye former words. Then follows a further grant to King Edward (in consideration of ye great Assistance given him by ye said King) of certain Lands to ye value of 2000 pr. Ann. together with ye Town & Castle & County of Berwick, wch were to be surrendred to him by Michaelmas next ensuing, or sooner if it could be performed, with a further Covenant, that if ye marriage between David de Brus & Joanna King Edward's sister were not consummated he would marry her, if she would give her Consent thereunto, & also increase her Dowrie by 500 pr. An: and in Case he did not take her to Wife, to pay her, or her Heirs 10000 sterling within ye space of one year, with other Clauses & Conditions; which since they could never be performed, I omit. This Charter bears Date at Roxburgh 23 Novr. in ye first year of his Reign; which deserves your notice, because it thereby appears yt King Edward was this year in Scotland & had a personal Interview wth K. Bailiol, which neither our own, nor ye Scottish Historians do mention: and this Homage preceded yt made at Edinburgh above a year & a half, as you will find when you come to it, being almost in ye same words with this, ye Grant of Edinburgh, Roxborough, & other Places excepted.

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The Lord Baliol with consent of divers of the Scotiſh Nobil. is made K. of Scotland.

[2.] T. W.

* Buchanan wrongfully places His Coronation 20 Kal. Septem. He preſently after routs Sir Andr. Murrey.

* Rot. Clauſ. 6 Ea. 3 m. 7. Vid. Cotton's Abridg. p. 12, 13.

Rot. Parl. 6 Ed. 3. n. 1. 3.

The K holds a Parliament at Weſtminſter, with the Occaſion of it.

The K. has a Fifteenth and a Tenth then granted him at once.

* Rot. Clauſ. 6 Ed 3. m. 4. Dors. Vid. Cot Rec. p. 13.

The K calls a new Parliam. at York, and demands their advice, what He ſhould do concerning Scotland

* Rot. Parl. eod An. n. 3. Cot. Rec. p. 13.

(as he has done ſeveral of our Modern Hiſtorians) into the ſame Err to the great confuſion of the Scotiſh Affairs.

The Lord Baliol having by the Aſſiſtance of the Engliſh Forces, th beat his Enemies quite out of the Field, and divers of the Scotiſh Nobili thereupon coming in to him; [2.] he was by their General Conſe as well as that of the Engliſh who came in with him, Crown'd King Scotland, at the Abbey of Scone, on the * Twenty Seventh of Septe ber. Not long after which, He had another Engagement with Ki David's Party near Roxburgh; where Sir Andrew Murrey, Governor the Realm was taken, and ſent Priſoner to Durham. ⅄ But you will anon King Baliol's good Fortune did not laſt; being ſometime af driven out of Scotland with greater Precipitancy than he won it. A now we will return to the Affairs of England, from which we ha made too long a Digreſſion.

Not long after this Succeſs of King Baliol, (the News of which, ſeems, had not as yet reached England) * King Edward held a Par ament on the Morrow after the Nativity of the B. Virgin, or Ninth September, at Weſtminſter; where the Biſhop of Wincheſter, Lo Chancellor, declared, That the Cauſe of their Meeting was about t Affairs of France, and the King's Expedition thither, to put a St to the Succeſs of His Enemies in thoſe Parts. Then the Parliament h ving been adjourn'd till the Thurſday following; they recieved ſo ſudden News out of the North, which made them fear an Invaſion fro the Scots: Whereupon the Prelates, Lds., and Knts. of Shires, did each their ſeveral Petitions, adviſe and requeſt the King not to go into I land, but only to ſend thither a ſufficient Supply of Men and Mone whilſt Himſelf marched with a Strong Force towards the North, the to watch the Motions of the Scots. For which Expedition He had gran ed Him a Fifteenth of the Perſonal Eſtates of the Prelates, Lords, a Knights of Shires; and a Tenth of all Cities and Boroughs: On they deſired, *That the King would pleaſe to live of His own, witho grieving His Subjects by Outrageous Prizes, or ſuch like illegal Tax* Whereupon the King revoked the late New Commiſſion for raiſing certain Talliages or Cuſtoms; and promiſed from henceforth to ſett the ſame according to the Old Rates.

Soon after this Parliament was diſſolved, the King, that He mig recieve the ſpeedier Account of the Poſture of Affairs in Scotlan which were now quite alter'd for His Advantage, removed His Cou to York; where having heard the News of King Baliol's unexpect Succeſs in Scotland, He was not only out of fear of any Invaſion fro thence, But ſo ſoon almoſt as He came thither, He thought fit to * ſu mon a New Parliament to that Place, on the Friday before the Feaſt St. Michael, to give their advice, what was beſt for Him to do on th Occaſion. But the Parliament did not meet until the Second day December: When Sir Geoffrey le Scrope declared the Cauſe of the Meeting was, * That the King having lately underſtood that the Lo Baliol had cauſed Himſelf to be proclaimed King of Scotland, and th the Truce with David Bruce was newly expired; He demanded th Advice, whether He ſhould fall upon Scotland in His own Name, an claim the Dominion thereof as His own Right; or elſe by joining wi King Baliol, ſhould take the Advantage of recovering the Homag and Services His Anceſtors had enjoyed. But becauſe moſt part of t

Prelat

The Original of this is preserved among ye Royal Archives at Westminster & is published in R–s iv. Vol. p. 537, 5 And there is also extant in ye same Place another Charter of ye King, whereby he obliges himself & his heirs to assi Edward & his Heirs wth all their Power against all such as shd. make War against them, & wth this further Clause (which inserted in ye former Charter) yt he will renew ye sd. Letters Patents in ye next Parliament with ye assent thereof. bears ye same Date & at ye same Place with ye former Letters Patents. — And on ye 12 of Feb. followin ther Charter, under his Great Seal, bearing Date at Burgh upon ye Sands, reciting ye large former Letters Pat to King Edward, he appointed & deputed Sr. Alexander de Mowbray, & Sr. John de Geltown to be his special Proctors & his name to confirm all things contained in ye same, & to swear on his behalf (or upon his Soul as it is there express should observe and maintain all those things without ever acting against them. But this was done after he driven out of Scotland, as you will find in ye next Leaf. The curious Reader may see a Copy of from ye original in R–s iv. Vol. p. 458.

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Prelates and Clergy were abſent, theſe things were not at that time reſolved on: So the Parliament was adjourn'd until the Octaves of *Hillary* next enſuing.

But is adjourned without coming to any Reſolution.

* Id. ib. p. 14. And the Cauſe of it.

The * Cauſe of this Diſappointment, the ſame Record informs us, was, thro' the Pride and Emulation of the two Archbiſhops. For, He of *York* and the Biſhop of *Carliſle* appearing there, the Primate of *Canterbury* and all his Suffragans (except the Biſhop of *Lincoln*) would not come to this Parliament; becauſe the Archbiſhop of *York* being in his own Province, made his Croſs to be born before him, which the other Firſt Prelate could not endure; and ſo by reaſon of this Non-appearance of the Biſhops, the Parliament came to no Reſolution as to the preſent carrying on the War in *Scotland*; to the great Prejudice of the Nation, and the Charge and Trouble of doing that in a New Parliament, which ought to have been done in this. And it being now thus broke up, the King returned into the *South* of *England*, there to keep His *Chriſtmaſs*.

I have no more to add concerning this Parliament at *York*, only the *MS.* called *Scala Chron.* as alſo the Chronicle of * *Lanercoſt* tell us, that at this Aſſembly, the Lord *Beaumont*, and the Earl of *Athol*, with divers other Noblemen who had been in the late Battels with King *Baliol*, appear'd; being ſent by Him to uſe all their Intereſt to engage the King and the Eſtates of *England* to declare in His Favour: And at the ſame time there came certain Envoys from *David Bruce*, to beſeech the King that He would give no Aſſiſtance to His Enemy, but rather to help Him who was His Brother-in-law and Ally; with whom alſo He was then in Amity. But the K's Council were of Opinion, That He was not obliged to act againſt His own Subjects, who had loſt all their Eſtates in *Scotland* by the late Articles of Peace, upon His Account. We ſhall now proceed with a Relation of the reſt of the Affairs of that Kingdom this Year.

* *Ad hunc An.*

[3] *H. K.* ib. K. *Baliol* retires to *Anan* in *Anandale*.

[4] Buch. l. 9. *ad hunc Ann.*

[5] *T. W. ad Ann.* 1331. *H. K.* ib. King *Baliol* grants the *Scotiſh* Noblemen of K. *David's* Party a Truce in order to a Parliament, of which they taking advantage by Surprize drive *Baliol* quite out of *Scotland*.

[5] Boeth. Buchan. ib.

After this Parliament, [3.] King *Baliol* left *Roxburgh*, where He had continued ſince His late Victories, and retired to the Town of *Anan* in *Anandale*, being His own antient Inheritance; where He ſtay'd for ſome time, to divert Himſelf. And whilſt He continued here, [4.] *Alexander Bruce*, Lord of *Carick* and *Galloway*, ſuppoſing the Affairs of his Kinſman King *David* to be quite deſperate, ſubmitted himſelf to the Conqueror; who was now ſo far lull'd aſleep with His late Succeſs, [5.] as to agree to a Truce which the E. of *Dunbar*, and the Lord *Douglas*, and ſome other Noblemen, who ſtill continued firm to King *David*, had deſired of the New King, until *Candlemaſs*-day next enſuing. And this being granted, it was alſo further agreed, That a Great Council or Parliament of both Parties, ſhould meet at the Town of *Anan*, near the Borders of *England*, there to make a firm Union between them. But this proved fatal to King *Baliol*'s Affairs; for thinking Himſelf ſecure, He diſmiſſed the greater part of His Forces into Winter-Quarters; which the *Scots* Noblemen of King *David*'s Party hearing of, reſolved to take the Advantage of it; And on [5.] *Chriſtmaſs*-day at night, the Lord *Archibald Douglas*, with the Earl of *Mar*, and divers other Barons, having muſter'd up a Thouſand Choice Horſe ſurprized the New King with thoſe few Noblemen that were with Him, in the Town of *Anan*; moſt of whom, *viz.* the Lord *Comyn*, and *Henry* the King's Brother, *Anno Dom.* Mcccxxxii.

together with divers others, they ſlew upon the Place; the King Hi ſelf hardly eſcaping out of His Bed, half-naked into *England*. Bu muſt obſerve to you, that all this Relation concerning the Truce, depends on the Credit of our *Engliſh* Hiſtorians: For the *Scotiſh* mak it no more than a bare Surprize upon *Baliol*, in time of open War without any Truce appointed, or Meeting agreed on between them, a ours relate. Yet this much is certain, that the Conſequence of thi Defeat was, That [1.] King *Bailiol* being forced to quit *Scotland* for time, fled immediately to *Carliſle*; where He was kindly received b the Lord *Dacres* Governor of that Place, and Sheriff of *Cumberland* with whom He ſtayed during the *Chriſtmaſs*-Holidays. From whenc He went into *Weſtmorland*, and was there as honourably entertained b the Lord *Clifford* at *Appleby*-Caſtle: And not long after, He remove into *Lancaſhire*; and reſided there for ſome time with the Lady o *Gyſnes* His Kinſwoman; who furniſhed Him with all things neceſſary according to His Quality.

[1] *H. K.* ib. K. *Baliol* flies to *Carliſle*, where He is kindly received; and then goes to His Couſin the Lady of *Gyſnes*, who maintains Him.

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[2] Buch. ib. The Noblemen of *Scotland* join with the Ld. *Douglas*, to oppoſe K. *Edw.* and fortify *Berwick*.

[illegible]

[2] Immediately after *Baliol*'s Expulſion, thoſe Noblemen who were for K. *David*, joined with the Lord *Douglas*, then newly made Governor of the Kingdom in the room of the Ld. *Murrey*; (that had been lately taken Priſoner at *Roxburgh*) and they all agreed to make ſuch Proviſions as were neceſſary for their Defence. ~~And~~ they believing that King *Edward* would quickly take *Baliol*'s Part, ~~they~~ invade *Scotland*, and begin with *Berwick*. To prevent this, the *Scots* furniſhed it with a ſufficient Gariſon, and appointed the Lord *Patrick* of *Dunbar* Governor o the Caſtle, and Sir *Alexander Seaton* to defend the Town; whilſt the Lord *Douglas* was ſent into *Anandale*, to guard the *Weſt* of *Scotland*. And in this Poſture the Affairs of that Country continued till the *Engliſh* Invaſion and Siege of *Berwick*, which happ'ned in the following Spring; and falling preſently after *Chriſtmaſs*-day, ought (according to our Account) to have been placed in the Beginning of next Year, but that I would not interrupt the Series of the *Scotiſh* Affairs.

[3.] *H. K.* Scala Chron. K. *Edward* now reſolves to make War upon K. *David*.

About [3.] the ſame time, the Four Year's Truce with *Scotland* being expired, King *Edward* and His Council calling to mind the Apparent Right His Grandfather had acquired to *Scotland*, as well by the Ceſſion of King *John*, as by Conqueſt; and alſo that the *Scots* continued in a ſtrict Alliance with the *French*, the King's ſecret Enemies; It was therefore now reſolved, not to renew this Truce any longer; for it having been concluded in His Minority by the Queen His Mother, and the Lord *Mortimer*, without His Conſent, He thought Himſelf not at all obliged by it: Yet that He might not be ſaid to make War upon King *David* His Brother-in-law, without ſufficient Cauſe, * about the Middle of *December*, He ſent the Lord *Baſſet* and *William de Dunham*, as His Ambaſſadors to that Prince, to demand preſent Reſtitution of the Town of *Berwick*, being His Right by Inheritancee, as having been enjoyed by His Father and Grandfather: And further, to ſummon Him to come into *England*, and do His Homage for the Kingdom of *Scotland*, as holden of His Crown. [4.] To which Meſſage, King *David* adviſing with His Council, return'd an Anſwer to this effect: 'That He much wonder'd at King *Edward*'s Unreaſonable 'Demands; ſince it did no way appear to Him, that the Crown of '*Scotland* was ever held by Homage, or any other Service, from that of '*England*: That His Father King *Robert* had regain'd *Berwick* by the Sword,

* Rot. Pat. 6 *Ed.* 3. P. 3. m. 3. And in order to it, ſends certain Ambaſſadors to demand Homage for that Kingdom which King *David* refuſes. With His Anſwer

[4.] *Froiſſ.* ib. cap 26. Buchan. ib.

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‘Sword from *Edward* the Second, and He Himſelf would keep it, ſince His ſaid Father would never do Homage for it to the Grandfather or Father of King *Edward*. And then concluded with a *Proteſtation*, That He fully intended to keep the Peace lately made at *Northampton*; and hoped, the King would not give ear to evil Councellors, who endeavoured to ſtir up Diſcord between them; but ſhould rather ſuffer Him to enjoy the Antient Rights and Liberties of His Crown, for His Siſter's Sake, whom He had married, and taken into His Boſom. But theſe Affinities are of little or no Conſideration with Princes, when either Intereſt or Ambition perſuade to the contrary: For King *Baliol* being now almoſt driven out of *Scotland*, as you have heard, and knowing that He had no way left to recover what he had ſo careleſly loſt, but by the Aſſiſtance of King *Edward*, was fain to treat and agree with Him upon His own Terms; which were, to hold as much of *Scotland* as the King would allow Him, by Homage from Himſelf; as you will hear a little after.

We find nothing elſe conſiderable to have happened in *England* this Year, [5.] only that the Lady *Eleanor*, King *Edward*'s younger Siſter, about Fourteen years of Age, was given in Marriage to *Reginald* or *Reynold* the *Second*, Earl of *Gueldres*, a great Friend of King *Edward*'s and the *Engliſh* Nation. Her Portion was Fifteen Thouſand Pounds Sterling; no ſmall Sum of Money in thoſe days.

[5.] Speed. Chron. p. 564. *Sanford*'s Gen. Hiſt. p. 155.

Eleanor the King's Siſter is married to the Earl of *Gueldres*.

King *Edward* being now reſolved to make War upon *Scotland*, [1.] early in the Spring ſent other Ambaſſadors to King *David*, upon the ſame Errand as the former, *viz.* That He ſhould come and perform His Homage to the King of *England*. But the *Scotiſh* King and His Nobility utterly refuſing it, as they had done the time before; the Ambaſſadors declared open War, and defyed that King, according to the Inſtructions they had received from their Maſter.

[1.] *Froiſſ.* ib.

K. *Edw.* ſends other Ambaſſadors to King *David*; who upon His denial of Homage defy Him, and declare War.

Then, for the more effectual carrying on this War, [2.] the King had before ſummoned a Parliament to meet at *York*; which being met, He communicated to them his Deſign of marching into *Scotland* in Perſon, to aſſiſt King *Bailiol*, and to reduce *Berwick* to His Allegiance; Which was agreed to by all there preſent. * Then having prefixed *Trinity-Sunday* for the time of His *Rendezvous* at *New-caſtle upon Tine*, the Parliament was diſſolved.

[2] *H. K.* Col. 2563.

He communicates His Deſign of invading *Scotland* to His Parliament, who approve of it.

* Rot. Clauſ. 7 *Ed.* 3. n. 19. Dors.

[4] But before the K. invaded *Scotland* in Perſon, He ſent a ſtrong Detachment under the Command of *Henry*, Son to the Earl of *Lancaſter*, and the Lords *Montague* and *Nevil*, who joining their Forces with thoſe King *Baliol* had raiſed in the *North* of *England*, enter'd *Scotland*, and beſieged a ſmall Caſtle near the Borders, belonging to the Lord *Colvil*, and made the Owner and ſeveral Perſons of Quality that were in it, Priſoners; then carrying away all the Proviſions they found there, they ruined the Place; and ſo marched forward to *Berwick*, which they blocked up, but could make no Aſſault upon it, until the King's Arrival with the reſt of the Army, which was not till above a Month after.

[3] *H. K.* Col. 2562.

The K. ſends a ſtrong Detachment thither before He went Himſelf; which joins with the Forces of *Baliol*, and taking ſeveral Places, block up *Berwick*.

Whilſt [4.] they thus lay before the Town, Sir *Arch. Douglas* entred *England* about our *Lady-day* with Three Thouſand Men, burnt and deſtroyed the Country of *Gilleſland*, belonging to the Lord *Dacres*, for above Thirty Miles round, and ſo returned. But about the ſame time, Sir *Anthony Lucy* entred *Scotland* with Eight Hundred Men, putting all they

[4] Id. ib.

Sir *Arch. Douglas* enters *England*, and deſtroys the Country.

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they met to Fire and Sword; yet as they returned with a great Booty of Cattel, Sir *William Douglas*, Governor of *Lockmabam*, ſally'd out upon them with a great many Men, between whom and the *Engliſh* there began a fierce Encounter, in which the *Scots* were routed, and *Douglas* was taken Priſoner, and the *Engliſh* came off victorious.

[5.] *T. W. Ad Ann.* 1332. *ſed falſo.* K. *Edward* invades *Scotland* in perſon, and beſieges *Berwick*, whereupon the Beſieg'd deſire a Truce.

King [5.] *Edward* having muſter'd his Forces at *New-caſtle*, invaded *Scotland* about the end of *April* with a powerful Army, and coming before *Berwick*, laid cloſe ſiege to it by Sea and Land, and when He had continued ſo to do for above a Month, there happened a Cruel Fire in the Town, which made the Beſieged deſire a Truce for ſome time, upon promiſe of ſurrendering it and the Caſtle, if they were not relieved within fifteen days, and gave twelve Hoſtages for the performance of it. But before that time was expired, all the Nobility of *Scotland*, who took part with King *David*, marched with a great Army under the conduct of the Lord *Archibald Douglas* their General, to the ſuccour of the Beſieged, as far as the River *Tweed*; but finding it very difficult to relieve the Town, they reſolved to act by way of diverſion, and hearing that the Young Queen was then in the Caſtle of *Bamburgh*, in *Northumberland*, they marched thither with all haſt, in hopes to ſurprize it, or at leaſt to divert King *Edward* from the Siege; but being likewiſe fruſtrated in this Deſign, in their return they ſpent ſix days in burning and ſpoiling the Country; then being further encouraged by freſh Meſſages, and importunate Requeſts, from the Beſieged, [1.] that if they would again advance and fall upon the *Engliſh* Army, they muſt in all probability prevail, ſince they much exceeded them in number of Men, and that otherwiſe the Town muſt certainly be ſurrendered; upon this the *Scots* returned to relieve *Berwick*, having drawn up their Army in four great Battalions under as many Noblemen of note. On *Monday* the Nineteenth of *July* King *Edward* marched forth to meet them, leading up His Army in Perſon, and on *Bothul*, or *Halydown-hill*, not far from *Berwick*, fought with, and routed the whole *Scotiſh* Army, tho much ſuperior in number, killing between thirty and forty thouſand, and the reſt, being about twenty thouſand more, run away. But the *Scotiſh* [2.] Writers will own but ten thouſand, or, at moſt, but fourteen thouſand to be ſlain in this Battel; whereupon, within two days after, the Beſieged ſurrendered both the Town and Caſtle to the King's Mercy, [3] who kept it in His own Hands by the Right of Conqueſt, as well as that derived from His Father and Grandfather: but as for the reſt of *Scotland*, He left the New King *Baliol*, with a ſufficient Army, to reduce it to His Obedience.

Chron. Lan. The *Scotiſh* Nobility march to their relief, but finding it very difficult, enter *Northumberland* with a deſign to ſurprize the Queen, but being fruſtrated, they burn and ſpoil the Countrey.

T. W. ib. [1.] *H. K* ib. The *Scots* march back to the relief of *Berwick*, and being met by K *Edward* at *Halydown Hill*, are there utterly routed, and great numbers ſlain [2.] Boeth. Buchan. Whereupon the Town and Caſtle of *Berwick* are ſurrender'd to King *Edward*. [3.] *C. A M.*

[4] *T. W.*

Upon this great Change of Affairs, [4.] the *Scotiſh* Prelates, (who were all of *Bruce*'s Party) fled ſome of them into *France*, and others to the Pope, to make their Complaints, and implore their Aſſiſtance againſt King *Edward*, but to little purpoſe.

*L. 15. l. 9. K. *Ed.* vindicated from the aſperſion of Cruelty laid to His Charge by the *Scot.* Hiſt. for executing the two Sons of Sir *Alex Seaton*.

I muſt not here omit taking notice of a moſt Tragical Story which is related by * *Boethius* and **Buchanan* of King *Edward*'s Cruelty at the Siege of this Town, *viz* That Sir *Alexander Seaton* the Governor having had *Alexander* his Second Son lately taken Priſoner, afterwards delivered his Eldeſt Son to the King as a Hoſtage, That he would ſurrender up the Town by ſuch a day if he were not relieved, and that upon the approach of the *Scotiſh* Forces, for this purpoſe, King *Ed-*

ward

rd before the day came, ſummon'd the Governor to ſurrender, which e refuſing, both his Sons were brought forth, and a Gibbet being ſet up ſight of the Town, the King ordered him to be told, That if he would ot immediately give it up, both his Sons ſhould be hanged before his ce: He was ſometime in ſuſpence what to do, but as he was about have yielded to the King's Demands, the Mother of the Young Men mes up to her Husband, then upon the Wall, and there harangued m in a long ſtudied Speech, (which it is plain *Boethius* made for her, the Stories he alludes to out of the *Greek* Poets); upon which the Governor's Mind being now ſetled, he rather choſe to let both his Sons e their Lives, than to be falſe to his Truſt. This is the Sum of that elation, which is there ſet out with all the Rhetorick and aggravating ircumſtances thoſe Eloquent *Authors* were Maſters of; which tho' it th ſome truth in it, yet is diſguiſed with ſo many Falſe Colours gives it quite another Turn, and would make King *Edward* one the Falſeſt and moſt Cruel Princes that ever lived; which is a Chaeter not given Him by any other *Authors*.

Vid. Bocc. Parnaſſ. print 1656. p. 66.

But I ſhall from two Manuſcript [4.] Chronicles (of ſufficient credit) ve you a truer Account of this Tranſaction, which happened thus: hen the fiſteen days Truce made with the *Scots* at *Berwick*, upon e Terms already recited, wereexpired, and the *Scotiſh* Army u'd put no Relief into it, for the Reaſons already given, King *dward* ſummon'd the Beſieged to ſurrender; but Sir *Alexander aton* the Governor, ſent Him word, That he did not think himſelf liged to do it, ſince he ſtill hoped the *Scotiſh* Army might relieve e Town within a few days: To which the King return'd Anſwer, at the time of the Truce being expired, and no Relief put into the ace, and the *Scotiſh* General not having been able to raiſe the Siege, beat him from his Poſt, within the time limited, He therefore expect- the performance of the Treaty; but when the Governor per-ed in his Reſolution, and began to find other Evaſions in the *Arti-* s of the Truce, this Double Dealing ſo highly provok'd the King, at (by the *Advice* of His *Council*) He commanded one, and not both the ſaid Governor's Sons (as the *Scoriſh* Writers, to aggravate the atter, falſly relate) to be hanged before His Face; which Execution o perhaps too ſevere) wrought this Good Effect upon the reſt of the ntlemen and Townſmen, whoſe Sons were alſo Hoſtages, that fear-g the King ſhould treat them after the ſame manner, they came to w Terms with Him, and obtain'd a Prolongation of the Truce eight days more; within which time, if they were not relieved by o hundred Men at Arms at the leaſt, they would then ſurrender the wn and Caſtle without any further delay. But the *Scotiſh* Army ich once more endeavoured it within that time, being routed, the wn was thereupon immediately ſurrendered: Now tho King *Edward* d upon cooler Thoughts grant the Beſieged a longer time, yet He uld no ways be accuſed either of Cruelty, or breach of Faith, if He d what the very *Articles* of the Firſt Truce allowed Him: nay the *otiſh* Hiſtorians themſelves a few Lines after own, that Sir *Alexander aton* upon the delivery of the Town, was compell'd to own and do Homge to King *Edward*, and come into His Party, which he would ne-r certainly have done by any compulſion whatever, had the King juſt fore uſed him thus barbarouſly, contrary to the *Articles* He had made.

[4.] Chron. Lan. Scala: Chron.

This

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This I take notice of, that ſo the Ordinary Readers of the Scotiſh Hiſtory may not be carried away by the Natural Byas of thoſe *Authors* who always ſpeak for their Countrey, right or wrong. ×

I muſt here likewiſe obſerve, that *Walſingham*'s placing theſe Tran actions under the Year 1332, is a Miſtake; for all the *Scotiſh*, as well as our Own Writers relate this Battel, and the taking of *Berwick*, under this preſent Year.

To ſay ſomewhat more concerning this Town; it being thus reduced t King *Edward*'s Obedience, He ſtay'd there ſome days to refreſh Himſel and His Soldiers after ſo great a Fatigue, and put an *Engliſh* Gariſon in to it to keep it for His Uſe, [5.] giving the *Scotiſh* Townſmen forty day time to diſpoſe of their Effects, and be gone: and Leaving the remainder of the War to be finiſhed by King *Baliol*, whom He left His Lieutenant General, [6.] He return'd into *England* with a ſmall Retinue, to g on Pilgrimage to pay His Devotions to certain Holy Places which H had vowed to viſit, if God ſhould give Him ſucceſs in this Expedition.

Then the New King of *Scots*, after the departure of K. *Edward*, at th Head of twenty ſix thouſand Men, (moſt of them *Engliſh*, with ſom few *Scots* that took part with Him) marched forward to proſecute H Succeſs into the very heart of *Scotland*, taking Towns and Caſtles at H pleaſure, for there were none to reſiſt Him; ſo having paſſed beyond th *Frith* of *Edinburgh*, and reduced all the Strong Places that held out fo King *David*, except *Dunbritton*, and a few other Caſtles, He came t *Edinburgh*, and there remain'd the reſt of this Winter.

But I cannot here omit what the Chronicle of **Lanercoſt* relates; Th a little before the Siege of *Berwick*, *Baliol* ſent to King Davi that if He would come in upon His ſafe Conduct, and ſurrender up H Right to the Kingdom of *Scotland*, He ſhould then quietly enjoy all th Lands and Inheritance of His Father and Grandfather, but thoſe th had the government of this young Prince, would not permit Him accept of ſuch mean Conditions, but rather to quit the Kingdom: F about this time (as [1.] the *Scotiſh* Authors relate) He having now a moſt loſt it, they thought it ſafeſt for Him to leave *Scotland*, and tog ther with His Queen to go over into *France*, where they were kind recieved by King *Philip*, who allowed Him a Maintenance ſuitable His Dignity; and not long after the Antient Leagues that had bee formerly made between the *French* and *Scots* were again renewed; th *Articles* of which I need not here mention: But King *Philip* thought H might very well juſtifie this Proceeding, becauſe King *Edward* had no long before kindly received the Lord *Robert* of *Artois*, His Mortal En my, who had been proclaimed a Traytor in *France*, and being arrive here in *England*, did all he could to excite King *Edward* to renew H Claim to that Crown.

After *Bruce*'s departure, King *Baliol* took this Opportunity to r duce almoſt all the reſt of *Scotland* to His Obedience, [2.] for about th middle of *Auguſt*, He marched again with above twenty thouſand M beyond the * *Frith*, and took moſt of the Strong Places in the *North* and now finding Himſelf pretty well eſtabliſhed in His Throne, [3.] H ſummon'd a Parliament, about *Michaelmas*, to meet Him at *Perthe*, a as, St. *John's-Town*, to which all thoſe *Engliſh* Lords, that claimed E ſtates in *Scotland*, came, and there did their Homage for the reſpecti Land

The King having put a Gariſon into *Berwick*, leaves *K. Baliol* to carry on the War, and returns home.

[5.] *H. Kn.* ib.

[6.] *T. W.* ib.

Who performs it with good ſucceſs, taking almoſt all the *South* of *Scotland*, except the Caſtle of *Dunbritton*.

* *Ad hunc Annum.*

[1.] Boeth. Buchan. ib.

King *David* leaves *Scotland*, and retires with His Queen into *France*.

[2.] *H. K.* col. 2565.

* Called by my Author *Mare Scoticum*

[3.] *T. W. ad Ann.* 1332.

King *Baliol* having reduced moſt part of the *North* of *Scotland*, calls a Parliament at *Perthe*, where all the *Engliſh* Lords that held any Lands in *Scotland* did Him Homage.

× I cannot but here observe, that since ye printing ye former Vol. of this History, I have from Mr. Rymer been furnished wth another & fuller ~~aut~~ Proof of ye Falshood of this Story of King Edward's Cruelty towards Sr. Alexander for there is now discovered among the Rolls of Scotland in ye Tower [Rot. Scot. 7. Ed. 3. m. 14] certain Articles of a made by way of Indenture between King Edward, & Patrick Earl of Dunbar, the Earl of March and others of Castle & Town of Berwick, concerning the Surrender of the Castle, reciting a Cessation of Arms by Land to continue until Thursday being St. Margarets Day, or of July next ensuing, within which if ye sd. Castle were not relieved, either by a Battle, or a Recruit of 200 Men at Arms put into the Ca ye Monday preceding ye sd. Feast, then ye sd. Town & Castle should be surrendered to ye King of England without any Fraud or Delay; but in case it were so relieved, & 200 such Men put into it, & ye castle should not be taken by yt Time, yn the Hostages, who are there named (viz: Edward & John, Sons of John de Haym) should be delivered to ye sd. Earl on ye sd. Thursday between the rising & setting of the Sun. This Agreement bears Date at ye Siege of Berwick ye 15. Day of July A.D. 1333.

Then on the same Roll follows [m. 16. Rs. Coll. IV. vol. p. 566, 567.] another Indenture between ye sd. King & Sr. William de Keth then Governour of Berwick, and all ye People as well of ye Clergy as Laity within ye sd. Town, reciting yt ye King had granted them a like Cessation of Arms for ye same Term as in ye former Agreemt. above mention'd for the Castle, and yt during ye same they might all remain in Peace & Quiet within ye sd. Town, wth ye like Conditions for ye Surrender of it, if it were not relieved by ye Power of Scotland between ye Day of ye Date hereof, & ye Monday before ye Thursday in ye former Agreement mentioned. This was Sealed on behalf of ye King by the Ld. John of Eltham, Earl of Cornwall & by Sr. William de Keth on behalf of ye Town, which Indenture being interchang'd, one Part of it was to be kept by ye King of England, & ye other Part by ye sd. Sr. William. Written at ye Siege of Berwick 16 July the year above written.

From which documents we may draw these conclusions.

1. That not Sr. Alexander de Seaton, but Sr. William de Kethe was then Governour of Berwick & consequently it was not in his Power either to keep or surrender ye sd. Town at his Pleasure.
2. That none of his Sons were by this Agreement deliver'd as Hostages for ye true Observation of it by ye Governour & People within ye Town, & ye two Hostages there named are the same in both Indentures, & consequently it was not in King Edward's Power to hang any of Sr. Alexander's Sons for ye Breach of ye sd. Articles (as the Scotch Historians relate) -- But if it be ask'd how it comes to pass, yt all of them should fall into so gross a Mistake, I can solve it no other way, but yt they follow'd one another, and when Hector Boethius had taken it out of ye Continuator of Fordun, it was very easy for Buchanan who transcribed & abridg'd both, to commit ye like Errour; and I must likewise warn the Reader that I am mistaken in Vol. p. 379. in making ye MSpt. Chronicle of Lanercost to relate the Story, as it is there recited, upon a Review of it; I cannot find any thing relating to the executing of Sr. Alexander Seaton's Sons in ye sd. Chronicle nor in the Cotton Library.

hew aknowledg my self mistaken in following this author cited in ye margin in this ity, since I suppos'd King Edward to have return'd into Scotland in ye begining of Feb. this year sent at ye holding of a Parliamt. in that Kingdom: But it appears by ye original Commission trument [vid. R's. Coll. vol. IV. 588.] in the Chapter House at Westminster, that he was in Scotland, but had appointed Sr. Geoffrey de Scrop, Ld Chief Justice of England, the Ld. Ed- Bohun, Will: Montague Ld. of the Isle of Man, Henry de Peircy, & Ralph Nevil Steward of hold, Ambassadors and special Procurators to be present at the Parliament to be held by

Edward de Bayliol King of Scotland, & to approve & confirm certain Agreements made between him & ye sd. King, as by ye King's Letters Patents does more fully appear. This Commission bears Date ye first of Feb: in ye 8th year of his Reign. And in Prosecution thereof it appears by another Instrumt. that ye sd. Noblemen, his Ambassadors & Procurators did in the ensuing Parliament receive a Confirmation from ye King, & all ye Estates by their Homage & Fealty, which had been performed to King Edward, as has been already related. This bears Date under ye Test of a Notary publick appointed for ye purpose at ye Holy Rood House in Edinburg ye 12th: of Feb: 1334. & is ye to which ye foregoing Relation refers. After wch. follow ~~four~~ four several Charters dated at ye same Time, ye first of which contain a Confirmation of ye Rent, or a Pension of 2000 Pounds pr. annum already granted by King Bayliol to K. Edward ye 23d. of Novr. beforegoing. The 2d. is a Recital & Confirmation of an agreemt. already mention'd, whereby ye King of Scotland engages for himself & his Heirs, with ye ~~[illegible]~~ assent of ye Prelates, Earls, Barons, & others assembled in ye Parliamt to assist King Edward in Person with his whole Power, and at his own Expence against all such as should make war against ~~all such as should make war against him~~, in England, Wales & Ireland, & yt for ye space of six months. The third is not recited in Mr. Rymer's Collection, but I conceive it to be a Confirmation of King Bayliol's Agreement faithfully to perform & keep ye Peace between him & King Edward & those Realms as contained in certain Letters Patents (vid. R's Coll. vol. IV. p. 539) bearing date ye 23d. of Novbr. last past, and for ye sure maintaining thereof Sr. Alexander de Mowbray & Sr. John de Felton, as Proctors & Attornies for ye sd. King, had confirm'd & ratify'd all things contain'd in ye sd. Letters Patents, & had also sworn on his behalf that he should inviolably observe & maintain ye same, as appears by other Letters Patents bearing Date 12th Feb. This present year. vid. R's Coll. p. 548. The 4th & last Charter confirmed by ye Scottish Parliament was that of ye grant of ye Town [Id. ~~vol.~~ p. 594. County of Berwick, whereby K. Bayliol to K. Edward & his Heirs, in part of ye Consideration of ye 2000 £ yearly Rents, wch he had formerly granted to ye sd. King. All these several Charters are under ye great Seal of Scotland in green wax, & are also witness'd by ye Bps. of Glascow Aberdeen, & Dunkeld, & by several & Noblemen of yt Kingdom who were then in K. Bayliol's Interest; & these Charters and all Proceedings thereupon drawn up into due Form & attested by William Sireston Clerk & publick Notary, authorized by ye Pope. You may see at large in R's. IV. vol. p. 590. to 595.

Lands they held under Him, excepting the **Allegiance** they owed to their Sovereign **Lord** the King of *England*; the chief of theſe were the Lord *Beaumont*, Earl of *Buchan*, the Lord *Richard Talbot*, *David* Earl of *Athol*, the Lord *Henry Piercy*, with divers other *Engliſh* Noblemen, who were all now reſtored to the Honours and Eſtates which they claim'd in *Scotland*; and in this *Parliament* all *Acts*, *Statutes*, *Ordinances* and *Grants* of Lands made by *Robert* or *David Bruce*, late Kings of *Scotland*, were declared null and void. Thus King *David* was ſeemingly unking'd, and *Edward Baliol* to all appearance placed in the *Scotiſh* Throne; but within a few Years **He** was turn'd out, and *David* again reſtored, who it proved in the end to His greater **Diſgrace**, as you will find hereafter. But to return to our own Affairs:

King [4] *Edward* having ſtaid in *England* untill He had perform'd His Pilgrimage, and offer'd His Thanks to God at the Shrines of St. *Edward* at *Weſtminſter*, and St. *Thomas* at *Canterbury*, and other Holy Places, then that He might be the more ready wholly to renew the War next Spring, in the beginning of *November* He again took a Journey into *Scotland*, as far as *Roxburgh*, where He ſtay'd until after *Chriſtmaſs*; and there we ſhall leave Him for a time, and conclude this Year with [5] the Death of *Simon Mepham*, ABp of *Canterbury*, who deceaſed in *October*, and was ſucceeded by *John Stratford*, Bp of *Wincheſter*, a Prelate of great Learning and Judgment.

The [1.] King having kept His *Chriſtmaſs* at the Place abovementioned, went to *Edinburgh* about the beginning of *February*, where King *Baliol* then held a *Parliament*; who in the preſence, and by the aſſent, of the **Prelates, Earls, Barons, Knights,** and **Others** of **His Kingdom** in the ſaid *Parliament*, did **Homage** to **King Edward** in *French*, in this Form, as it is expreſſed in His **Charter.** *I* **Edward**, *by the Grace of God*, *King of* **Scotland**, *and the Iſles thereto belonging*, *become your Liegeman for this Realm*, *and the Iſles*, *againſt all People that can live and die.* Then the Charter proceeds thus; '**And the ſaid King of England received our Homage in the Form abovesaid, as Sovereign Lord of the Realm of** *Scotland*, **and the Iſles; and He then entred into the** *Faith* **of the ſaid King of** *England*, **Sovereign Lord of the ſaid Realm and Iſles, touching the Holy Goſpels, with the Words that follow: We will be true and faithful to our moſt dear Lord the King of** *England*, **and to His Heirs, as Sovereign Lords of the ſaid Realm of** *Scotland*, **and Iſles, againſt all People that live and die; and We grant and oblige Us, and our Heirs to do to our ſaid Lord the King of** *England*, **and His Heirs, Liege-Homage and Fealty in the Forms above written, upon every change of a Lord, or renewal of one Party or the other.**

In the ſame *Inſtrument* He granted to King *Edward*, *Berwick*, &c. In witneſs whereof **He** then made His Letters Patents dated at *Edinburgh* the Twelſth of * ***February***, ***A. D.*** **1333.** in the Second Year of His Reign. ^ see above.

The *French* Original of this *Charter* under the Great Seal of **England**, is ſtill preſerved in a Box, entituled, *Scotia*, *Tempore Regis Edwardi Tertii*; which is in a great Cheſt with that ſame Title, in the Old *Chapter-Houſe* at *Weſtminſter*, where the *Reader* that is curious to view ſuch Antient Monuments may find it, or may be ſatisfied with the Tranſcript of it, printed in Dr. *Brady*'s † Second Volume of His Hiſtory; and this rather deſerves our notice, becauſe none of our Hiſtorians either in Print

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[4.] Id. ib. King *Edward* having viſited the Shrines of divers Saints, returns into *Scotland* before Winter.

[5] Chron. *Will. Thorne.* in hunc An. The death of *Simon* ABp. of *Canterbury.*

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[1]. H. K. *ad Ann.* 1333. The King goes to *Edinburgh*, and there receives Homage from King *Baliol*; with the Form of it.

*Note, according to this Account, the Year begins at our *Lady-day*; but we beginning at *Chriſtmaſs*, it was *Ann. Dom.* 1334, as we now place it.

† Pag 195.

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in general only

in Print or Manuſcript, ſay any thing of this Charter, ~~nor~~ mention ~~any~~ Homage ~~to have~~ was been done by this *Baliol* to our King *Edward.* for [illegible] Scotland.

The King having thus ſetled His Affairs in *Scotland*, immediately return'd to *York*, * whither He had ſummoned a Parliament to meet on the Twenty Firſt of *February*. The Chief Matters then enacted were, *That the Great Charter and Liberties of the Foreſt*, and other *good Statutes*, ſhould be duly obſerved; and what Clauſes therein were obſcure, ſhould by good Advice be explained. There were alſo ſeveral other Acts then made, which the Reader may find in our Printed Statute-Book: And he may alſo ſee an Abſtract of them among the Laws at the End of this King's Reign; and as for other Tranſactions in this Parliament, he may conſult *Cotton*'s *Abridgment* of Records.

*Rot. Parl. 8 *Ed.* 3. *Cot.* Abridg. p. 15.

A Parliament held at *York*, and what was done there.

So ſoon as the Parliament was ended, [2.] King *Edward* advanced again towards *Scotland*, and kept His *Whitſuntide* at *New-caſtle* upon *Tine*; and on the Nineteenth of *June*, (as *Walſingham* relates) *Baliol* there renew'd His Homage to King *Edward* for the Realm of *Scotland*; tho' I am apt to conceive it to be a Miſtake in this Author, as alſo in *Adam de Murimuthe*, who alſo makes this Homage to be done about *Midſummer*; whereas it is moſt likely to have been no more than the ſame Homage which was already performed in *February* before at *Edinburgh*, and which is juſtified by His Charter upon Record. But this is more certain, [3.] that at this time, *David* Earl of *Athol*, and ſeveral other *Scotiſh* Lords who held Lands in *England*, then did Homage to King *Edward* for the ſame. But what is yet more remarkable, King *Baliol* at the ſame time granted to King *Edward* His Letters-Patents, reciting, That whereas the ſaid King had by the great 'Expence and Labour of Him and His People, given Him great Aſſiſtance in the Recovery of His Inheritance, He therefore granted and 'aſſigned for Him and His Heirs, unto the ſaid King, Two Thouſand 'Pounds yearly in Lands and Rents, in the Borders where it ſhould beſ 'pleaſe Him; and in Part of this Two Thouſand Pounds *per Ann.* farther granted Him the Caſtle, Town, and County of *Berwick* upon '*Tweed*, with their Appurtenances, Seperate from the Crown of *Scotland*, and to be annex'd to the Crown of *England* for ever, by Aſſent of the Prelates, Earls, Barons, Knights, and Others of tha 'Kingdom in Parliament aſſembled. And in further and full Satisfaction of the ſaid Two Thouſand Pounds *per Ann.* by the ſame Aſſen 'in Parliament, He alſo gave, granted, and aſſigned, the Town, Caſtle, and County of *Roxburgh*; the Town, Caſtle, and Foreſt o '*Jedworth*; the Town and Caſtle of *Selkirk* and *Etrick*; the Town 'Caſtle, and County of *Edinburgh*; with the Conſtablaries of *Haddington* and *Linlithgou*; the Town and County of *Pebles*, and Town 'County and Caſtle of *Dunfrees*, with their Appurtenances, Knight 'Fees, and Services; with all the Advouſons of Churches, Chappels 'Religious Houſes, Cuſtody of the Temporalties in the time of the 'Vacation of Biſhopricks, and all other Things whatſoever belonging 'to them; and with the Subjection and Government of the People in 'thoſe Places; to hold them to Him and His Heirs, ſeparate from the 'Crown of *Scotland*; and annexed unto, and incorporated with the 'Crown of *England* for ever. This was dated at *New-caſtle* upon *Tine* the Twelfth of *June* in the Second Year of His Reign: The Origina whereo

[2.] *T. W. in Ann.* 1333.

The K. advances towards *Scotland*, and at *Newcaſtle* renews His Homage, as did alſo ſeveral *Scotiſh* Lords.

[3.] *H. K.* Col. 2566.

K. *Baliol* grants to K. *Edward* the Towns and Caſtles of *Berwick* and *Roxburgh*, with ſeveral other Lands to the value of 2000*l.* *per Ann.*

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whereof under the Great Seal of *Scotland*, is in the ſame Box above-noted, and alſo confirm'd by ſeveral other Inſtruments in the ſame place, under the Great Seal of that Kingdom. X

X you may see a true Copy of this Charter in Ry's Coll: p. 614. 615. where note yt ye Lands of Bayliol, Kenmure, and Kirkandres, being Part of ye County of Dumfrees were within 6 Days after ye Date of the former Charter granted back by King Edward to ye King of Scotland because they were part of the ancient Inheritance of the Bayliols, & did not belong to the Crown of yt Kingdom, as appears by King Edward's Charter to King Bayliol, bearing date at Newcastle ye 18 Day of June this year [Rot. Scot: 8 Ed. 3. m. 13 vid. Ry's Coll. p. 615] & I cannot but take notice yt not long after King Edward by his Letters Patent [Rot: Scot: m. 20] bearing Date at Chester ye 21 of June appointed John de Bourdon Clerk his Chamberlain for all the Lands in Scotland which had been made over to him by ye King of Scots.

But this Homage, and theſe over-liberal Conceſſions made by the New King of *Scots* to King *Edward*, were ſo far from advancing the Intereſt of either Prince, that they rather ſerved to turn the Body of that Jealous Nation againſt them both; ſince the *Scots* plainly ſaw, that *Edward* ſought His own *Grandeur* and Intereſt above that of their Country; and they looked upon this New King only as an Inſtrument ſet up to promote His Deſigns. For [5.] not long after the Earls of *Bouchan* and *Athol* being diſcontented, by reaſon of a Sentence which King *Baliol* had given in Parliament in favour of Sir *Alexander Mowbray*, for certain Lands he claimed againſt the former of theſe Earls, who had married one of the Daughters and Heirs of Sir *John Mowbray*, elder Brother to Sir *Alexander*; they both at once revolted, and fortified their Caſtles againſt Him, and became the Heads of the *Brucean* Party. [1.] About the ſame time alſo, the Lord *Talbot*, very angry that his Advice was not followed, reſolved to quit King *Baliol*'s Service, and return into *England*: But travelling thither with a ſmall Retinue, he was met with, and taken Priſoner by ſome of King *David*'s Party; and being carried to the Caſtle of *Dunbritton*, could not obtain his Liberty, until he had paid Two Thouſand Marks for it.

Theſe over-liberal Conceſſions turn the *Scotiſh* Nobility againſt K. *Baliol.*

[5.] Buch. l. 9. Many of whom being diſcontented upon that as well as other Accounts, revolt from Him.

[1.] H. K. ib. The Lord *Talbot* in his Return into *England* is taken Priſoner, and carried to the Caſtle of *Dunbritton.*

After theſe things, [2.] King *Baliol*'s Affairs met with various Succeſſes; for tho' He took the Town of *Ranfew*, and the Iſle of *Bute*, with divers Caſtles in *Kyle* and other Places, yet Sir *Alexander Mowbray*, highly incenſed that the King had revoked the late Sentence given in His favour, and adjudged thoſe Lands that were ſtill in Diſpute, to the Lord *Beaumont*, and the Earl of *Athol*, to bring him over again to His Party: He therefore took up Arms, and joining with the Lord *Andrew Murray* then Governor of that Part of *Scotland* which held out for King *David*, they beſieged the Lord *Beaumont* in the ſtrong Caſtle of *Dundarg*; to whoſe Relief the King of *England* not long after marched, but without performing what He went for, as you will find anon. But this is certain, [3.] that the greater Part of the Nobility and People of the Kingdom of *Scotland* were ſo incenſed againſt both Kings for this laſt Homage to King *Edward*, that riſing up in Arms, they ſlew ſeveral of His Adherents, and forced K. *Baliol* out of that Kingdom: So that He went into *England*, and paſſed ſome time at *Ravenſhelm*, (or rather *Ravenskelthe*-Caſtle) in *Yorkſhire*, till King *Edward* could come to His Aſſiſtance. This is the Sum of the *Scotiſh* Affairs which were tranſacted the reſt of this Summer, and part of the Winter following. But it is time to return to thoſe of *England*.

[2.] Id. ib. The various Succeſſes of K. *Baliol*'s Affairs in *Scotland*.

[3.] T. W. An. 1333, *falſo*, *ſed Yo. Neuſt.* 1334. The greater Part of the Nobility and People of *Scotland* take Arms and drive back K. *Baliol* out of that Kingdom into *England*.

King *Edward* after He had parted with the *Scotiſh* King at *New-caſtle*, went immediately to *Windſor*; from whence He ſummoned the Biſhops, Earls, and Barons, to meet Him at [4.] *Nottingham* on the *Tenth* of *July*, to adviſe about the Arduous Affairs of the Realm. In this Council 'twas ordained, That a Parliament ſhould * be ſummoned to meet at *Weſtminſter* on *Monday* after the Exaltation of the Croſs, or about the *Twentieth* of *September*; which meeting accordingly, the King did then declare, [5.] That being now thereto invited by His Couſin the Duke of *Bretaigne*, who came lately on an Ambaſſy from *France*, He had form'd a Reſolution to take a Voyage with the *French*

[4.] Id. Hiſt. ad An. 1333.
* Rot. Clauſ 8 *Ed.* 3. m. 18. Dors. *T. W.*
The K. calls a Parliament; wherein He again propoſes His Voyage to the *Holy Land*.
[5.] *T. W.*

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King and other *Chriſtian* Princes to the *Holy-Land:* For tho' He had not as yet anſwered King *Philip* directly, when He requeſted his Company in this Expedition, becauſe He had been credibly inform'd, that about this time He had ſent out ten great Ships, deſign'd for *Scotland*, to aſſiſt King *David*'s Party: Yet foraſmuch as thoſe Veſſels, being miſerably ſhatter'd at Sea, were at laſt forced to return home without any effect, and alſo becauſe *Scotland* then ſeemed pretty well ſetled under the Government of King *Baliol*, He was the more willing to partake with the reſt of the Princes of *Chriſtendom* in this Enterprize, tho He had ſet no time for the doing of it.

[5.] *T. W.* ib. That Deſign is quaſhed, upon the ill News out of *Scotland.*

[1.] Id ib. *H. K.* C. 2565.

[2.] Id. ib. He thereupon immediately marches towards *Scotland*; but before He could arrive, the Ld. *Beaumont* ſurrenders the Caſtle of *Dundarg*, together with himſelf.

* Rot. Pat. 9 *Ed.* 3. p. 2. m. 22.

And was forced to pay a great Ranſom for his Liberty.

But this Deſign was preſently quaſhed, by reaſon of the ill News which came before this Parliament broke up, [5.] *viz.* That the *Scots* had again rebelled againſt King *Baliol*, and taken the Lord *Talbot* Priſoner, and beſieged the Lord *Beaumont* in his Caſtle, as hath been already related: Whereupon the King had granted Him towards His War with *Scotland* [1.] a *Fifteenth* from the Lords and Knights of Shires, and a *Tenth* from the Clergy, as alſo the like from the Citizens and Burgeſſes: And then the Parliament broke up.

Immediately after which (tho' it were now late in the Year) [2.] the King made another Expedition into *Scotland*, but not being able to reach *Berwick* until *All holland-tide*, the Lord *Beaumont* was forced to ſurrender the Caſtle of *Dundarg* for want of ſpeedy Relief, and was himſelf made a Priſoner: tho' not diſcharged upon his Parole, (as *Hect. Boeth.* relates) but he was fain to pay a great Ranſom for his Liberty, as appears from a * Record; which ſhews, that about a Year after, King *Edward*, in requital of his Services, acquitted him of all ſuch Debts as were due from him to the *Exchequer*; and then too He particularly forgave him (among the reſt) Four Hundred Marks formerly lent unto him at *York*, towards the Payment of his Ranſom in *Scotland.*

[3.] *T. W. ad An.* 1333. *ſed in Ypod. Neuſt.* 1334 *quod rectum eſt.*

K. *Edward* enters *Scotland*, joins K. *Baliol's* Army, and marches in perſuit of thoſe *Scots* that took part with K. *David*, as far as *Caithneſs*, and then returns to *Berwick.*

The Earl of *Dunbar* revolts.

K. *Edw* keeps His *Chriſtmaſs* at *Roxburgh.*

Yet preſenly after, [3.] about the middle of *November*, King *Edw.* enter'd that Kingdom (by the way of *Galloway*) with a Gallant-Army, which He joined to King *Baliol*'s; who, being thus ſtrengthened by theſe Forces that were now lent Him, marched as far as *Glaſco* and *Cunningham*, ſpoiling all before Him. In the mean while K. *Edward* not troubling Himſelf with ſtaying to take in any Caſtles or other ſtrong Places, perſued thoſe *Scots* who continued of King *David*'s Party as far as beyond *Caithneſs*, which was farther than *Edward* his Grandfather had ever been. After theſe Actions, the two Kings of *England* and *Scotland* rejoined their Forces, and returned towards *Berwick*. Then not long after, *Patrick* Earl of *Dunbar* revolted, and retiring into the *Highlands*, denounced his Homage to both Parties; which made King *Edward* remain the reſt of this Year in the Borders of *Scotland*, and keep His *Chriſtmaſs* at *Roxburgh*, ſtill having with Him the Pope's *Nuncio*; who was come to mediate a Peace between Him and *David* King of *Scots*, that was ſtill in *France.*

[4.] *T. W.* ib. The Death of Pope *John* XXII.

As to Foreign Affairs, I can find nothing remarkable, [4.] excep the Death of Pope *John* XXII. who deceaſed at *Avignon* the *Fourth* o *December*; being a Prelate of a Haughty Spirit, having had perpetua Feuds with the Emperor *Lewis* of *Bavaria*, whom He had excommunicated. On the *Twentieth* of the ſame Month, *James* Cardinal of S. *Priſca*, a Native of *Foix*, was elected in his ſtead by the Name of *Benedi*

th

the *Twelfth*; a Perſon of great Prudence and Frugality, tho' being a *Frenchman*, he always ſhewed Himſelf Partial to the Intereſt of that King, againſt the King of *England*.

King *Edward* having [5.] kept His *Chriſtmaſs* at the Caſtle of *Roxburgh*, which He had newly repaired, preſently after the Holy-days marched into the Foreſt of *Etherick*, looking for the *Scots* whom He heard were there: But none daring to appear, He ſent King *Baliol* with the Earls of *Warwick* and *Oxford* to *Carliſle*, to defend that Side againſt any Incurſions of the Enemy. But the Earls hearing by the way, that the Earl of *Murrey* and many *Scots* in his Company, lay at *Pebles*, they turned thither; and putting moſt of them to the Sword, deſtroy'd the adjacent Country; and then went on to *Carliſle*, where they ſtayed the reſt of this Winter. Preſently after the Feaſt of *Epiphany*, there came thither the *Militia*'s of the Counties of *Lancaſter*, *Weſtmorland*, and *Cumberland*; who after ſome ſtay marched into *Scotland*; and joining with King *Baliol* and the Earls and Barons that ſided with Him, burnt and ſpoiled all the Country next the Borders that held out againſt Him; and then the *Engliſh* returned to *Carliſle*.

And now K. *Edward* having done as much as He could in *Scotland* for this time, return'd into *England* by the way of *New-caſtle*. From thence [1.] He went to *Nottingham*, where He held a Private Council with His Nobility *on *Mid-Lent Sunday*, and then gave an Anſwer to the Biſhop of *Auranches* and a certain Baron whom the *French* King had lately ſent over to ſollicit a Peace for the *Scots*; which tho' King *Edward* would not agree to, yet He granted them a Truce from *Eaſter* until *Midſummer* following, at the Interceſſion of theſe Ambaſſadors, as alſo for the convenience of His own Affairs. During this Interval, whilſt the King continued at *Nottingham*, He iſſued out * Writs for a Parliament to meet at *York* on the morrow after the Feaſt of our *Lord*'s *Aſcenſion*, there to treat how to carry on the War againſt the *Scots*, when the Truce ſhould expire: And farther in this Parliament, divers Laws were enacted that proved for the General Good of the Kingdom; an Abſtract of which you will find at the end of this Reign, and thoſe that deſire to ſee them at length, may conſult the Statute-Book. (2) vid also ye King's Concessions to ye French Ambassadors concerning this Truce in Rot. Scot. 9. Ed. 3. m. 41. & printed in R— Coll. p. 640.

Then about [2.] *Midſummer*, the Truce being near expired, the King marched again with His Army to *New-caſtle*, whither K. *Baliol* came to Him from *Carliſle*; and here it was agreed between them and their Council, That King *Edward* ſhould on the *Twelfth* of *July* enter *Scotland* on that ſide next *Carliſle*, whilſt the *Scotiſh* King did the like on the other ſide; which was put in execution accordingly: For on the *Eleventh* of that Month, the King being attended by the Lord *Henry*, Son to the Duke of *Lancaſter*, with ſeveral other of the Earls and Barons of *England*, enter'd *Scotland*, and [3.] paſſing over *Solway-Frithe*, marched thro' *Anandale* without any Oppoſition, or ſeeing any of the *Scotiſh* Forces; but what were become of them you will ſee by and by. In the mean while, King *Baliol* alſo enter'd *Scotland* on the other ſide, beſieged and took the ſtrong Caſtle of *Cumbermouth*, belonging to the Earl of *Athol*, and in it divers Perſons of Quality, whom He made Priſoners.

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[5] *Ypod. Neuſt. ad An.* 1335. Chron. Lan. *ad An.* 1334.

King *Edward* ſends K. *Baliol* with ſeveral Earls to defend all the *Engliſh* Borders, and in their way they rout the E of *Murrey*'s Forces.

[1.] Id. Hiſt *ad An.* 1334.

* Rot. Clauſ. 9 *Ed.* 3. m. 34. Dors. *H. K.*

The K. being returned into *England*, holds a Great Council at *Nottingham*.

* Rot. Clauſ. 9 *Ed.* 3. m. 28. Dors.

After which He holds a Parliament at *York*; and what was done there.

[2.] Chron. R. *Southwell*, cited by *Holingſhed*, p. 898.

The Truce being expired, the K. marches again towards *Scotland*, and He and K. *Baliol* invade it at once at two different Parts.

[3.] *H. K.* Col. 2565.

I cannot omit saying somewhat of Scholastick Affairs in this Kingdom: that great Quarrels & Dissention having lately fallen out in the University of Oxford, between the Southern & Northern men, insomuch that they often ended in Fighting & Shedding of Blood to ye great Disturbance of the Studies of the Scholars there; so yt a great many of them withdrew from thence to ye Town of Stanford, & there began as a new University, until upon Complaint of the Chancellour & Scholars made thereupon to the King, he issued out his Writt to ye Sheriff of Lincolnshire, reciting these abuses & commanding that he should go to ye sd Town of Stanford & cause it to be proclaimed yt no Persons under Pain of Forfeiture of their Goods should presume to follow their Studies, or perform any Exercises in any other Places than in one of ye Universities. This bears Date ye 2d of Aug. at Windsor this year. [Rot. Claus: 8. Ed. 3. m. 17. R— Coll. p. 621] Which not being found to have a sufficient Effect, was ye year following reinforced by a special Commission [Pat. 9. Ed. 3. p. 1. m. 29. Rs. Coll. 623] under the great Seal, directed to Sr. William Trussel, where after ye Recital of ye former Writt to ye Sheriff of Lincolnshire, & the neglect of ye observation of ye sd Proclamation to the great Slight of the King & Disposition of the University of Oxon; he therefore straitly charges & commands the sd William Trussel to go to the sd Town of Stanford & again to proclaim yt no Scholars shall presume to study there, or perform any Scholastick exercises, & yt he should return up the names of such, who after the sd Prohibition were found to act contrary thereunto; & ye Sheriff of Lincolnshire was also commanded to assist him in ye sd Affair. This bears Date at Nottingham the 24th of March. 1335. And ye King to put a Stop to these Quarrels & Dissentions, had some time before given a Commission under the great Seal [Pat. 8. E 3. p. 2. m. 23. R— Coll. p. 622. 623.] to the Bishops of Lincoln, Coventry, Litchfield at the Petition of the Chancellour of ye University of Oxon to go thither in Person & enquire into ye Causes of the said Dissentions by the Information of the Chancellour Proctors & Masters, and to treat with them about composing of the same; and then to certify the King of their Proceedings therein, yt he & his Council might do such things as they in their Discretions should think fit. This bears date at Westminster ye 20th of September before ye last Commission. By which prudent Management, partly by Perswasion, & partly by Force ye Scholars in a short time removed from Stanford either to Oxford or Cambridge, & so there was an End of that new University, which lasted but for a few years.

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[3.] Id. ib.
The *Scots* taking their advantage, ſurprize 500 *Engliſh*, whom they put to the Sword.
Holingſ. ib.
The Earl of *Namur*, with his Brother going to the aſſiſtance of K. *Edward* are taken Priſoners yet are ſoon diſcharged.
The Earl of *Murrey* is taken Priſoner.
[4] *Holingſhed*, pag. 898.

But [3.] tho the *Scots* were ſuppoſed to be retired into their Woods and Mountains for ſafety, yet they only lay upon the watch to take their advantage; for ſhortly after, under the conduct of the Earls of *Murrey* and *Dunbar*, they ſurprized five hundred *Engliſh* Archers, who, returning home too ſecurely, as not dreaming of any danger, were put all to the Sword; and not long after *John* Earl of *Namur*, (called by the *Scotch Earl* of *Gelder's*, but falſly) with Sir *Robert* his Brother, having landed in *England*, marched to the aſſiſtance of King *Edward*, together with divers Barons and Knights, and a choice Band of one hundred Men at Arms, who being on their March near *Edinburgh*, were aſſaulted by the *Scots* under the conduct of the Earl of *Marche* and the Lord *Douglas*; and after a ſharp Conflict, retiring to a ruin'd Caſtle for defence, were at laſt forced to ſurrender themſelves Priſoners; yet either out of Generoſity or Policy, to gratify the King of *France*, (theſe Young Princes being his Kinſmen) they were not only releaſed by the Lord *Randulph* the Governor, and the Earl of *Murrey*, but were alſo by him convey'd back as far as the *Engliſh* Borders; however the Earl pay'd dear for his Complement, [4] for in his Return being met with by the Gariſon of *Roxburgh*, his Party was routed, and he was taken Priſoner by Sir *William Prieſtwood*. x

x This Earl being thus taken was not long after convey'd into Engl: & by John Feriby kept cloſe Priſoner in ye castle of Nottingham, as appears by the Kings Commiſsion for that purpoſe extant in the Pat: Rolls. pat. 9. Ed. 3. p. 2. m. 23. vid: Rs: Col: f 642

[5.] *T. W.* ib. *Hol.* Hiſt. *Scot.* 899.

[5.] Some time after this, *John* Earl of *Cornwal*, entred *Scotland*, and having joined his Forces with thoſe of Sir *Anthony Lucy*, they deſtroy'd *Galloway*, *Carrick*, *Kyle*, and all the *Weſtern* Parts that ſtill held out againſt King *Baliol*; after which Succeſs Earl *John* marched to St. *John's-Town*, where he found the King his Brother newly returned from His Expedition into the *High lands*.

[1.] *H. K.* col. 2367.
Od. *Raynol ad. Ann.* 1335.
[2]. H. K. ib.

King *Edward* being come back from thence, ſpent ſome time in repairing and fortifying the *Town* of *Perth* which had been lately burnt; and whilſt He lay there, He received Ambaſſadors from the King of *France*; who, to hinder His further Progreſs in *Scotland*, [1]. had alſo procured the *Pope* to do the like, to mediate a Peace between King *David* and Him, and alſo to deſire Him to accompany King *Philip* in the *Holy War*, which He had lately undertaken by the *Pope's* Encouragement and Perſwaſion: But [2.] *Edward* being offended at the *French* King's intermedling ſo far in His Affairs, gave His Ambaſſadors a ſhort and reſolute *Anſwer* to this effect, 'That He was able (He bleſſed God) 'to make War upon the Infidels when He thought fit, without any aſſiſtance from their Maſter; and that He neither could nor would undertake any Foreign Expedition, till He had ſubdued his Enemies the '*Scots*.

The *Scotiſh* Nobility are forced to ſubmit to the King, with their Names.
[3.] *Rob. de Averſbury's* MS. Chron. cap. 21. in Bib. Dom. Sim. Dew's.

Thus King *Edward* put off the King of *France's Ambaſſadors* at that time, and proceeded with ſuch ſucceſs in *Scotland*, that about the middle of *Auguſt* many of the *Scotiſh* Nobility of King *David's* Party who were tired out, came [3.] in upon his ſafe Conduct, and ſubmitted themſelves to his Majeſty at St. *John's-Town*, the chief of whom were *David* Earl of *Athol*, and the Lord *Robert*, Steward of *Scotland*; but before they actually came in, certain Lords and Knights of their Party treating with King *Edward* and *Baliol's* Counſellors, concluded upon a Peace in the Following Form, and under this Title; the Original of which is in *French*.

Theſe [4.] are the Points and things accorded between the Council of the Kings of *England* and *Scotland* of one part, and the Lords *Alexander de Mowbry*, *Geoffrey de Mowbrey*, *Geoffrey de Roſs*, Sir *William Bullske*, and *Euſtace de Loreigne*, having full Power from the Lord *David de Strabolgi*, Earl of * *D'aſcelle*, and *Robert*, Steward of *Scotland*, to treat, accord and agree all Points between the aforeſaid Kings, and the ſaid Earl and Steward on the other part.

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[4.] Id. ib. *H K.* c. 2566. The *Arcicles* of Agreement between the Kings of *England*, and *Scotland* and them.

* *i. e.* Earl of *Athol*, then called in *French Aſoelles*.

Firſt, It is accorded and agreed, that the Earl of *Aſcelle*, and the Great Men and Others of the *Community* of *Scotland*, who came into theſe Conditions, ſhall have Life and Member, their Lands, Tenements, Fees and Offices in *Scotland* ſaved to them, which they ought to have by *Heritage* or other Right, except thoſe that ſhall be excepted by Common Aſſent.

2. Alſo 'tis agreed, that they ſhall have pardon of Impriſonment for all Treſpaſſes by them done in the Realms of *England* and *Scotland*, from the beginning of the World to the Day of the date hereof.

3. The *Third* is a Reſervation for the Earl of *Aſcelle*, and Sir *Alexander Mowbray*, their Title to ſuch Eſtates and Offices as they had in *England* at their Departure, after their *Homage* at *New-caſtle* upon *Tine*.

4 and 5. The ***Fourth*** and ***Fifth*** contain a Confirmation of the Franchiſes of the Church of ***Scotland***, according to Antient Uſages; as alſo of the Laws of ***Scotland***, and the Towns, Burghs and Sheriffdoms within that Kingdom, as they were uſed in the time of King ***Alexander***.

6. That tho the Offices in *Scotland* ſhould be always adminiſt'red by People of the ſame Nation, yet that the King of *Scotland* of His Royalty may make ſuch Officers as He pleaſes, and of what Nation ſoever.

7 and 8. By the *Seventh* and *Eighth* it is agreed, That all thoſe who are compriſed within this Agreement of the Earl of *Aſcelle*'s, and have Lands in *Scotland*, ſhall again enjoy their Eſtates and Offices, as they had at their departure of the ſaid *Homage* at *New-caſtle*, except thoſe that ſhall be excepted by common aſſent; and further, if they ſhall be impleaded concerning their Lands and Tenements aforeſaid, they ſhall have liberty to make their Defences, and have Recoveries in ſuch Courts where they ought to have them.

The reſt being of things that concern'd Particular Perſons, and not much material to be known, I here omit; but the Concluſion is thus: This Accord and Articles of *Peace* were made at the *Town* of St. *John* in *Scotland*, the Eighteenth day of *Auguſt*, in the Year of Grace 1335, and Ninth of *Edward* the *Third*.

* *Knyghton* further adds to theſe *Articles* another, tho under the next Year; That the greateſt part of the *Scotiſh* Nobility being now tired out by the continual Harraſings and Devaſtations of the *Engliſh*, did voluntarily ſubmit to King *Edward*, upon Condition, That they would Obey King *Baliol* during His Life; and in the mean while *David Bruce* and His Queen were to have a Royal Maintenance in *England*; but that

* Col. 2568. Another Condition added by *Knyghton*.

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if *Baliol* died without Iſſue (as He had none at preſent) that then *Davi* was to ſucceed Him ; for whom they further engag'd, that He ſhoul appear at the next *Parliament* to be holden at *London* the enſuing *Mich elmaſs*, there to ſtand to King *Edward*'s Award and Arbitrement co cerning theſe things; and in the mean while the *Scotiſh* Noblemen, wh had now ſubmitted, ſhould renew their *Homage* to King *Edward* as thei Superior Lord.

* *Comp.* Hiſt. p. 198.
† M. 85.
The pretended Homage made by K. *David* to K. *Edward*.

under this year

But ſince I can find this Article in no other Author, and that Kin *David* never perform'd any part of it, I have great reaſon to believe it t be a Miſtake, thro ſome Miſinformation of this otherwiſe diligent Wri ter : Yet certainly it is a much greater Miſtake in * Dr. *Brady*, in reci ting ~~here~~, and alſo adding at large in his † Appendix a *Charter* of *Ho mage*, ſuppoſed about this time to be made to our King *Edward* by *Davi Bruce* for the whole Kingdom of *Scotland*, 'which He there acknow 'ledges to hold, as well Himſelf as His Progenitors, of the Kings of *Eng 'land* by *Leige-Homage* and *Fealty*; for which He avouches the *Feal 'ties* made to them, appearing by Antient Records and Pleas of th '*Crown*, as well in *Parliament* as in the *Iters*, or *Circuits* of the *Cham 'berlains* and *Juſtices* of His *Predeceſſors* and *Progenitors*. And it furthe 'recites, That theſe His Letters Patents, made with the Advice and Con 'ſent of the Three Eſtates of the Kingdom in Parliament at *Edinburgh* 'did acknowledge to hold the Kingdom of *Scotland* of *Edward* III. King 'of *England*, by *Liege-Homage* and *Fealty*, as of the Superior Lord o 'the *Kingdom* of *Scotland*, notwithſtanding all and all manner of Relea 'ſes, Remiſſions, Quiet Claims, and other Letters whatſoever, mad 'by any *King* or *Kings* of *England* to the contrary. This *Inſtrument* i ſuppoſed to be dated in full Parliament the firſt of *November*, in the fift Year of His Reign ; (that is, this very Year, as Dr. *Brady* places it) which could by no means be true, ~~it~~ this being ~~but~~ the ~~fourth~~ [illegible] Year of thi *King*'s Reign, which began in *July*, 1329. It ~~must~~ not have been thi Year, but in 133~~4~~3, that this *Charter* was to have been made, if ever i were made at all; for all *Hiſtorians*, both *Engliſh* and *Scotiſh*, agree, tha *King David* was ever ſince the Year 1332, or 33 at fartheſt, gone over into *France*, from whence He never return'd until above eight Years af ter the making of this ſuppos'd *Charter* ; which having carefully view'd and conſidered, I do for this, as well as for divers other ſufficient Rea ſons, conceive it to be counterfeit, and for which I refer the Reader to my *Introduction*, where I have ſpoken more at large concerning thi great Queſtion of the *Homage* ſuppos'd to be done from the Crown of *Scotland* to that of *England*. But it is time to return to our *Hi ſtory*.

Seaventh

This Charter proved to be forg'd.

[5.] Holingſ. Hiſt. Scot. p. 236.
The King having ſetled His Affairs in *Scotland*, returns into *England*.
[1.] Buch. L. 9.
[2.] *T. W. Ypod. Neuſ.*

King [5.] *Edward* having ſetled His Affairs in *Scotland* by the late Agreement with the Earl of *Athol*, and thoſe of his Party, and fortify'd St. *John's-Town*, new built the *Caſtle* of *Sterling* ſtronger than ever it was before ; as alſo the City of *Edinburgh* it ſelf, which He deliver'd to the cuſtody of Sir *John Striveling*, who was afterwards made a Baron of *England*: I ſay, theſe things being diſpatch'd, [1.] and leaving ſufficient Forces under the command of the Earl of *Athol*, to ſupport and defend King *Baliol*, He return'd into *England* about the end of *Autumn*, [2] carrying home with Him the valiant Lord *Richard Talbot*, who was now ranſom'd from his Impriſonment. After King *Edward*'s departure, the Earl of *Athol*, being reſolved to do ſomewhat to redeem his Credit notwithstanding these Provocations, the King at the Intercession of ye Pope & ye King ance prolonged ye Truce with David King of Scots from ye 22d of Jan: to ye Day of St. Pant ion during which Time ye Pope & King Philip rec'd a safe Conduct to send their into Scotland with Letters to treat with ye Adherents to King David about a Peace; with they came six Persons, from that King himself who were authoriz'd for yt Purpose as by the Rolls of this Year [Rot. Scot: 9 Ed. 3. m. 3] 10 Ed. 3. m. 36. Vid: Rym Coll. p. 684/685.] yet all those Transactions came to nothing; for ye war was not long after carry'd on in Scotland with greater vigour than before.

th King *Edward*, and [3.] *Baliol* having provided a ſufficient Army Horſe and Foot, with other Neceſſaries, preſently laid ſiege to the aſtle of *Kildrumney* on the River *Done*, which ſtill held out for King avid; but ſo ſoon as *Patrick* Earl of *Dunbar*, and the Lords *Murrey* d *Douglas* heard of it, they were reſolved to raiſe the Siege, and alſo niſh his Perjury; but the Earl receiving timely notice of their com- g, preſently marched forth to meet them; and then both Armies engag- g in the Field of *Kilblaine*, there began a bloody Battel, in which when e Earl of *Athol* was like to gain the Victory, Sir *John Crabbe*, Governor *Kildrumney-Caſtle*, ſallying out of it on the backs of the Earl's Party, ith three hundred Men, added ſuch Courage to the almoſt conquer'd uceans, [4.] that they not only routed his whole Army, but ſlew e Earl of *Athol*, with divers other Noblemen of his Party; ſo that tho mefew eſcaped to the Caſtle of *Camoran*, yet theſe were forced to yield e next day for want of Proviſions. This Victory was obtain'd the Firſt Dec., and however of it ſelf it was not very conſiderable, yet it added eſh Courage to thoſe of King *David*'s Party, ſince they won it, not- ithſtanding their Enemies were almoſt three for one, the Earl of *Athol* aving three thouſand Men, and the other ſide but eleven hundred, be- des thoſe freſh Forces that came in to their relief.

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[3.] *Buchan.* Ib.

The Earl beſieging the Caſtle of *Kildramney*, is ſet upon by the Earl of *Dunbar*, and his Forces are utterly defeated, and himſelf ſlain.

[4.] *T. W. Ypud. Neuſt.*

I have nothing more to ſay concerning this Matter, but that the eader may take notice, that this *David*, whom our Writers ſtile *David* *Stratbolgi*, Earl of *Athol*, is called by *Boethius* and *Buchanan*, *David* *umin*, as being (I ſuppoſe) of that Family; but theſe *Authors* do not ive him the Title of Earl, becauſe he held with *Baliol*.

The unexpected Death of the Earl of *Athol* was greatly [5.] reſented y the Kings of *England* and *Scotland*, and the Lord *Beaumont*, his Fa- her-in-Law, in revenge, put all the *Scots* he could meet with to the word, that were of the Adverſe Party, and that had been in the Battel here he was kill'd. Then the King having held a Parliament at *Lon- on* in *Lent*, did after *Eaſter* ſend the Earls of *Lancaſter*, *Warwick* and *rundel*, with other Noblemen before Him into *Scotland*, with ſufficient orces, and ſome time after *Whitſontide*, He followed them in perſon, eſolving a ſevere Revenge for the death of the *Earl* of *Athol*. But I ſhall ive you a particular Account of this Years *Expedition*, from our *Engliſh* s well as *Scotiſh* Hiſtorians, being thus:

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[5.] Hec. Boeth. L. 15. Chron. *Eveſh.* MS. Holin. p. 902.

The Lord *Beaumont* in revenge of the death of the Earl of *Athol*, puts all the *Scots* he could meet with to the Sword, and then King *Edward* ſends the Earls of *Lancaſter* and others with ſufficient Forces into *Scotland*.

[6] King *Edward* ſent to King *Baliol* to take along with Him the Lord *Henry Plantagenet*, who had been made Lieutenant-General of the *Engliſh* Army in *Scotland*, and the Earls of *Oxford*, *Warwick*, and *Arundel*, together with divers other Lords and Officers of both Nati- ons; and with their Joynt Forces forthwith to enter the Field. Upon which, King *Baliol* and theſe Lords paſſed over the *Scotiſh Frith*, and went to St. *John's-Town*, where they waited King *Edward*'s farther Orders.

[6.] *C. A. M.* Id. ib

King *Baliol* takes divers *Engliſh* Lords to His aſſiſtance, end marches as far as St. *John's-Town*

In the mean while, [1.] about *Whitſuntide*, the King held a Parlia- ment (or rather a Great Council) at *Northampton*, [2.] where He re- ceived ~~advice~~, that the King of *France* had engaged to protect and aſ- ſiſt the *Scots*; and to that purpoſe had ſent over ſeveral eminent Com- manders, with conſiderable Supplies of Men, Money, and Ammuni- tion. King *Edward* was not at all diſpleaſed with this News, becauſe it gave Him now a juſt Occaſion for turning His Arms againſt *France*; and He hoped alſo that ſo ſoon as the *French* and *Scots* were joined, they

[1] *T. W. ad hunc Ann.*

[2] H K. Col. 2568.

(2) × note ye King by a special commission under ye great-seal [Rot. Scot: m. 28. vid: Rym Coll. p. 695] had appointed him Generall in this Expedition

(3) × whom he ~~com~~ also communicated to them his late Treaties with the King of France; and it was thereupon resolv'd, that the King should send other Ambassadors with full Power to treat and agree with that King or those Commission'd by him concerning all Quarrels, Debates and Differences between them concerning the Injuries done to each others Subjects; & by Reason of the King's Dominions in Aquitaine, or elsewhere. But the Issue of this new Treaty was, that the King rec'd Advice from his Ambassadors, that all their reasonable offers and Proposals were refus'd by the King of France as you will find hereafter

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[3] Id. *T. W.* He leaves the Lords in Council at *Northampton*, and poſts away into *Scotland*, to join K *Baliol's* Forces,

they would not decline coming to a Battel. Therefore to puſh on t
War in *Scotland* with all the Vigour He could, [3] He privately l
the Lords and Prelates at *Northampton*, to their Parliamentary Debat
and with a ſmall but ſelect Company, poſts away *incognito* for *Scotla*
and never ſtopp'd until He came to *Berwick*: And there taking ſo
Freſh Men for His Guard, He rode on to St. *John's-Town*, where H
found King *Baliol* ready with the Forces of both Nations; who, wi
the Lords that were with Him, were highly encouraged by the Kin
unexpected Arrival: Nor was He leſs ſatisfied to find His Forces in ſu
a Readineſs and good Diſpoſition for Action. He came thither in
very good time, [4] for not long before His Arrival, *Patrick* Earl
Dunbar, Sir *William Douglas*, and Sir *William de Kethe*, the Chief Co
manders for *David Bruce*, having received freſh Courage fro
the *French* Auxiliaries, had taken the Caſtles of *Bothwell*, and St. *A*
drew's, and were gone to beſiege that of *Sterling*. This Place was i
deed vigorouſly aſſaulted, but notwithſtanding it was as bravely d
fended from within. But after the *Scots* had heard of King *Edwar*
Approach, and had made one other briſk Aſſault againſt it, th
thought it beſt to march off; as did alſo another Party of them th
then lay before the Siege of the Caſtle of *Lochindoris*, wherein w
the Lady *Catherine Beaumont*, Relict of the late Earl of *Athol*: B
they likewiſe upon the News of the King's Approach, would ſtay n
longer, but ſtrait raiſed the Siege.

[4.] Id ad An. 1335.

With which He marches to relieve *Sterling* Caſtle.

Buchan. l. 9.

[5.] Id. ib. He paſſes thro' *Athol* and *Murrey*, as far as *Elgin* and *Innerneſs*, the *Scots* not daring to encounter Him.
[6.] *H. K.* ib. *A. M*

In [5] the mean while, King *Edward* paſſed with His Army b
Dunkelden thro' *Athol* and *Murrey*, as far as *Elgin* and *Innernes*, whe
Scotland is bounded by the Sea, in perſuit of the Enemy, to ſee if b
any means He could bring them to a Battel. Yet for all their Aſſ
ſtance from *France*, they durſt not look Him in the Face, [6.] bu
kept themſelves in the Mountains and other Faſtneſſes; only in th
Night-time they would make ſome falſe Alarms, to try if they coul
frighten the *Engliſh*. But they knew them ſo well, and kept ſuch ſtric
Watch over them, that they eaſily prevented all their Attempts tha
way; which made the *Scots* ſo wiſe as to keep themſelves at a diſtanc
and would not hazard the Small Forces they had left, againſt a Roya
Army. But the King was now reſolved not only to keep the *French* a
home, but to be revenged of them for the Injuries they had lately don
For beſides the Aſſiſtance K. *Phil.* had a little before given to the *Brucean*
with hopes that they would be able to make a Diverſion in *Scotlan*
He [1.] now grew mighty confident, and thinking thoſe Force
would be ſufficient to deal with *England*, He fell to invade King *Ed*
ward's Territories in *Gaſcoigne*, ſurprizing and taking moſt of th
Towns and Caſtles, and killing His Subjects there; tho' not withou
conſiderable Loſs on His ſide. For the Lord *Oliver Ingham*, then Se
neſchal of that Country, a brave and experienc'd Commander, mad
a Vigorous Reſiſtance, conſidering the ſmall Forces he had with him
Yet the *French* Hiſtorians make no Great Matter of theſe things; an
will own no more to have been done, either in this or the laſt Yea
except the demoliſhing of the Caſtle of *Xainctes* by *Charles* Count o
Alanſon, their King's Brother; but they confeſs, that the County o
Acques, and divers other Towns and Caſtles, which had been taken b
Charles of *Valois*, Father to King *Philip*, from *Edward* the *Secon*
were ſtill detain'd. And beſides theſe Provocations,

[1.] *H. K.* Col. 2570. K. *Philip* invades the *Engliſh* Territories in *Gaſcoigne*, and takes ſeveral Towns and Caſtles.

Whilſ

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Whilſt King *Edward* was in *Scotland*, the *French* King had ſent Six nd Twenty Gallies well mann'd, to cruize about the *Engliſh* Coaſt, either to watch for ſome Advantage, or elſe with a Deſign to ſail for *Scotland*, to aſſiſt King *David*'s Party. King *Edward* hearing of it whilſt He remained at St. *John's Town*, iſſued forth a Commiſſion o the Lord *Geoffrey de Say*, then newly made His Admiral of the *Southern* and *Weſtern* Seas; an Extract whereof, becauſe it ſerves to prove the King of *England*'s Antient Power and Juriſdiction over the *Brittiſh* Seas (the *Latin* Original being ſomewhat long) I ſhall here ſet down in *Engliſh*.

'The * King firſt recites His former Orders to the ſaid *Geoffrey de Say, viz.* That taking with him certain Ships belonging to the *Cinque-Ports*, which had been equipped for that purpoſe, he ſhould forthwith ſet out to Sea, to reſiſt and oppoſe thoſe Foreign Gallies that were then in the Narrow Seas, to moleſt and grieve the King and His Subjects. And that He being further inform'd, that there were indeed ſuch Gallies to the Number of Six and Twenty, newly ſet out from the Coaſts of *Bretaigne* or *Normandy*, for the Deſign aforeſaid; and calling to mind, *That His Progenitors, the Kings of* England, *had before theſe times been Lords of the* Engliſh *Seas on every ſide; yea, the Defenders thereof againſt the Encroachments of Enemies*: He therefore now reinforces His former Orders, and that immediately upon ſight of theſe Preſents, the ſaid Admiral ſhould ſet forth to Sea, with the Ships of the Ports aforeſaid, and ſuch other Ships as were then ready; and with them to look after, and take the ſaid Gallies, if they ſhould preſume to bend their Courſe for the End aforeſaid, either towards *England*, or the Coaſt of *Scotland*; or if they ſhould ſteal away, to perſue after and utterly deſtroy them. After which, there follows in the ſame Commiſſion a Power from the King to preſs Seamen, with ſome other Matters of that kind, needleſs to be here recited. The like Commiſſion was iſſued forth to the Lord *John de Norwich*, Admiral of the *Northern* Parts; both bearing the ſame Date. Witneſs the King at St. *John's Town*, the Sixteenth Day of *Auguſt*, *Per ipſum Regem & Concilium.*

The French K. having ſent out 26 Galleys to cruize on the *Engliſh* Coaſt; King *Edward* iſſues out a Commiſſion as Lord of the Narrow Seas, to ſeize them.

The Effect of this Commiſſion.

Selden's Mare Clauſum, l. 3. cap. 23. p. 246, 247.

This Commiſſion Mr. *Selden* hath tranſcribed in his * *Mare Clauſum*, o prove the Antiquity of the Dominion of the Kings of *England* over he *Brittiſh* Seas; where the Reader may find it truly Copy'd from the * Rolls in the *Tower*.

* L. 2. c. 23. p. 247, 248.

* Rot Scotiæ. 10 Ed 3. m. 16.

King *Edward* did not do much more the reſt of this Year in *Scotland*, [2.] only the People there not being able to make any great Head againſt Him, He marched from one Province to another, ſpoiling and deſtroying thoſe Countries that held out for the other Prince: And in His Return He burnt the Town of *Aberdeen*, (becauſe the men there had treacherouſly killed an *Engliſh* Knight, called Sir *Thomas Roſſelyn*;) nd likewiſe divers other Places; deſtroying the Country where ever He came that made any Oppoſition to Him. And then King *Edward* finding there was nothing more for Him to do in *Scotland*, left King *Baliol* to reduce the Remainder of the *Scots*. And ſometime in *Auguſt* after, the Earl of *Cornwall* the King's Brother, and the Lord *Lucy*, together with a conſiderable Force raiſed out of the *Northern* Countries, came to His Aſſiſtance, and in their way deſtroyed the County of *Carrick*, and other *Weſtern* Parts that did not acknowledge King *Baliol*.

[2.] *T. W. An.* 1334.

The K marches thro' *Scotland*, ſpoiling and burning the Country and Town of *Aberdeen*.

Buchan. l. 9.

The E of *Cornwall* and Ld. *Lucy* come with a conſiderable Force to the Aſſiſtance of K. *Baliol*.

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[3] Id ib.
[4] *H. K.* Col. 2568.
* Rot. Clauſ 10 *Ed* 3 m 16.

The K. returns into *England* and holds a Parliament at *Nottingham*, where He has a Tax given towards His Wars.

Then [3] the King having repair'd and new fortified the Caſtles o *Sterling* and *Bothwell*, about the middle of *September* returned into *England* to His Parliament at * *Nottingham*, the *Monday* after St. *Matthew's* Day, or Twenty Fifth of *September*; where He had granted Him towards the Maintenance of His Wars in *Scotland* and *Gaſcoigne*, a Twentieth Part from the Nobility and Knights of Shires, a Fifteenth from the Citizens and Burgeſſes, and a Sixth from the Clergy; beſides the Merchants of *England* were to pay Forty Shillings a Sack for all Wooll Tranſported, and Foreigners Three Pounds Sterling.

K. *Edw.* ſends Ambaſſadors into *France*, to demand the Towns and Caſtles detain'd by that King.

In Relation to Foreign Affairs, I find nothing elſe to have happened further this Year, only that the King by the Advice of the Prelates, Earls, and Barons, at the late Council at *Northampton*, ſent the Archbiſhop of *Canterbury* and Biſhop of *Durham*, with the Lords *Scrope* and *Montacute*, Ambaſſadors to the King of *France*; to demand the Towns and Caſtles by Him unjuſtly detain'd; As alſo that He ſhould engag not to aſſiſt the King's Enemies the *Scots*: Which things if King *Philip* would agree to, *Edward* promiſed to accompany Him to the *Holy-Land*.

T. W. Yp. Neuſt.
[1.] Gaguin. Hiſt. *de France*, in *Fol.* p. 133.
Fab. Chron. *ad hunc An.*

The K. of *France* is at firſt like to make Peace, but being perſuaded to the contrary, refuſes to agree, unleſs the *Scots* be included therein.

When theſe [1.] Ambaſſadors arrived in *France*, they were (tho' with ſome difficulty) admitted into the King's Preſence: And having made theſe Propoſals to Him, His Majeſty ſeemed ſo zealous for Hi Voyage to the *Holy-Land*, that He at firſt agreed to all their Demands, and the Peace proceeded ſo far, as to order it to be proclaim'd the next day in *Paris*. But the Ambaſſadors were ſcarce got to thei Lodgings, when *Philip* (either by the Inſtigation of the King o *Scots*, or of ſome of His own Courtiers, Enemies to *England*) ſen for them back to Court, where He told them, That upon better Conſideration, *He found it not conſiſtent with His Honour or Safety, unleſ the King of* Scots *might be alſo included in this Peace.* To which Demand the Ambaſſadors anſwered, That having had no Inſtruction fro their Royal Maſter concerning any ſuch thing, they could ſay nothing to it. Whereupon they were ordered to depart; and ſo returning home, to give the K. an Account of what they had done. Upo which, the Difference between theſe two Princes became wider than i was before. This is the Account, that not only our own, but th *French* Hiſtorians give of this Tranſaction: Whereby it plainly appears, That it was not King *Edward*, but the *French* King, who b His Levity in again inſiſting upon what He had already given up not only hinder'd the intended Expedition againſt the Infidels but gave King *Edward* a juſt Occaſion of beginning a War, whic laſted ſo many Years, almoſt to the Ruin of the Kingdom of *France*.

That the fault of this Breach lay at the K. of *France*'s door.

The K. reſolves to regain His Right in *France* by force.
[2.] *Froſſ.* ib. c 28.
He communicates His Reſolutions to His Council who adviſe Him to conſult His Father-in-law & Uncle.

When the King ſaw there was no more hopes of prevailing wit *Philip* by fair means, He reſolved to regain His Right by Forc and was particularly adviſed by the Lord *Robert* of *Artois* (now made one of His moſt Secret Councellors) to be revenged o Him for uſurping and detaining from Him that Crown. The Kin was well enough pleaſed with this Advice, and having communicate it to His Privy Council, and they approving of it, prayed Him firſt t conſult His Father-in-Law, *William* Earl of *Haynault*, and His Uncl *John*, commonly called the Lord *de Beaumont*, who had done the *Kin* great Service, in conducting His Mother and Himſelf into *Engla* In perſuance of this Advice, He at the Beginning of this Summe

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ent [3.] *Henry Burgherſh* Biſhop of *Lincoln*, a Prelate of great Knowledge and Experience in State-Affairs, together with two Bannerets, and two Doctors of Law, to acquaint them with His Intentions, and to ſatisfy them of the Juſtice of His Claim to the Crown of *France*. They not only approved of His Deſign, but further adviſed Him to make New Alliances with ſome other Neighbouring Princes nd Great Men, whoſe Countenance and Aſſiſtance might be thought eceſſary for the carrying on this preſent Undertaking.

[3.] Id. ib
The K. ſends Ambaſſadors to them, who approve of His Deſign, & adviſe Him to make Allyances.

Wherefore after the Return of the Biſhop and his Collegues, [4.] the King by Special Commiſſion, dated the Sixteenth of *December*, impower'd *William* Earl of *Haynault* (ſtiled alſo therein, Earl of *Holland* and *Zealand*, &c.) to treat and agree with ſuch Noblemen, Perſons of Note, and Others, as he ſhould think fit, about Allyances, and ſuch Retainers as they ſhould bring in. The like [5.] Commiſſions with the like Powers, and of the ſame Date, were ſent to *William* Earl of *Juliers*, the King's Brother in law, (as having married *Joanna*, Siſter to Queen *Phillippe*) and to Sir *John Montgomery*, Knt. and Mr. *John Walwyn*, Chanon of *Darlington*.

[4.] Rot. Pat. 10 *Ed.* 3. p. 1 m. 6.
The K. iſſues Commiſſions to the Earls of *Haynault* & *Juliers*, to contract with ſeveral Noblem. and others for his Service.
[5.] Ibid.

And here, to keep entire the Thrid of my Diſcourſe, I ſhall put together whatſoever was tranſacted of this nature, (tho' it fell not out till the Beginning of the next Year, *viz.* in *April* following.) [1.] The aboveſaid Biſhop, *William* E. of *Saliſbury*, and *William* E. of *Huntingdon*, were, by Virtue of a like Commiſſion, (dated the Nineteenth of that Month) ſent into *Flanders*; and likewiſe in other Countries, [2.] they contracted with ſeveral Noblemen and Gentlemen, in *Haynault*, *Guelderland*, and *Juliers*, to aſſiſt the King againſt *France*; and alſo agreed upon what Number of Forces each of them ſhould raiſe for this intended Expedition, and the Pay they were to receive for their Service. And within a ſhort time after, [3.] *Reginald* Earl of *Gueldres*, (who had marryed the King's Siſter) and *William* Marquiſs of *Juliers*, came into this Allyance; as did likewiſe *Rupert* Duke of *Bavaria*, and *Count Palatine* of the *Rhine*.

[1.] Rot. Pat. 11 *Ed.* 3. Part 1. m. 11.
Other Ambaſ. likewiſe empower'd to contract with the Noblemen of divers Countries.
[2.] Rot. Alm. 11 *Ed.* 3. m. 9, 10, 11.
[3.] Ibid.
The Earl of *Gueldres* & the Marquiſs of *Juliers*, as alſo the D. of *Bavaria* enter into this Allyance.

The King having thus ſtrengthened Himſelf with Foreign Allyances, immediately reſolved to fall upon *France*; [4] and therefore recalled His Ambaſſadors from thence. And He was the rather induced to this, becauſe He underſtood, that while they were Treating of Peace, King *Philip* had ſet out a well-appointed Fleet to aſſiſt the *Scots*, under the Command of *David Bruce* their Exiled King, who had therewith done a great deal of Damage to the *Engliſh* Merchants about the Iſle of *Wight*, and had ſlain ſeveral of the Inhabitants of *Guernſey* and *Jerſey*. To put a Stop to this, K. *Edward* being now at *Bothwell* in *Scotland*, proſecuting the War, He immediately iſſued out a [5.] Commiſſion, dated the Eleventh of *December*, directed to the Archbiſhop of *Canterbury*, the Lord *Henry Plantagenet*, Son to the Duke of *Lancaſter*, and other Noblemen, commanding them to meet at *London* on *Wedneſday* after *New-Year*'s-day next enſuing, to conſult about Matters relating to the Defence of the Kingdom, and the repelling the Enemies thereof; and to do all things for His Honour and the Common Safety, as if He Himſelf were perſonally preſent.

[4.] *T. W.*
The *French* K. ſets out a Fleet to aſſiſt the *Scots*.
[5.] Rot. Scot. 10 *Ed.* 3. m 3.
K. *Edw.* iſſues out a Commiſſion to divers Noblemen.

King *Philip* being now [1.] acquainted with King *Edward*'s Deſigns, began to abate of His Zeal for the *Holy-War*, perceiving He was to meet with one at home; and therefore countermanded His Officers

[1.] *Froiſſ.* ib. cap. 28
K. *Philip* lays aſide all thoughts of the Holy War.

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[2.] *Odoric. Raynold.* contin. Biron. *ad Ann.* 1336. The *Pope* ſends Letters to the Kings of *France* and *England*, exhorting 'em to Peace.

from making any further Preparations for it till they had freſh Orders from Him. Then [2.] Pope *Benedict* finding the Quarrel grown to ſuch a heighth between theſe two Crowns, ſent His Letters directed to Them both, by His *Nuncio Philip de Camberlake*, in way of Mediation, to perſwade Them to an Agreement; but eſpecially to pacifie King *Edward*, whom He exhorted to diſmiſs *Robert D' Artois*, as one that was continually exciting Him to War: He alſo wrote to Queen *Philippe*, and to the ABp of *Canterbury*, perſwading them to uſe their utmoſt Endeavours to bring the King to ſome Reaſonable Terms with *France*, but it was now too late; for He was ſo exaſperated by the Obſtinacy of His Adverſary, that nothing could prevent that Bloody War between the two Kingdoms, which ſhortly broke out, and continued for ſo many Years, to the great impoveriſhment and weakening of both, and particularly *France*.

[3.] *T. W. ad Ann.* 1334. *falſo; Sed in* MS.Bod. 1336. *quod rectum eſt.* The Deceaſe of the Earl of *Cornwal* the King's Brother.

But before we put an end to it, I cannot forbear taking notice, [3.] that not long after the King's departure from *Scotland*, *John* of *Eltham*, *Earl* of *Cornwal*, His only Brother, deceaſed the Fourteenth of *September*, or elſe about the beginning of *October* (as *Walſingham* relates) tho he is very much out in the Year, in placing it under 1334; but this much is certain, that having over heated himſelf in the late *Expedition* againſt the *Scots*, he fell into a Feaver, that ended in a Flux, of which he died at St. *John's-Town* in the twentieth Year of his Age, without being married; his Death was highly lamented by the King his Brother, and all the Nobility, being a Prince of great Hopes and Courage, and was twice left Guardian or Lieutenant of all *England*, during the King's Abſence in *France* and *Scotland*. x

x I have nothing more to add concerning this hopeful young Prince, but that he dyed without Issue, having never been married, altho divers Proposals of Marriage had been set on Foot by yᵉ King his Brother for yᵉ daughters of divers Foreign Princes, as appears by several Commissions for yᵗ Purpose entred on yᵉ Rolls. Rot. Pat. 8. Ed. 3 pᵗ. 1. m. 4. & 22 vid. R— Coll. p. 608 620. 624.]

[4.] L. 15. f. 320. The great malice of *Hector Boeth.* to the Memory of this Prince, and falſhood in the Relation and manner of his Death.

I cannot but here obſerve the great Malice of [4.] *Hector Boethius* to the Memory of this Young Prince, relating the manner of his Death quite otherwiſe; as that he having done many abominable Cruelties in *Scotland*, without any regard to *Holy Places*, after all came to St. *John's-Town*, where the King his Brother then was in the Church at His *Devotions*, near the *Altar*, and that upon ſight of him, the King, who had heard of all his Barbarous and Prophane Cruelties, queſtioned him about thoſe Matters, but receiving from him a harſh and undutiful Anſwer, was ſo far provoked, that immediately drawing His Sword, He there ſlew Him with His Own Hands, ſaying theſe Words, *That the Altar ought not to be a Refuge for One who had by Fire and Sword violated both Church and Altars.* But indeed this Story is ſo groſs, that it needs no Confutation; and *Buchanan* is more modeſt than to relate it, tho he often follows this Author in Matters altogether as falſe, when they tend to the leſſening the Honour of the *Engliſh* Nation, and the advancing his own.

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[5] Chron. *Francois* MS. Civit London.

[5.] Nothing elſe happened worth our noting, only, that in the beginning of *March* was a great *Eclipſe* of the Sun, that darkened above half his Body.

[1.] *C. A. M.* The King returns out of the *North* to be preſent at His Brother's Funeral.

Immediately after the Feaſt of *Epiphany*, the King with the Archbiſhop of *York* returned out of the *North*, to [1.] be preſent at the Funeral Obſequies of His Brother Earl *John*, who was buried in the Abbey of *Weſtminſter*, in the Chappel of St. *Edmund*, where a handſome Monument erected to his Memory is ſtill to be ſeen, on which lies his Statue in Alablaſter, with an *Earl's* Coronet adorned with ſmall

Flowers about his Helmet; being the firſt I have obſerved of that kind.

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The firſt Action I find to have been perform'd in *Scotland* this Year, was the laying cloſe Siege to the Caſtle of *Dunbar* by the Earls of *Saliſbury* and *Arundel*, on the ſeven and twentieth of *January*, which was vigorouſly defended by the Counteſs *Agnes*, Wife to the *Earl* of *Marche*, and a Woman of a Maſculine Spirit, who made ſo brave a Defence, that tho King *Baliol* ſent two ſeveral Parties to the aſſiſtance of the Beſiegers, yet when they had almoſt brought it to Surrender, it was relieved with Men and Proviſions by Sir *Andrew Ramſey*, who with one Veſſel paſſed by Night through the *Engliſh* Fleet, ſo that after a long Siege of about twenty Weeks, the *Engliſh* Forces being out of hopes to take it, the Lords abovemention'd not only agreed to raiſe the Siege, but the *Scots* alſo then obtained a Truce for about Six Months, which was very much reſented in *England*; but the King at that time needed the aſſiſtance of His Subjects for the War He was then about to make upon *France*, and the *Engliſh* Lords in *Scotland* were more eager to go with Him than to carry on the War in that Kingdom: But theſe things did not happen till the Summer following.

[2] Buchan. *A. D.* 1337. The Caſtle of *Dunbar* is beſieged by the Earls of *Saliſbury* and *Arundel*, and is vigorouſly defended by the Counteſs of *Marche*. And being relieved, the Siege is raiſed and the *Scots* obtain a Six Months Truce.

About [3.] the middle of *March* the King held a Parliament at *Weſtminſter*, wherein it was ordained, That no Wool of *Engliſh* growth ſhould be tranſported beyond the Seas, and that all Cloath-workers ſhould be received from whatever Foreign Parts they would come, and fit Places ſhould be aſſigned them, with divers Liberties and Priviledges; and that they ſhould have a certain Allowance from the King, till they might be fixed in a way of living by their Trade.

[3] C. *A. M.* Ib. T. W. *Ypod. Neuſt.* The King holds a *Parliament* at *Weſtminſter*, where it is ordained, that no Wool ſhall be tranſported beyond Sea, and that none ſhould wear any Foreign Cloaths.

It was alſo ordained, [4.] That none ſhould wear any Cloaths wrought beyond Sea, or to be imported hereafter, except the King, Queen, and their Children; alſo, That none ſhould wear Foreign Furs or Silks, unleſs he were worth one hundred pounds of yearly Rents; by theſe and the like Good Laws, (tho for the preſent they did not take any conſiderable effect, by reaſon of the enſuing War with *France*) King *Edward* by degrees revived the Woollen Manufacture, after it had been loſt for many Years to this Nation; from whoſe time it hath ſtill increaſed to the general advantage of the whole Kingdom.

[4] C. *A. M.*

Alſo in this Parliament [5.] the King created His eldeſt Son Prince *Edward*, Duke of *Cornwal*, he being the firſt that ever wore that Title of Duke in *England*; the King alſo then created ſix *Earls*, to wit, *Henry Lancaſter Earl* of *Darby*, *William Montacute* of *Saliſbury*, *Hugh de Audley* of *Gloceſter*, *William Clinton* of *Huntington*, *William Bohun* of *Northampton*, and *Robert Ufford* of *Suffolk*; at which Solemnity the King made a Magnificent *Entertainment*: This Great Advancement of the Prince and Nobility was certainly in this Year, according to our Account, beginning the Year on *Chriſtmaſs-day*, but it is very much miſplaced by *Walſingham*, who puts it under *Anno Dom.* 1335, two Years before it happened, for *John* Earl of *Cornwal* did not die till the laſt Year.

[5] Id. ib. T. W, The King creates Prince *Edwad* His eldeſt Son Earl of *Cornwal*, and makes ſix new Earls.

But to proceed to ſomewhat more material: Let us ſee what was done in the mean time in *Scotland*, where *Patrick* Earl of *Dunbar*, and the Lords *Douglas* and *Murrey* being encouraged by the abſence of King *Edward*, took the Caſtles of *Bothwell* and St. *Andrew*'s by force, and were like to have taken that of *Edinburgh* by ſurprize, and then laid cloſe

The Earl of *Dunbar* takes ſeveral Caſtles in *Scotland*.

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ſiege to *Sterling* Caſtle; but when the King heard of it, He reſolved to raiſe the Siege, and having recruited the Gariſon with freſh Men, and taken out the Sick and Wounded, He returned into *England*.

[1.] *John Tinmouth.* Hiſt. *Aur.*

* Rot. *Alman.* 11 *Ed.* 3 m. 11.

The K. ſends the Bp of *Lincoln* and divers other Noblemen *Ambaſſaders* to treat with the *German* Princes.

† Cap. 28.

The firſt thing we find the King to have perform'd after His return home, [1] was, to ſtrengthen Himſelf with Alliances abroad; to which end, on the Nineteenth of *April*, He granted a * Commiſſion to *Henry* Bp of ***Lincoln***, ***William*** Earl of *Saliſbury*, and ***William*** Earl of *Huntington*, who were thereby appointed His Ambaſſadors to treat with ſeveral Princes and Lords of the Upper and Lower *Germany*; and it further appears from † *Froiſſart*, that the ſaid Bp having ſome Noblemen with him, had about the ſame time been ſent to the Duke of *Brabant*, and engaged him to declare for King *Edward*, tho it were to defie the *French* King Himſelf.

* M. 9, 10, 11.

The *Engliſh Ambaſſadors* conclude a Confederacy between the King and ſeveral *Princes* of *Germany* and the *Low-Countries* againſt *France*.

And it further appears from the above cited * Record, that by the Fourteenth of *May* next enſuing, the *Engliſh* Ambaſſadors had play'd their Buſineſs ſo well, that they contracted with ſeveral Princes, Noblemen, and Others in *Hainault*, *Guelderland* and ***Juliers*** to aſſiſt the King againſt *France*.

* Rot. *Aleman.* 11 *Ed.* 3 m. 10.

* Ib. m. 8.

* Ibm.

And it alſo appears from the ſame Record, that in a very ſhort time after, * *Reginald* Earl of *Gueldres* and *Zutphen*, (who married *Eleanora* the King's Siſter) and ***William*** Marqueſs of *Gulick* or *Juliers*, came into this Alliance, as did alſo *Rupert* Count Palatine of the *Rhine*, and Duke of *Bavaria*, the *Emperor*'s Brother, and many other Princes; by virtue of which League they obliged themſelves and their Heirs to aſſiſt each Other with all their Power to recover their Inheritances and Poſſeſſions withheld from them by *Philip* of *Valois*; * ſo that by the thirteenth of ***July***, ***John*** Duke of ***Lorain***, ***Brabant*** and ***Lemburgh*** was retain'd for King *Edward*, with many petty Earls and Lords of *Germany*; and about the ſame time there was * alſo concluded between the Emperor ***Lewis***, Himſelf and the King of ***England***, and their Heirs, a firm Union and Confederacy againſt *Philip* of *Valois*, (who ſtiles Himſelf King of *France*) for the Recovery and Defence of their Honours and Poſſeſſions: The like Confederacy was alſo made about the ſame time with *Lewis*, eldeſt Son to the *Emperor*, by the Title of Marquiſs of *Brandenburgh*, Count Palatine of the *Rhine*, and Duke of ***Bavaria***, &c. which was made by the Aſſent of the *Emperor* his Father.

* Rot. *Scot.* 11 *Ed* 3. m. 1. 6 & 11.

[3.] It further likewiſe appears by the * *Scotiſh* Rolls of this Year, that ſeveral Confederacies are entred there, where in ſome of them the Wages were expreſſed, allowed by the King to His Retainers, for every Man at Arms they brought into His Service, by the Month, *viz.* fifteen *Florens* of ***Florence***, which was five and forty Shillings Sterling, and was better than eighteen Pence a Day at this time.

The Confederacies made by the King of *France* againſt *England*.

[2.] *Du Cheſn.* Hiſt. Fran. f. 646.

Nor was the King of ***France*** behind hand with King *Edward* in bringing in what Princes of *Germany* He could to be of His Party; and accordingly on the ***French*** ſide were engaged ***John*** King of ***Bohemia***, and Earl of *Luxemburgh*, *Henry* Count Palatine of the *Rhine*, ***Aubert*** Bp of *Metz*, and the Bp of *Leige*, *Otho* Duke of ***Auſtria***, ***Theodore*** Marquiſs of *Montferrat*, *Amè* Earl of *Geneva*, *Geoffrey* Earl of ***Linanges***, *Waleran* Earl of *Deux-Ponts*, *Henry* Earl of *Vaudemont*, ***John*** Earl of *Sarbruck*, *Imbert* Baſtard of *Savoy*, and many other Captains and Lords of *Almain*, *Spain*, *Franche*-County, *Dauphinè*, *Savoy*, and other Countries beſides the *Scots* and Duke of *Lorain*, I mean, he that was really ſo; but as for the

Duke

ke of *Brabant*, beforementioned, he only made uſe of that Title.
Thus was almoſt all *Europe* divided either by Intereſt or Inclination
take part with one of theſe mighty Monarchs.

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Nor did King *Edward*'s Agents prevail upon the *German* Princes alone,
t [3.] by the Perſwaſions and Promiſes of one Sir *Edward Brett*, a
ntleman of an obliging Carriage, moſt of the Leading Men of the
ief Cities and Towns in *Flanders* were brought over to the *Engliſh*
tereſt, eſpecially when it alſo made for their own; they being now
omiſed, that the Trade of *Engliſh* Wools, of which they had been de-
iv'd for three Years paſt, ſhould be again reſtored to them; and they
ereupon engaged to take part with King *Edward*, whenever there
ould be occaſion: And [4.] tho *Lewis*, then *Earl* of *Flanders*, who was
holly of the *French* King's ſide, did what he could to oppoſe K. *Edward*'s
eſigns, yet it was all in vain; for having raſhly, and without due Form
Law put to death a Nobleman of *Flanders*, called Sir *Simon de Courtrey*,
r too boldly aſſerting in Council, That the Friendſhip of *England* was
be preferr'd before that of *France*; this Injuſtice cauſed ſuch a Com-
otion among the People, that ſoon after taking up Arms, they not
ly routed his Forces in the Field, but forced him to take refuge in one
his Caſtles, to fortifie it againſt them.

[3.] *Froiſſ.* ib. c. 29. Fabian p. 204.

The leading men of the Cities and chief Towns in *Flanders* are brought over to K. *Edward*'s Intereſt, notwithſtanding the Endeavours of *Lewis* Earl of *Flanders* to the contrary.

[4] *Froiſſ.* ib.

[5.] Immediately upon this Sir *Edward Brett* abovementioned, alſo
ined the Good Will of the Citizens of *Gaunt* to be for King *Edward*
henever there was occaſion, which he performed by the means of one
acob *Van Artefeld*, a Brewer of that City, who by his Riches, Boldneſs
d Fluency of Tongue, had now, upon the flight of their *Earl*, got the
hief Authority with the Citizens, and by his means it was granted by
e major part of them, that King *Edward* ſhould have free leave
come and reſide at that City when ever He pleas'd; which Advan-
ge the King laid hold on the Year following, as you will find here-
fter.

5.] Id. ib.

[The Citizens of *Gaunt* are gain'd for K. *Edward* by the means of *Jacob Van Artefeild* a Brewer, who obtains leave for K. *Edward* to come thither when He pleas'd.

But we muſt now return to the Affairs of *England*: King *Edward*,
nding that all His Offers to the King of *France* were utterly in vain,
as reſolved to prepare for War; in order to which He ſummon'd a
arliament at *Weſtminſter*, (and not at *Nottingham*, as *Walſingham* re-
ates); but of this more anon.

The King in order to a War with *France*, ſummons a *Parliament*, where He has a Tax granted Him.

But we ſhall now intermix ſome other Foreign Tranſactions which
ere done not long before. King *Edward* having brought over ſo con-
derable a Party of the *Flemings* to His Intereſt, reſolved to act more
penly againſt the *French* King, and to this end ſent the* ABp of *Canter-
ury*, with the Bps of *Durham* and *Lincoln*, and the Earls of *Salisbury*,
orthampton, *Hereford* and *Suffolk*, with *John* Lord *Darcy*, Steward of
His Majeſty's Houſhold, and Sir *Geoffrey Scrope*, Chief Juſtice of *Eng-
land*, Ambaſſadors to King *Philip*, not to demand reſtitution of a few
Caſtles or *Towns* unjuſtly taken or detained, but to declare King *Edward*'s
Right to the *Crown* of *France* it ſelf, as alſo by the bye to propoſe ſome
Conditions for a *Treaty* with *David Bruce*, the Exild King of *Scotland*,
then in *France*; but if the *French* King ſhould prove untractable and
averſe to Reaſon, they were then to go to the *Court* of Prince *Rupert*,
Count Palatine of the *Rhine*, the Emperor's Brother, to engage
Him alſo, on the behalf of *England*, againſt King *Philip*:
[1.] Theſe Ambaſſadors being arrived at *Bologne*, received advice,
that King *Edward*'s mind was alter'd; which made them conceive that
their

The K ſends the *ABp* of *Canterbury* with other *Bps* and *Noblemen* to the K. of *France* to ſet forth King *Edward*'s Right to that Crown.

* Ib. m. 17.

[1.] *T. W. ad An.* 1335. *ſed falſo.*

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But upon a Change of the Circumſtance of Affairs, the Ambaſſadors quit their Deſign for *France*, and go to *Haynault* to renew the League with the young Earl and other *German* Princes.

* Rot. Alman. 11 *Ed.* 3. m.5

their Journey to the *French* Court might be hazardous, and expoſe them to the Fury of an angry Prince, who in His Paſſion might make no difference between Juſt and Unjuſt; and had before threat'ned other Ambaſſadors with Death, who were ſent to ſet forth their Maſter's Right to that Crown, if ever they offer'd to come again on that Errand: Wherefore the Ambaſſadors quitting their Deſign of going to *Paris*, directed their Courſe for *Haynault*, where they renewed the League with *William* the young Earl, (whoſe Father, of the ſame Name, had deceaſed not long before) as alſo with the Earl of *Gueldres* and Marquiſs of *Juliers*. And from thence proceeding to *Cologne*, made * a like Agreement with *Rupert* Duke of *Bavaria*; he undertaking to ſerve King *Edw.* againſt all Men living (the Emperor his Brother only excepted) with an Hundred and Fifty Men at Arms. The whole Number to be raiſed by theſe Princes, amounting to above a Thouſand Horſe of that ſort: In lieu whereof the *Engliſh* Commiſſioners engaged, before their Return for *England*, to pay unto him at *Dort*, Two Thouſand Seven Hundred *Florens* of *Florence*, or their equivalent Value in Sterling-Money: And moreover, upon the Feaſt of St. *Michael* next enſuing, the Sum of Fifteen Thouſand *Florens* of Gold, *viz.* for every Soldier Fifteen *Florens*, for the two firſt Months Service; which was as much as One Shilling and Six Pence *per diem*; great Wages in thoſe days.

* *Ad An.* 1335

And, I ſuppoſe, it is to this Tranſaction that * *Walſingham* refers, (tho' he has ante-dated it near two Years) when he relates, that the Biſhop of *Lincoln*, with the Earls of *Salisbury* and *Huntingdon*, (inſtead of *Hereford*) were, by the Advice of the Great Council held at *Stamford*, to have been ſent to the King of *France*: But when they came to *Bologne*, underſtanding their Journey might prove hazardous, went no further than that Place; and then changed their Courſe towards *Haynault*, in order to treat with that Earl, as alſo with the Emperor *Louis* of *Bavaria*, the Earl of *Gueldres*, and other Lords, with whom they then made an Allyance on the King's Behalf.

[2.] Id. ib. *H. K. ad hunc Ann.*

Theſe Ambaſſadors in their Return take two *Flemiſh* Men of War, in which were the Bp. of *Glaſco* and ſeveral *Scotiſh* Perſons of Quality, whom they took Priſoners.

[3] *Froiſſ.* ib. cap. 30.

* *Note*, my Author calls it *Cagant*, but corruptly.

The *Ambaſſad.* upon their return complain to the K. of the Gariſon of *Cadſant*, ſetting out Ships to take them; whereupon the K. ſends Forces againſt it.

[3.] Theſe Ambaſſadors having thus diſpatched the King's Affairs to His Satisfaction, ſail'd for *England*, and by the way took two *Flemiſh* Men of War, with an Hundred and Fifty *Scots* on board 'em; among whom were the Biſhop of *Glaſco*, and divers Noblemen and Ladies needleſs here to be named. Beſides theſe, there were ſent by the *French* King, to aid the *Scots* of King *Bruce*'s Party, a great many Arms, Horſes, and ready Money to the Value of Fifteen Thouſand Pounds; all which were now taken by the *Engliſh* Admiral, the Soldiers being moſt ſlain, and all the reſt made Priſoners; and the Biſhop being wounded (tho ſlightly) in the Head, was brought into *Sandwich*, where of that and Grief together he died ſoon after. *Walſingham* places the Ambaſſy, as alſo the following Action under the Year 1335; which is a Miſtake; and therefore I have followed *Knyghton* and other Writers, who more truly place both of them under this Year.

Theſe [3.] Ambaſſadors at their Return out of *Flanders*, complain'd to the King of certain *Flemiſh* Officers and Soldiers, who keeping a Gariſon in the Iſle of * *Catſand*, (lying between the Ports of *Sluice* and *Fluſhing*) had from thence ſent out certain Veſſels to Sea, with a Deſign to have taken them in their Return home. To revenge which, King *Edward* ſent the Earl of *Derby*, the Lord *Walter Manny*, the

Lord

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Lord *Reginald Cobham*, and divers other Knights and Eſquires, with Five Hundred Men at Arms, and about Two Thouſand Archers, who all went on board near *London*; and arriving before the ſaid Iſle, they landed under the Shot of their Archers, in ſpite of the *Flemings*, who were above Five Thouſand Men, drawn up upon the Shore, commanded by *Guy* the Earl's Baſe Brother, called the Baſtard of *Flanders*, a bold and expert Leader. As ſoon as the *Engliſh* got on Shore, they fell furiouſly upon the *Flemings*; who tho' they made a brave and vigorous Defence, yet thro' the great Courage of the Earl of *Derby* and the Lord *Manny*, they were all either kill'd or taken Priſoners (of whom divers were Knights of great Note and Quality) and the Town taken, plunder'd, and burnt. In which Action there was great Cruelty exerciſed: For about Three Thouſand of the Inhabitants being fled for ſafety into a Church, were by the enraged *Welſhmen* burnt, together with the Place it ſelf. This was the firſt Stroke that was given in this Unhappy War, and which was not begun without great Provocation from the *French* and *Flemings*, as hath been already related. [4] The Action being over, the *Engliſh* Commanders returned home, bringing away a great deal of Plunder and many Priſoners; the Chief of whom, was the Baſtard of *Flanders* above-mentioned: Who was ſo kindly received by King *Edward*, that being won by His Generoſity, he not long after came over to His Party. This Succeſs did ſo animate *Jacob Van Artefeld* and thoſe of his Party, that they thereupon ſent a Meſſage to King *Edward*, offering Him their Service, and deſiring Him to come over, for that the *Gauntois* were impatient until they ſaw Him.

[4] *Froiſſ.* ib. c. 31.

The Baſtard of *Flanders* being there taken Priſoner, is kindly treated by K. *Edward.*

But before He could go thither, it was neceſſary for Him to hold a Parliament at *London*, and to raiſe Money to carry on the intended War; and alſo to conſult about His going over, and the Reception of the Legates who were ſhortly expected to come from the Pope. The Great Council or * Parliament being met according to Summons the *Friday* before *Michaelmaſs*, the King had a *Tenth* granted unto Him by the *Community* of the Kingdom, and a *Fifteenth* by the Citizens and Burgeſſes. [5] The Archbiſhop of *Canterbury* held a Convocation of the Clergy at the ſame time, which alſo gave the King a *Tenth* of their Temporalties, for Three Years, towards His War with *France*.

* Rot Clauſ. 11 *Ed.* 3 p. 2. m 40 dors.

[5.] *T. W. ad hunc Ann*

[5.] Chron. Eveſham. MS. in Bib. Bod.

In [6] this Parliament (which *Walſingham* falſly places at *Nottingham*) it was alſo ordain'd, that for the further Encouragement of the Manufacture of Woollen Cloth, all *Flemiſh* Weavers, and thoſe of other Countries, ſhould have free Liberty to come over, and inhabit in *England*, and exerciſe their Trade. From whence the Reader may obſerve, that even in thoſe Times, the coming of Foreigners into *England*, who brought over with them any uſeful Trade or Manufacture, was encouraged by a Law.

[6] *Ad hunc Ann*

The Parliament gives leave for *Flemiſh* Weavers to come over and exerciſe their Trades.

And not long after, for the raiſing a ſufficient Fund againſt the intended War with *France*, the [1] King iſſued out a Commiſſion to the Lord *Molins*, for the ſeizing of the Eſtates of all *Lombard* Merchants, who by reaſon of their Exceſſive Extortion by Uſury, were now become odious, and a Publick Grievance to the Nation. And he was order'd to deliver all their Jewels and ready Money, &c. to the Conſtable of the *Tower*, to be kept by him for the King's Uſe. About the ſame time, [2.] He alſo cauſed to be ſeized into His Hands, the Goods and

[1] *Dugdale's* Baron. Vol 2. p 146

The King iſſues a Commiſſion for the ſeizing the Eſtates of the *Lombards*, for their exceſſive Extortion

[2] *H. K* Col. 2570.

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He alſo ſeizes the Revenues of Priories Alien.

Vid. *Clem. Reyner.* Ap. Ben. Part 2. in Ap. p 71.

and Revenues of all Alien and Foreign Priories, eſpecially of the *Cluniac* and *Ciſtercian* Orders, which were immediately let out to Farm to thoſe Monks, who paid a ſufficient Rent for them during theſe Wars.

* Chron. Eveſ. *MS.*

† *H. K.* Col. 2469 *& ad An.* 1336. *ſed falſo.*

The K. amaſſes a great Quantity of Treaſures, which produces a great Scarcity of Money in the Country.

* By theſe means the King is ſaid to have amaſſed together ſuch an exceſſive Quantity of Treaſure, that thereby the Country was almoſt exhauſted of Money, and conſequently † Victuals and other Commodities became exceeding Cheap; a Quarter of Wheat being then ſold at *London* for Two Shillings, and a fat Ox for Six and Eight-pence, a fat Sheep for Eight-pence, a fat Gooſe for Two-pence, and Six Pigeons for a Penny. This I take notice of, that ſo the Reader may from hence obſerve, that the Price of Proviſions hath abated or riſen in this Kingdom, according to the Plenty and Scarcity of Money; and with it the Price of Human Labour in this, and (generally ſpeaking) in all other Countries: Tho' by reaſon of ſome particular Accidents, this Rule may ſometimes fail, as we have ſeen it in *England* a few Years ſince; when notwithſtanding the great Scarcity of Coyn, Corn and all other Proviſions continued at a very high Price. But that was purely accidental; becauſe there was then great need of Proviſions for the Army and Fleet; and beſides this, there was at that time a great Dearth of Corn in *France* and other Countries. But to return to our Hiſtory:

[3.] Id. Col. 2570.

That [3.] which the more increaſed theſe Hardſhips, was, the King had the Summer before taken up all the Wooll in *England*, at the Price of Nine Marks the Sack, giving the Owners Wooden Tallies, or ſhort Notes in Writing for the ſame, under the Hands of certain Merchants, who were employ'd in each County by the King for that purpoſe. Theſe Wools, amounting in all to about Ten Thouſand Sacks, were not long after ſent over into *Brabant* by the Biſhop of *Lincoln*, the Earls of *Northampton* and *Suffolk*, and there ſold for Twenty Pound each Sack, and the Money diſpos'd of to pay for the Levies in *Germany* above-mentioned. Yet theſe Wools together with many Soldiers being put on board in the River *Thames*, and other Places, were a long time detain'd by contrary Winds, to the great prejudice of the Kingdom, and Loſs of Trade, (as my Author obſerves.) And indeed the Manufacture of Woollen Cloaths lately encouraged by Parliament, muſt needs have been much hinder'd thereby.

* Rot. Alman. 11 *Ed* 3. n. 10.

The K. ſends Ambaſſadors to treat with *Louis* the Emperor.

† Ib. n. 11.

Immediately after this, the King again took in hand that Great Affair of ſtrengthening His Alliances abroad; and to that Purpoſe, * another Commiſſion, bearing Date the Third of *Octob.* was iſſued out to the aforeſaid Biſhop of *Lincoln*, and Earls of *Salisbury* and *Suffolk*, and *John* Lord *Darcy*, Steward of the King's Houſhold; with Power to any Three of them to treat thereupon with *Louis* the Emperor There was † alſo another Commiſſion of the ſame Date made out t them, and to *Richard Winkele*, *John Vfford*, *Paul de Monteſleur*, *Jo Montgomery*, and *John Walwyn*; impowering them to treat with and to retain all Perſons, as well Nobles as others, for the King's Service And as the King did by theſe means endeavour to enable Himſelf fo the Recovery of the Crown of *France*, ſo likewiſe did He not negle all due Methods of Peace: And to that end, by * another Commiſſi on dated the *Seventh* of *October*, He conſtituted the foreſaid Biſho of *Lincoln*, with the reſt of the Perſons already named, His Agents t

* Ib. n. 7.

He alſo appoints the ſame Perſons to treat with the King of *France*.

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to treat with the Magnificent Prince, the Lord *Philip*, the Illuſtrious King of *France* (as He is ſtiled in the Commiſſion) or His Deputies, touching His Right to the ſaid Crown; to wit, whether it ought to remain to Him, or King *Edward*: And farther, by another *Commiſſion* of the ſame date, they were impower'd to treat upon all *Controverſies* and *Demands* whatſoever, relating to the Dukedom of *Aquitain*, or other Parts beyond Sea, as alſo of a happy or perpetual Peace, if it might be obtain'd.

* Rot. *Scot.* 11 *Ed.* 3. m. 1. printed in Dr. B's *Appen.* n. 85.

He makes the Duke of *Brabant* His Lieutenant General againſt *France*.

Yet leſt this Propoſal ſhould not meet with an agreeable Return, He at the ſame time order'd a * Commiſſion to *John* Duke of *Brabant* and *Lorrain*; wherein He ſets forth, That ſince the Famous Kingdom of *France* was lawfully devolved to Him by Right of Succeſſion, and that He had claimed it as His Inheritance, He therefore appointed the ſaid Duke His Lieutenant General there, with the ſole command of the Sword; and with other Claſes needleſs here to be recited.

* Ibidm.

And directs His Letters to all the people of *France* to obey Him as ſuch; and now takes the ſtile of King of that Kingdom, tho He does not retain it.

* After theſe Commiſſions ſo made, He directed His *Writs* or *Letters* of the ſame Date to the *ABps, Bps, Dukes, Marquiſſes, Earls, Barons*, and all other perſons in the Kingdom of *France* whatſoever, commanding them willingly and freely to receive the ſaid *Duke*, and obey him in all things, as if He were preſent Himſelf; letting them know, that to the Obedient He would be very kind, and to the Stubborn ſevere.

I cannot but take notice, that in all theſe *Commiſſions* He ſtiles Himſelf King of *England* and *France*, which was the firſt time that ever He uſed that Title; and in a *Duplicate* of the ſame (for moſt of them were double) He is ſtil'd King of *France* and *England*; which Variation I ſuppoſe was made that He might not give offence to either Kingdom: And it is further to be noted, that when He had iſſued forth theſe *Commiſſions* He made no more uſe of the Title of King of *France* in any *Charter* or publick *Writing* until about three Years after, and then He reaſſum'd it, together with the *Arms* thereof; and you will then alſo find upon what Conſideration it was done. But it is certain that theſe *Commiſſions* and *Writs* could have little effect in *France*, which was then ſufficiently united under King *Philip*, to prevent any Endeavours that ſhould be uſed to promote the King's Deſigns in that Kingdom. But as for the *Commiſſions* that were granted to the Princes and Noblemen of *Germany*, thoſe Treaties had better ſucceſs by means of the King's Ambaſſadors abovementioned; ſo that ſome out of kindneſs and reſpect to the King of *England*, and others out of a deſire to finger the Golden *Florens* from *England* (which the King then cauſed to be plentifully diſtributed among them, on pretence of Wages to their Soldiers) they moſt of them declar'd for Him, and offer'd to defie the *French* King, and to bring into the Field ſuch a number of Men as had been agreed on, whenſoever King *Edward* ſhould pleaſe to command them. x

x And among those German Princes Rupert Count Palatine of the Rhine then entered into Covenant with the Lords Ambassadors above mentioned, that in consideration of the sum of 15000 Florens in Gold to be paid at the City of Cost on the Feast of St Michael next ensuing, he would thereupon serve K. Edward with 150 Men for ye Term of two Months after the Rate of 15 Florens, the Monthly pay for each Soldier; as appears by another Copy of this Agreement made at Frankfort the last Day of June 1337. & is entered on the Rolls [Rot. Alman: 11. Ed. m. 3.] vid. Rym. Coll. p. 773, 774.

The King's Affairs have no very good ſucceſs in *Scotland*.

As for the reſt of the Foreign Affairs of this Year, I have not much to add, only in *Scotland* things did not go ſo well for the King's Advantage; for He having committed the care of the *Marches* to the Earl of *Warwick* and other Noblemen, tho they made ſeveral Incurſions into that part of the Kingdom that held for King *David*, yet had they no great ſucceſs: Whilſt on the other hand, the *Scots* invaded *England*, and did much miſchief both by Fire and Plundering, till the Truce that was made upon the raiſing the Siege of *Dunbar*, (as hath been already rela-

As for the Duke of Brabant he was to have for his Assistance & Service this year no less than 60000 Sterling, payable within three Years next ensuing, according to the several Sums & Days of Payment appointed in the Instrumt, or Obligation it self, made to the sd Duke under the Kings great Seal, bearing Date at Stanford, the Year above mention'd being the 11th of King Edward's Reign; & is likewise entered on the same Roll, [Ib. m. 8.] Vid. Rym. Coll. Vol. IV. p. 777.

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ted :) But this could not be well avoided, the King being wholly
taken up with Preparations for the War with the *French* King.

Philip ſeizes ſeveral Towns in *Gaſcoigne*.

*Rot. Vaſconi. 11 *Ed* 3. m.42.

The King thereupon ſends ſome Forces into *Gaſcoigne*, which turns the Scale of Affairs.

[5] Contin. Chron. *Guil de Nangiſ*.

In *France* the King's *Affairs* were but in an ill condition neither, for
in the beginning of this Year King *Philip* had ſent Forces into *Gaſcoigne*,
where He ſeized (as we have already mentioned) many of His
Caſtles and Fortreſſes: Upon this News King *Edward*, to put ſome ſtop
to the Progreſs of the *French* King, * gave orders to preſs twenty Ships
in the Port of **Southampton** and other places, and to have them ready
at *Portſmouth*, to carry over Men for *Gaſcoigne* on *Whitſunday-Eve* enſu-
ing, [5.] for the reinforcement of the Lord *Oliver Ingham*, Seneſchal of
that Countrey ; who after the arrival of theſe Forces, turned the Scale
of *Affairs*, and marching into the King of *France*'s Territories, took the
ſtrong Caſtle of *Parcole*, and deſtroy'd divers Towns with Fire and
Sword.

[1] *Victorel. & Giacon.* 1 Vol p. 862. *Odoric. Reynold. ad hunc Annum* *Holingſhed*, p. 901.

The *Pope* ſends two Legats to mediate a Peace with *France*, who are received with great pomp.

* Rot. Clauſ. 11 *Ed.* 3. Part. 2. m. 11. Dorſ.

A Parliament ſummon'd at *Weſtminſter*, at *Candlemaſs*, till which time a Truce is granted with *France*.

* Rot. Fran. 11 *Ed*.3. m 2. Dorſ. *Odoric. Raynold. ad hunc Ann.*

[2.] Rot. Franc. 11 *Ed* 3. m. 2. Dorſ.

The [1.] *Pope* now perceiving that a War was ready to break forth
between the Two Kings, ſent into *England* about *Martinmaſs*, *Peter*,
Prieſt and Cardinal of St. *Praxedes*, and *Bertrand*, Cardinal Deacon of
St. *Mary* in *Aquire*, to uſe their beſt means to compoſe the Differences
between them : Then for the more honourable reception of theſe Paci-
ficators, according to the King's Order, the ABp of *Canterbury* and di-
vers other Bps, with the Mayor and Aldermen of the City of *London*,
went forth and met them on *Shooter's-Hill* ; then the Young Duke of
Cornwal, with the Earl of *Surrey*, and ſeveral others of the Nobility
received them a Mile without the City, and the King Himſelf met
them at the Leſſer Hall Door of His Palace at *Weſtminſter*, (which we
now call the Court of *Requeſts*) and carried them into the *Painted-*
Chamber, where they delivered their Letters from the *Pope* ; * where-
upon the King cauſed a *Parliament* to be ſummoned to meet Him at
Weſtminſter on the morrow after *Candlemaſs-day*, 'till which time upon
the *Cardinal*'s Mediation, tho a Peace could not be effected, a * Truce
was agreed on till the ſaid morrow after *Candlemaſs-day*. But Peace
was not the only Buſineſs about which theſe *Legates* came, but the Pri-
vileges and Immunities of the *Church*, which (as the *Pope* Alledged)
were very much invaded, as appears [2.] by His Letters to the King,
bearing date IX *Kal. July*, *Ann. Pontif.* III°.

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[3] *T. W.*

The Convocation meets, at which one of the Legats reflects on the King's Proceedings, but is anſwered by the ABp of *Canterbury*.

The first thing that occurs this Year, is,[3.]that at the meeting of the
Convocation a little before the *Parliament* above-mentioned, Cardinal
Bertrand (a *Frenchman*, and one of the *Legates*) ſoon declared him-
ſelf no impartial Mediator for Peace ; for in his Sermon which he
preached *ad Clerum*, he could not forbear making ſeveral Reflections
upon King *Edward*'s *Actions*, putting the beſt Colour he could upon
thoſe of King *Philip*; which ſo far provoked the ABp of *Canterbury*, that
notwithſtanding the Cardinal's Character, ſo ſoon as his Sermon was
over, he roſe up and made another Diſcourſe to the Aſſembly, where-
in he ſhewed all the Cardinal's *Aſſertions* and *Arguments* to be vain and
frivolous.

The Parl. meet, give the K. a great Tax out of Wool.

Then on the Third of *February* the *Parliament* began, in which the
Laity granted the King the one half of their *Wools* throughout the whole
Realm for the next Summer, which He received very graciouſly ; and
He then levied of the *Clergy* the whole *Tenth*, cauſing them to pay nine
Marks for every Sack of the beſt *Wool*, but after the rate of one half
He took in whoſe hands ſoever it was found, as well Merchants as

Others,

(1) And that the Borders towards Scotland might not be left unguided during the King's Absence beyond Sea, he appointed Richard Earl of Arundel Captain General of all the Forces that were to be rais'd against the Scots with a full Power of mak[illegible] and appointing all inferiour Officers, as appears by his Commissions under the great Seal dated April 24. Rot Scot. 12. Ed. 3. m. 20. published in R— Coll. [illegible] p. 28.

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Others, according to the foreſaid Grant: After this He took a **Fifteenth** of all the *Commonalty* of His Realm in *Wool*, the Price of every Stone (at fourteen Pounds *per* Stone) being rated at two Shillings.

*At the ſame time the *Legates* prevail'd with the King to prolong the Truce till the Firſt of *March*, which day being alſo come, at the Inſtance of the ſaid Cardinal, the King further continued the aforeſaid Truce with *France* to *Midſummer* following, in caſe that King conſented to it, and would give Security that it ſhould duly be obſerved; after which, on the Twenty firſt of the ſaid Month, theſe Cardinals [4.] (who coſt the *Church of England* fifty Marks *per diem* all the time of their ſtay) took Shipping at *Dover*, the *ABp* of *Canterbury* and the *Bp* of *London* bearing them company, with intent to further the Treaty between the Two *Kings*; but becauſe all their Endeavours brought forth no *Accommodation*, we ſhall at preſent ſay no more of their *Proceedings*, but return to the Matter in hand.

*Rot. *Alman.* 12 *Ed.* 3. m. 36.
The Legates having prolonged the Truce with *France*, leave *England*.
[4] *H. K.* Col. 2570.

* see [illegible] Letters Patents to [illegible] firm it. [illegible] m. 36 [illegible]

When King *Edward* underſtood that the *French* King refuſed to give any ſecurity for the inviolable obſerving the Truce, * He thought good to revoke the latter Prorogation, which was done accordingly; ſo on the ſixth of *May* He made Himſelf ready for a Journey into *Flanders*, there perſonally to confer with His Allies, in perſuance of His deſign'd War againſt *France*; but before He went, upon the *Cardinal's* further Importunity, a *Commiſſion was iſſued to *John ABp* of *Canterbury*, *Richard Bp* of *Durham*, *Robert Earl* of *Suffolk*, Sir *Geoffrey Scrope*, *Knt.*, and Mr. *John Ufford*, *Archdeacon* of *Ely*, with Power to treat and agree touching all things in difference between the Two *Kings*, in reference to a full and final Peace: And by another *Commiſſion* of the ſame date, *viz.* the One and Twentieth of *June*, the Duke of *Brabant*, the Earls of *Haynalt* and *Gueldres*, the Marquiſs of *Juliers*, and Sir *William Dunort*, Lord of *Oſtervandt*, *Knt.*, are added to them: Theſe *Commiſſions* were double, and of two ſeveral Stiles; in the one the *King* calls *King Philip* only *Philippus de Valois Conſanguineus noſter Franciæ*; but in the other, *Excellentiſſimus Princeps, Dominus Philippus Rex Franciæ, Illuſtris Conſanguineus noſter*, &c.

* Rot. *Alman.* 12 *Ed.* 3. m. ~~36~~.
K. *Edward* revokes the Truce with *France*; and why.

[illegible] *R̶t̶. Rot. Alm[illegible] Pars 1. [illegible] in R[illegible] Col: [illegible]

*Rot. *Alman.* 12 *Ed.* 3. p. 1. m. 5.
A *Commiſſion* is granted to the *ABp* of *Canterbury* and others to treat with the King of *France* about all Differences between the two Kings.

The reaſon (I ſuppoſe of theſe *Double Commiſſions*, was, that it might be left to the *Commiſſioners* either to own or diſown King *Philip's* Title, according as they ſhould found it made for or againſt their Maſter's intereſt; but this Treaty came to nothing, ſo that now all Reaſonable Propoſals of Peace being rejected, [5.] *Jacob Van Artefeld*, with thoſe of his Party, earneſtly deſired the King's preſence in *Flanders*,(2)* ~~therefore~~ He reſolved to go over thither; and on the Sixteenth of *July* [1.] took Shipping at the Port of *Orewell*, near *Harwich*, in *Suffolk*, with a Royal Navy of five hundred Sail, with many Earls and Barons of *England* in His Company; among whom were *Henry* Earl of *Darby*, *William Montacute*, Earl of *Salisbury*, &c. to the number of near twenty of the Flower of the Nobility of *England*, whoſe Names it would be too tedious to repeat.

[5.] Froiſſ. ib. cap. 5.
[1] Chron. Rob. *Avesbury.*
The King paſſes over into *Flanders* with a great Fleet and Army. *Vid.* Dugd. Baron. 1 Vol. *ſub. nom. ſingulorum.*

(2) × The King having appointed his eldest son Duke of Cornwall, Guardian of the Realm during his absence, he resolved to go &c. Rot. Pat. 12. Ed. 3. p. 2. m. 12. R— Coll. p. 67.

Theſe with their Retinues made a Formidable Body of Horſe, beſides whom [2.] King *Edward* had a great multitude of Archers and *Welſhmen*, with all which He arrived at *Antwerp*, belonging then to the Duke of *Brabant*, on the Two and twentieth of *July*; while He reſided here, People came flocking from all parts to ſee Him, and to obſerve the Royal Magnificence of His Court.

[2] *H. K* col 2571.

One

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[3.] Froiſſ. ib. He ſends to the Dukes of *Brabant* and *Gueldres,&c.*to meet Him at *Antwerp*, and revokes all *Commiſſions* to treat with the King of *France*.

* Rot. *Alman.* dat. apud *Antwerp.* 12 *Ed.* 3. m. 3 & 7.

[4.] Froiſſ. ib. The King's *Demands* from theſe Princes, with their *Anſwer*.

One of the firſt things the King did after His arrival was, [3.] to ſend Letters to the Duke of ***Brabant***, the Earl of *Gueldres*, the Marquiſs of *Juliers*, and the Lord *John* of ***Haynault***, with other great Lords of His Party, inviting them to a perſonal Congreſs or Enterview at *Antwerp*, and accordingly they came to Him within a few days; and ſoon after King ***Edward*** * publickly revoked all the Powers which He had formerly given to His ſeveral ***Commiſſioners*** before mentioned, to treat with ***Philip*** of ***Valois*** as King of ***France***; and then [4.] He deſired to know the Reſolutions of theſe Princes and Lords, whether they would truly perform what they had undertaken in His behalf. He likewiſe earneſtly preſſed them to 'Diſpatch what they intended with all poſſible 'expedition; for to that purpoſe, (He ſaid) He was come over thither 'with His Forces ready prepared to begin the War, and that it would 'be an infinite damage to Him to protract it much longer. Theſe Princes and Lords having maturely conſidered the King's Propoſals, return'd to this effect: 'That being now come only to give His Majeſty a perſonal Viſit, they were not juſt then prepared to give Him an *Anſwer* 'to ſo weighty a *Demand*; but they would return again to their reſpective Subjects, and after they had conſulted them, would give 'His Majeſty a poſitive *Anſwer*, when ever His Majeſty pleaſed. The King ſeem'd not very well pleaſed with this, and ſhewed them at what great Charges He had been, and was further like to be by theſe *Delays*, that He expected to have found all of them ready at His coming thither; but ſince it was not ſo, He for His part reſolved not to return to *England* until He had a plain *Anſwer* from them one way or other: Then they all appointed a day for their March to be within three Weeks afte *Midſummer*; which being agreed to by all there preſent, they took thei leaves of the King for that time.

The Duke of *Brabant* holds private Correſpondence with the King of *France*.

He ſtill continued at ***Antwep***, being lodged in the ***Abbey*** of St.*Bernard* and moſt of His Great Lords continued with Him; as for the *Duke* o ***Brabant***, He returned to the City of ***Lovain***, from whence He ſent privately frequent Meſſages to the King of *France*; requeſting, that H would not entertain any Suſpicion of him, nor give credit to Idle Rumours; for he aſſured Him that he would not make any *Alliance* or *Agreement* to His *Diſadvantage*; tho (as He ſaid) the King of *England* being His ***Couſin-German***, he could not in honour refuſe Him the Civility of his Country. Thus the Duke of ***Brabant*** endeavouring to keep i with both Kings, was really a Friend to neither.

[5.] Id. ib. The *German* Princes ſtill excuſe their coming with their Forces, and on what pretence.

[1.] *H. K.* col. 2571.

The [5.] Third of ***Auguſt*** being come (which was the day appointed) the King expected the ***Anſwer*** of theſe Lords; but they makin their Excuſes, ſent the King word, That as for their part they and thei Men were ready, provided the ***Duke*** of ***Brabant*** would be as ready o his part, for he was nearer than they; therefore, when they ſhould underſtand that he was fully provided, they would not be at all behin him: The King was extremely diſpleaſed in His Mind at this put of for He found no Sincerity in any of them except [1.] in the Earl of Gueldres; and He indeed privately told the Bp of *Lincoln*, *That His Majeſ had not been well adviſed hitherto.* The ***King*** upon this immediatel communicated the ***Anſwers*** of the Lords to the *Duke* of *Brabant*, an

The K. ſends again to the Duke of *Brabant*.

urging the Matter home to him, required him as His Friend and Kinſman, to deal freely with Him, for that hitherto He perceived he ha been very backward in His Intereſt, ſo that He had reaſon to fear, u le leſs he grew more warm, and ſhew'd more Concern for His Cauſe, He ſhould loſe the Aſſiſtance of all the Other Lords of *Almain.*

[2.] *Froiſſ.* ib.

The [2.] Duke being rouzed by this Meſſage, began to conſider more ſeriouſly of the Matter; and fearing that by this Double-dealing he might loſe both Princes, and thereby expoſe himſelf to their Diſpleaſures; at laſt he ſent the King word, that he was as Affectionate as any for His Service, only deſired once more to ſpeak with the foreſaid Princes and Lords together. Upon which they were again ſummoned, and the time of their Meeting appointed to be the middle of *Auguſt*, at a Place called *Halle*, a Town of *Haynault*, on the Borders of *Brabant.* And this Place was judged the fitteſt, becauſe the young Earl of *Haynault*, and his Uncle the Lord *John* of *Beaumont*, might the more eaſily be there. In ſhort, the Reſult of this *Aſſembly* at *Halle*, was, that the Princes and Lords having again conſidered of the Buſineſs very ſeriouſly, they found themſelves ſo much devoted to King *Edward*'s Service, that they declar'd they would never deſert Him, unleſs compell'd by the Emperor, to whom only they owed Allegiance: Wherefore in the Name of Himſelf and all the reſt, the Duke of *Brabant* addreſſed himſelf thus to King *Edward*: 'Sir, We of our ſelves cannot find any juſt cauſe, all things conſidered, to defy the *French* King, without the Conſent of the Emperor our Sovereign Lord; and that He ſhould command us ſo to do in His Name. But there being long ſince an Article Sworn and Sign'd between *France* and the Empire, that no King of the former ſhould hold any thing belonging to the latter: Notwithſtanding this Agreement, King *Philip* hath taken the Caſtle of *Creveceur* in *Cambreſis*, and the Caſtle of *Alves* in *Bailleul*, and alſo holds the City of *Cambray* it ſelf; ſo that the Emperor hath good reaſon on His ſide to defy the King of *France.* Now, Sir, if you can obtain His Conſent, it will be much for our Honour; otherwiſe all the World will ſay, that without the Imperial Authority, the Lords of *Almaign* commenced an unjuſt War, having no Provocation thereto.

Who deſires another Meeting with the reſt of the Princes and Lords, which is held accordingly, with the reſult of it.

[3.] Id. ib.

The King appoints the Marquiſs of *Juliers* and certain *Engliſh* Knts to go to the Emperor, and treat with Him about His Aſſiſtance.

This [3.] Declaration appeared reaſonable enough to the King: Wherefore He appointed the Marquiſs of *Juliers*, and ſome *Engliſh* Knts and Learned Civilians, together with one or two of the E. of *Guelderes* Council, to go to the Emperor, and to treat with Him about this Affair. But tho' the Duke of *Brabant* would by no means appear in this Treaty, for fear of diſpleaſing the King of *France*, yet however he freely lent King *Edward* his Caſtle of *Louvain*, to reſide there when ever He pleaſed to make uſe of it.

The Emperor deſires a Perſonal Enterview with the King, who comes to the City of *Cologne* to meet Him.

Froiſſ. ib c. 35.

When the Marquiſs and thoſe that accompanied him, had received their Audience of the Emperor, who was then at *Florebech* in *Bavaria*, He partly by his own Inclination, and partly by the Perſuaſions of the Empreſs His Wife, Siſter to Queen *Philippe*, was willing to grant King *Edward*'s Requeſt; and for the better Settlement of all Affairs between them, deſired a Perſonal Enterview with Him.

[4] *H. K.* ib.

The Manner of this Enterview with the great Number of Princes and Nobility that appear'd there.

Whereupon, the King, in compliance thereunto, [4] met the Emperor at the City of *Cologne*, who Himſelf came out of *Germany*, no leſs than Seven Days Journey, on purpoſe to meet His Majeſty at that Place. The Enterview was very Magnificent, being in the Market-Place, where two Thrones were erected in the open Air, the one for the Emperor, the other for the King. The former took His Place firſt, the other ſat down afterwards. In which Magnificent Aſſembly, there were as Aſſiſtants, Four Great Dukes, Three Archbiſhops, and Six Biſhops, Thirty Seven Earls, and of Barons, Bannerets, Knights and Eſquires, (according to the Eſtimation of the Heralds) about Seventeen Thouſand.

The Emperor defies the King of *France*, and appoints King *Edward* His Vicar-General of the Empire on this ſide.

Then the Emperor ſet forth the Falſhood which the King of *France* uſed towards Him; and thereupon He defyed Him, and pronounced both Him and His Adherents Enemies to the Empire. And further by a Charter or Bull which He then deliver'd to the King in the Sight of all there preſent, He ordained and conſtituted Him His Deputy and *Viear-General* of the *Sacred Roman* Empire, over all the Provinces on this ſide, as far as *Cologne*. The next day, theſe two mighty Potentates, with their Great Lords and Prelates, met again in the Cathedral-Church of *Cologne*; where, after High Maſs, the Emperor and all His Barons ſwore to the King of *England*, That they would ſtand by, help, and defend Him againſt the King of *France* and all His Adherents, both to live and to die with Him, for the Space o Seven Years to come, provided the War between the ſaid King ſhould not be compoſed before that time. And moreover it was further ſworn, That all the Barons of *Almain*, from *Cologne* and on thi ſide, ſhould preſently enter into the King of *England*'s Service, again the King of *France*, as often as they ſhould be required; as well wher the King of *England* ſhould be in Perſon, as to any other Place wher He ſhould aſſign them: And if it ſhould happen, that any one o the Confederate Princes and Lords of *Almain* ſhould refuſe to obey th ſaid King in this His Enterprize, that then all the other Lords of *Germany* would riſe up in Arms till they had deſtroyed him.

He and His Barons ſwear to help Him againſt the K of *France* and all His Adherents.

All Points being thus fully agreed on and eſtabliſhed, after many Interchangeabl Careſſes and Noble Entertainments, the King of *England* took Hi leave of the Emperor, and return'd with all His Company t *Louvain*.

The Emperor and K. *Edward* take their leaves of each other.

As ſoon as [5.] King *Edward* was come again into *Brabant*, He iſſued out His Summons to the Duke of *Gueldres*, the Earl of *Juliers* and all other His Allies in thoſe Parts, to be preſent at a General Aſſembly which He intended to hold at the Town of *Arques* in the County of *Lauze*, or (as our [1.] Hiſtorian ſays) *Mechelen* or *Malins* i *Brabant*: Whither at the time appointed the Princes and Lords met th King in the Town-Hall of that City, which was nobly furniſh'd fo that purpoſe. The Chief Perſons were, the Duke of *Gueldres*, th young Earl of *Haynault*, the Earl of *Juliers*, the Lord of *Valkenberg* or as the *French* pronounce it, *Faulquemont*, and all other Barons o this ſide *Cologne*; except only the Biſhop of *Liege*, who was a Grea and Powerful Prince in thoſe days. In this [2.] Aſſembly, the Kin being placed in a Stately Throne five Foot higher than the Floor, th Emperor's Letters-Patents were openly read: Wherein it was declar'd That King *Edward* of *England* was made Vicar-General to the Emp ror; and that He had full Power to make Laws, and to adminiſter Juſtice to every Perſon in the Emperor's Name, and to coin Money, bot Gold and Silver, at His Pleaſure. It was further alſo commanded b theſe Letters-Patents, That the Lords and Subjects of the Empi ſhould yield Obedience and pay Homage to the King His Vicar, as t Himſelf. Immediately hereupon, for Form-ſake, and as an Acknowledgmen

[5.] *Froiſſ* ib. c. 35.

K *Edward* ſummons all His Allies to a General Aſſembly at *Malins*.

[1.] *H. K.* Col 2572.

[2.] *Froiſſ.* ib.

They meet, and the K is there declared Vicar-General of the Empire, and acts as ſuch.

ledgment of the Power of this New Vicar, certain Legal Claims were made before Him, and Judgments given by Him between Parties, as if it had been before the Emperor Himſelf, in His own Court or Great Council. Then [3] the King, in perſuance of His New Authority, held another Court on the Borders of the Territory of *Liege*, and there ſummoned that Biſhop to appear, and come in and own Him; which, He being already engaged in the *French* Intereſt, refuſed to do. Whereupon the King ſent the Biſhop of *Lincoln* to complain of Him to the Emperor, and to require Juſtice againſt Him. To which Meſſage the Emperor return'd in Anſwer, That He would ſhortly come in Perſon, to revenge and aid His Brother the King of *England*.

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[3.] *H. K.* ib. The King as Vicar-General holds a Court, wherein the Biſhop of *Liege* is ſummoned to appear, but refuſes it.

[4.] Theſe things being diſpatched, the Princes and Lords of *Germany* departed, having firſt agreed upon a certain day, *viz.* the *Eighth* of *July* following, when they were all to meet before *Cambray*, in order to lay cloſe Siege to it. Then King *Edward* went back to *Louvain* to the Queen, who was lately come thither out of *England*, being nobly attended by ſeveral Ladies who took that Opportunity to wait on Her, and alſo to viſit their Fathers and Husbands then in the King's Service. After the Queen had ſtayed ſome time at *Louvain*, She together with the King return'd to *Antwerp*, as being more Commodious for Her Lying-in: [1.] Where on the *Nine* and *Twentieth* of *November* following, She was brought to Bed of a Son, who was Chriſt'ned *Lionel*, and was afterwards, upon the Marriage of the Daughter and Heir of *William de Burgh*, created Earl of *Ulster*, and Duke of *Clarence*, and proved a Prince of great Courage, and of a moſt Graceful Perſon; and of whom you will hear further in the Sequel of this Hiſtory. Whilſt [2.] King *Edward* continued at *Antwerp* all this Winter, He kept a moſt Magnificent Court, and, as Vicar of the Empire, there ſet up His Royal Mint, where He coined a great deal of Money both in Gold and Silver. ×

[4] *Froiſſ.* ib. The Princes and Lords appoint to meet before *Cambray* on a certain day.

The Queen is brought to bed of a Son at *Antwerp*.

[1.] *T. W. Sanford's* Gen Hiſt. p. 219.

[2.] *Froiſſ.* ib. The K. keeps a Magnificent Court, and as Vicar of the Empire coyns Money.

× Whilst the King continued at Antwerp he received a very disobliging Letter from Pope Benedict, dated at Avignon on ye Ides of November, wherein he complains not only of the Emperour Lewis of Bavaria as an Invader of Italy, & a Favourer of Hereticks, but also of the King for taking his Part, and accepting ye Title of Vicar of the Empire therefore his Holiness lets the King there understand, that he has granted the King of France the Tenth of the Benefices of his Clergy to be employ'd, not against the King of England in particular, but agst. all Partakers, and adherents whatsoever of ye sd. Lewis, that should invade that Kingdom: and concludes with advising the King to repent, & withdraw himself from any Confederacy with the sd. excommunicated Prince; or otherwise he would make himself lyable to the Apostolical censure. See it at large publish'd in H. K. Coll p. 88. to 91. But I shall defer the King's Answer to this Letter till the next year.

But ſince the Series of Foreign Affairs, which could not be well interrupted, would not give me leave to mention what was done this Year in *England*, as well ſome time before as after the King's going beyond Sea; I ſhall here inſert thoſe Tranſactions, beginning with ſuch as relate to the Sea.

On [3.] the Eve of our *Lady-day*, certain *Norman* Gallies enter'd the Haven of *Portſmouth* under *Engliſh* Colours, and landing with a ſufficient Force, plunder'd the Town, and then ſet it on fire, and burnt all except the Pariſh-Church; But the Country riſing upon them, they were forced to betake themſelves again to their Ships. From whence we may obſerve, how Naked and Unguarded the greateſt Ports of *England* were in thoſe days; and I could wiſh they were yet better fortified, to prevent the like Affront from our Enemies abroad. Thus the *French* made the firſt Aſſault upon *England*, which was ſeverely return'd upon them ſome time after.

[3.] Chron. MS. de Eveſham. H. K. C. 2570. Certain *Norman* Galleys enter the Haven of *Portſmouth*, and plunder and burn the Town.

Whilſt [4] the King was abſent in *Brabant*, the young Prince *Edward*, Duke of *Cornwall*, being Guardian of the Kingdom by Commiſſion from the King His Father, held a Parliament at *Northampton*, which began on the *Twenty Sixth* of *July*; wherein a great Aid was granted to his Father, towards the Maintenance of His Wars, *viz.* Of every Town a Tax (upon Goods of a *Twentieth* Part) where the Value of them amounted to Twenty Shillings. The * King had alſo

[4] H. K. Col. 2571. Prince *Edward* as Guardian of the Kingdom, holds a *Parliament* at *Northampton*, where He has a great Tax granted for the Wars.

* *Polychron.* *H K.* ib.

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granted Him all the Wooll of the Kingdom, to be bought at a low Price; which muſt needs amount to a vaſt Proportion; ſince only the Three Counties of *Leiceſter*, *Lincoln*, and *Northampton*, afforded no leſs than Twelve Hundred and Eleven Sacks of *Wooll*. Beſides which, He had an Aid of the Biſhops, Abbots, Priors, Rectors, who held in *Capite*, and went not with Him to the War: Of ſome an Hundred Pounds a-piece, of others Two Hundred, according to their Eſtates and Abilities. And moreover, ſome time after, * in a Convocation held the *Firſt* of *October*, a *Tenth* was granted of the Clergy for two Years to come. ^

* This year there was so great a plenty in England that a quarter of wheat was sold for 2 shillings, and a fat ox for half a mark. Chron: de [illegible] ad hunc ann:

* Rot. Clauſ. 12 Ed 3 P. 2. m. 17. dors.

But [5] to come to Military Matters. About this time, there were Sixty Sail of Stout Ships appointed for the Defence of the *Cinque-Ports*, beſides the preſent Fleet; and *William Clinton* Earl of *Huntingdon*, and Conſtable of *England*, was made Warden or Lieutenant of *Suffolk*, and the Lord *Robert de Morley* of *Norfolk*; which, by the way, is the firſt time I find any mention in our Hiſtorians of ſuch Officers.

[5.] H. K. Col. 2573.

A great Fleet ſet out for the Guard of the *Cinque Ports*.

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What the King did this Winter, and great Part of the following Summer, I do not find; only it is likely, that He (as well as the Princes of *Germany*) made the beſt uſe they could of this Seaſon, to get themſelves in readineſs againſt the time appointed for Action: For King *Edward* had now received His Recruits from *England*, which He had long expected, and which arrived the Beginning of *June*. About this time, * the Duke of *Gueldres* did Homage to Him as Vicar of the Empire: In conſideration whereof, the King granted him a Thouſand Pounds *per Ann.* during his Life. *And He further made an Allyance with *Albert* Duke of *Auſtria*, and *Otto* Duke of *Stiria* and *Carinthia*, and received their Homages.^ But yet before He began His March into the *French* Territories, at the Inſtance of the Cardinals, *Peter* and *Bertrand* (of whoſe Endeavours for Peace we ſpake before) † *John* Archbiſhop of *Canterbury*, *Richard* Biſhop of *Durham*, *Henry* Biſhop of *Lincoln*, the Earls of *Derby*, *Salisbury*, and *Suffolk*, with ſome others, were by the King empower'd to Treat once more with *Philip* of *Valois*, or His Deputies, concerning the Dignities, Honours, Lands, and Rights, belonging to King *Edward*, and all other Controverſies whatſoever: The Deputies on the other Part, being the Archbiſhop of *Rouen*, the Biſhops of *Langres* and *Beauvois*; and the Places of Treaty were, firſt *Campaigne*, and then *Arras*. But when no *Peace* could be thereby effected, the Demands of both *Parties* being ſo high, the King reſolved to prepare for War.

K *Edward* receives His Recruits from *England*, and prepares for *Action*.

* *Lit. Pat. inter Reg. & Magnates German.* 13 Ed. 3. m. 2.

The Duke of *Gueldres* does Him Homage as *Vicar-General, &c.* as do alſo the *Dukes* of *Auſtria* and *Carinthia*.

* Rot: Pat: inter Regem et diversos Magnates German: 13 Ed: 3. m: 2. vid: Rymers collect: p: 90

† *Pat. Conceſſ. Homin. Angl. & Vaſcon.* 13 Ed. 3. m. 17.

The *ABp.* of *Canterbury* and other Nobles treat with the Commiſſioners of *France* concerning a Peace, tho' in vain, and why.

The chief conditions of this League were they should assist the King against all adversaries [illegible] Philip of Valois & also [illegible] [illegible] the Duke of Burgundy [illegible] subject and confederates with two hundred armed soldiers. ~~[illegible]~~

But before He began this *Campaign*, He wrote to the *Pope* and College of *Cardinals* a long Epiſtle, of which I ſhall only give you the Contents, and leave the Reader to conſult the Original in * *Walſingham* and other Authors. 'The King, after a long *Preface*, [1.] wherein 'He vindicates the Right of Self-defence againſt injurious Violence, as 'juſtified by the Law of Nature; then proceeds to bewail that He 'cannot now undertake a War againſt the Enemies of the *Chriſtian* '*Faith*, by reaſon of the great Malice and Obſtinacy of His *Perſecutor*, 'who ſtiles Himſelf King of *France*, and who doth daily entrench up'on, and diminiſh His juſt Rights, without any Attempt or Provocati'on given on His ſide.

The K. again prepares for War, but firſt writes to the Pope and Cardinals to juſtify His Procedings againſt *France*.

* *An* 1336. *ſed falſè.*

[1.] C. *ad Mur. ad hunc Ann.*

He

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He ſets forth His Title to that Crown notwithſtanding His Mother's Incapacity to ſucceed.

'He in the next place proceeds to ſet forth the Uſurpation which *Philip* hath made upon the Realm of *France*, and His forceably detaining it to His great prejudice; and alſo ſhews His Own Title to it, *viz* That the *Crown* belonged to Him by Lawful Right of Succeſſion, as being Grandchild to *Philip the Fair* by His Mother Queen *Iſabel*; who (He grants) could not inherit by the Conſtitution of *France*, ſhe being a Woman, yet when all the Sons of *Philip* were dead without Iſſue-Male (*Charles the Fair* being the laſt) He claims it as the neareſt Heir-male to His Grandfather King *Philip*, and as Uncle to K. *Charles* deceaſed, and as having the Right of Succeſſion before *Philip* of *Valois*, Son to *Charles* Earl of *Valois*, His ſaid Grandfather's Brother; and affirmed, that His Mother's diſability to take the *Crown*, could not, nor ought to bar Him of His Right; the Reaſon for which (as not being much to our Purpoſe) I omit.

He excepts againſt the validity of the Judgment of the Peers of *France* in His Prejudice.

'And as for the Judgment of the Peers of *France*, which had been given in prejudice of His Title, He excepts againſt its validity, becauſe it was not only given without any due Citation, and that too during His Minority, but alſo His Proctors, who inſtantly deſired that they might legally appear for Him and His Title, were ſo far from being allowed an equitable Hearing, that they were rudely and unjuſtly repelled with horrible Menaces of no leſs than preſent death. Then He proceeds to ſet forth the Injuries which *Philip* had done Him by invading and ſeizing His Territories in *Aquitain*, and alſo in aſſiſting and maintaining His *Vaſſals* the *Scots* againſt Him; and then lays all the blame of this War upon His Injuſtice, and that He only took up Arms to defend His Own Rights and thoſe of His Subjects; and in order to prevent the Hoſtile Preparations of His Adverſaries, by ſuch Alliances as were neceſſary for His own defence, and for the juſtice of His Quarrel, appeals to the juſt Sentence of the moſt High God, which He hopes He will give Him by the Power of His Sword; nor can He believe that any Impartial Umpire, or Juſt Judge can interpret this Act of His, (*viz.* what He hath done for His Own Defence, and the ſecurity of His juſt Rights) to be any Injury or Offence.

He appeals to the Judgment of God by the Sword, which He juſtifies as done in His Own defence.

He anſwers the Objection made againſt His joining with the *Emperor* tho' excommunicated.

'And then He advances an Objection which He knew not but might be made againſt Him, for His entring into a League of Friendſhip with * a *Man* againſt whom the *Vicar* of *Chriſt's-Church* is ſaid to have judicially proceeded; to which He anſwers, That He does this only to defend Himſelf from the Dangers that threaten Him, and that He may be enabled to contend for His juſt Rights, which is the real cauſe of His thus acting: In the doing of which (as Equity allows) the final Cauſe of the Action, or its principal Motive is chiefly to be conſidered; ſince as to *Human Actions*, only the real *Act* it ſelf, and not any Malicious Conſtruction thereof is to be conſidered; and then concludes with a ſubmiſſion of His Cauſe to His *Holineſs* and His College of *Cardinals*, from whom He deſires an Information in the Truth, if He hath in any *Particular* deviated from it, being ready to yield Himſelf to Reaſon in all His *Actions*. This bears date at *Antwerp* the Sixteenth of *July* this Year.

* *Viz.* The *Emperor*.

[2.] Id. ib. The ſubſtance of the *Pope's* Anſwer

And I ſhall here ſubjoin the ſubſtance of the *Pope's Anſwer* to this *Letter*, [2] which was written ſome Months after; for the *Epiſtle* it ſelf is very tedious, and is directed to His dear Son *Edward*, King of *England*; *Firſt*, He is pleaſed wholly to paſs by unanſwered all that the King had

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He blames the K. for joining with the *Emperor*, and commands Him to lay aſide the Title of His *Vicar*.

'had wrote to juſtifie His Proceedings, and in defence of His Title to 'the Crown of *France*; the moſt part of this Letter is taken up in relating the Original of the Quarrel between the *Emperor* and *Pope Joh* 'His Predeceſſor, and then proceeds to accuſe the King as an Enemy 'and Perſecutor of the *Pope* Himſelf and the *Roman Catholick* See; tha 'deſpiſing the Proceſſes of His Predeceſſors, He had joined with the pretended *Emperor*, in accepting from Him the *Vicarſhip* of the Empire, 'and did thereby invade the Honours belonging to Him and the ſaid 'Church, to whom the Government and Adminiſtration of the *Roma* '*Empire* (being now void) does of Right belong.

And threatens the King with *Excommunication*, if He do not obey it.

And then concludes with a deſire, 'That the King would ſeriouſly 'conſider the dangerous Snares into which ſome endeavour'd to involve 'Him, not without the hazard of His utter Ruin; then recites a Conſtitution of His Predeceſſor, whereby He denounced an *Excommunication* againſt all perſons whatſoever; who, without the ſpecial Licenſe 'of the *Apoſtolick* See, ſhould preſume to take the Name of *Vicar*, or o 'any other Office within the *Empire*, it being wholly void, and of none 'Effect; and if not laid down within the ſpace of two Months, would 'involve Him within the ſaid Sentence, from which He could no way 'be delivered but by the Abſolution of the *Apoſtolick See*, ſince the ſaid '*Lewis* the Emperor is neither King nor *Emperor*; nor is any thing tha 'He hath done, or ſhall do, as ſuch, of any validity; and further, tha 'it did not become the Honour of ſo great a Prince, who hath alread 'the Title of a King, to be ſtiled the *Vicar* of any Temporal Lord whatſoever, and therefore deſires Him ſpeedily to return back into the Right 'Way, and not to deſpiſe the Judgment of the *Cardinals*, who ſincerely 'love Him and His Realm, but to endeavour to make Peace with the *Frenc* 'King, as a thing pleaſing to God, and deſirable by Men; then conclude 'with a Threat, that if He did not acquieſce in theſe His wholſom 'Admonitions, He ſhould be forced to provide the beſt Remedy H 'could concerning the Premiſes, by proceeding againſt Him as Juſtic 'requires, and which both may and ought to be done, if it ſhall (which 'God forbid) become neceſſary, however troubleſome and ungrateſu 'it is to put it in execution. Dated at *Avignon* under the Seal of the *Fiſher*, &c. in the Fifth Year of His Pontificate. But we ſhall now retur to Matters of greater moment.

the 4th. of the Ides of Octob.

[3] *Froiſſ.* ib. Chap. 36. The King begins His March to *Villenort* and there expects the arrival of the *German Princes*, but in vain; whereupon He ſummons them again. The Great Army the King maintain'd whilſt He lay at *Villenort*, and expence He was at.

Before the receipt of this *Anſwer* from the *Pope*, [3] King *Edwar* (immediately after the date of His Own Letter to Him) began His March with His whole Army to *Villenort* in *Brabant*, where He lodg'd His Men, partly in the Town, and partly without in Tents along the River ſide; here He tarried from the Twentieth of *July* till the middl of *Auguſt*, ſtill expecting the coming of the Lords of the Empire, H *Allies*, but eſpecially of the Duke of *Brabant*, on whom chiefly the reſ did depend; but when His Patience was almoſt tired out with fruitleſ expectation, He was fain to ſend once more His Envoys to each of 'em, ſummoning them to come and meet Him at *Mechelen*, or *Malines*, the Metropolis of *Brabant*, on the Firſt of *September* following, and then to ſhew Him the cauſe of theſe Delays. Now all this while tha the King waited thus at *Villenort* for His Confederates, He maintain'd at His own coſt and charge Sixteen hundred Men at Arms, and Twenty thouſand Archers, beſides all the neceſſary Proviſions for His Court, and the great Armies and Gariſons He had in other places; and beſides the vaſt Sums of Money which He had diſpos'd of to the Princes His Confederates. x

x which not being ~~anſwer~~ ſent him out of England forced the King to borrow ſeveral great Sums upon uſury of the Merchants of Mechlin and Bruges, to the latter of which he pawned his Jewels for 9000 florens as appears by the Kings letters Patents dated this year & publiſhed in R. S. Col. p. 118. 120.

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The [4] *French* King, for His part, was not ways unprovided of Neceſſaries for Reſiſtance; for beſides His formidable Preparations in *France*, *Normandy*, and *Aquitain*, He had ſet forth a mighty Fleet of Ships, conſiſting of *French*, *Normans*, *Bretons*, and *Spaniards*, who had Orders, ſo ſoon as ever the War ſhould break out, to invade *England* where they could to the beſt advantage.

[4] Id. ib. The *French* King prepares a Fleet to invade *England*.

On [5.] the **Firſt** of *September* the Princes and Confederate Lords of *Germany* came at laſt to *Mechelen* to meet King *Edward* according to His Summons, where it was agreed that His Majeſty ſhould begin His March within Fifteen days at the fartheſt; but for the better juſtification of their Cauſe, they firſt reſolved to ſend the King of *France* a Defiance in every one of their Names, which having been already mentioned, I need not here repeat; only the Duke of *Brabant*, out of ſome politick Conſiderations, refuſed to do it until a more convenient time: Theſe Defiances under the Seals of the ſeveral Princes concern'd, were ſent by the Bp of *Lincoln*, attended by a *Herald* to the *French* King then at *Paris*, they having firſt obtain'd a ſafe Conduct for that purpoſe: But He ſeemed to receive it without any Paſſion or Concern.

[5.] Id ib. The *German* Princes and *Lords* at laſt meet King *Edward* at *Mechelen*, and there agree to begin their March within 15 days. They ſend their Defiances to the K. of *France* by the Bp. of *Lincoln*.

When King *Philip* thus ſaw the War ready to break out upon Him, He forthwith raiſed all the Forces He could, and put a ſtrong Gariſon into the City of **Cambray**, and [1.] ſent forthwith to ſeize the County of *Ponthieu* (as yet in King *Edward*'s poſſeſſion) into His hands; and He had already engaged *John* King of **Bohemia**, and the other Princes and Lords of the Empire of His Party, to come ſpeedily to His Aſſiſtance.

K. *Philip* fortifies *Cambray*, and ſeizes the County of *Ponthieu*, and then ſends to the K. of *Bohemia* to come to His aſſiſtance.

[1.] Id. ib. c. 37.

In the mean while to ſtrike a terror into the *Engliſh* at Sea, [2.] He ſet out a ſtrong Fleet; one Squadron of which, conſiſting of thirteen Sail, met with two brave *Engliſhmen* of War, which had on board them a great Sum of Money, lately received for the *Engliſh* Wool in *Flanders*, being attended with two or three ſmall Ships of inconſiderable value, which upon the approach of the *French*, ſail'd away; but the *Engliſh* Men of War being heavy laden, could not do ſo, but were preſently encompaſſed and boarded by the *French*; and tho they diſputed their ſeiſure with a great deal of Bravery, yet they were at laſt overpowered, taken, and carried into *France*, moſt of the wounded *Engliſh* being flung overboard.

[2.] *Fabian.* Chron. *ad hunc Ann.*

He ſets out a Fleet, and takes two *Engliſh* Men of War.

Then on the [3.] Fifth of *October* following, being *Sunday*, fifty Gallies of *Pycards*, *Normans*, and other Nations, under the command of Sir *Quiriel*, *Peter Babuchet*, and Captain *Barbanon*, the *French* Admirals, came before the Town of *Southampton*, where they eaſily landed, the greateſt part of the Inhabitants running away from the Church, and out of their Houſes. Then the *French* took the Town, and not only plunder'd and burnt it, but alſo (as our *Authors* relate) exerciſed great Cruelties in it, killing the Men, raviſhing the Women, and hanging up thoſe of the better ſort in their own *Houſes*; but before the *French* could all of them get on board again, Sir *John Arundel*, a Gentleman of *Hampſhire*, came upon them with the *Militia* of the County, and killed three hundred of them, the chief of whom [4.] was the King of *Sicily*'s Natural Son, who was knocked down and kill'd by a Country

[3.] *Froiſſ.* ib. *Stow.* p. 239.

ir

The *French* Fleet takes *Southampton*, and plunders and then burns it; yet are at laſt beaten to their Ships.

[4] *Speed* in the deſcription of *Hampſhire*, p. 13.

Fellow

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Fellow with a *Flail*, tho he cry'd out *Rançoon*; which the Clown gave no heed to, not underſtanding what he ſaid.

[5.] *Stow*. Ib.

The *French* Fleet deſtroy all the *Engliſh* Ships in the *Ports* of *Cornwal* and *Devonſhire*, but landing at *Plimouth*, are repulſed by the Earl of *Devonſhire*.

Some [5.] time after eleven of theſe *French* Gallies ſailing upon the Coaſt of *Eſſex*, endeavoured to fire the Town of *Harwich*, but without ſucceſs; after which the *French* Navy endeavoured to land at the Iſle of *Wight*, but being reſiſted by the Inhabitants there, they ſheer'd off. Then having done ſome ſmall Miſchiefs upon the Coaſt of *Kent*, they ſail'd back to the Ports of *Devonſhire* and *Cornwal*, where they took and deſtroyed whatever Veſſels they found in the *Harbours*; and having enter'd *Plimmouth Haven*, they there burnt ſome great Ships, and part of the Town; but before they could return again on board, *Henry Courtney*, Earl of *Devonſhire* (near fourſcore Years of age) came upon 'em with the Train-bands of the County, who falling upon the *French* with downright handy Strokes, made them run away to their Gallies with ſo much haſt, that above five hundred of them were either kill'd or drown'd before they could reach them.

[6.] *H. K.* col. 2573.

Another Fleet of *French* come before *Sandwich*, and do ſome miſchief on the Coaſt of *Kent*, but are at laſt perſued by a Squadron of *Engliſh*.

About the ſame time [6.] there came another Fleet of *Frenchmen*, conſiſting of twenty great Ships, fifteen ſmall ones, and thirty two Gallies, and rode before *Sandwich*, but they durſt not land, becauſe they ſaw the Country *Militia* ready drawn up to receive them; from thence therefore they tacked about to *Rye*, where landing, they did much miſchief; but while they were there, a Squadron of *Engliſh* Ships came up to 'em, whereupon the *French* hoiſted Sail and fled, the *Engliſh* all the while making after them till they came to *Boloigne*, and there landing, they ſe fire to part of the Town, and hanged twelve Captains of the *French* Fleet, whom among others they had taken Priſoners.

Whether our *Engliſh Militia* would be now hard enough for the *French*, is very doubtful.

I have been the more particular in this Account of theſe Actions of the *French* Fleet, and the ſeveral Attempts it made upon the *Engliſh* Coaſts this Year, becauſe tho of no great moment in themſelves, yet it may ſerve to let the Reader ſee how much more *England* might have ſuffered for want of a good ſtanding Fleet of Men of War; and though our *Engliſh* Militia was in thoſe days hard enough for the *French*, whenever they landed upon our Coaſt, yet it may very well be doubted, if the like ſhould happen again, whether they would be able to do the ſame Service now, unleſs they were better exerciſed and diſciplin'd at this day, eſpecially if thoſe that were ſent on this Deſign, ſhould be (as is moſt likely they would) old experienced Soldiers.

[1.] *Stow*. p. 235.

The King hearing the News of the *French* Hoſtilities, declares to the *Pope's Legates*, that He would never deſiſt till He had fought the *French*.

[2.] *Froiſſ*. c. 39.

[3.] Chron. Rob. *Aveſ*.

The K. comes to *Cambray*, and lays ſiege to it, where the Duke of *Brabant* comes to His aſſiſtance.

The [1.] News of theſe *Hoſtilities* of the *French*, and eſpecially of their late barbarous Actions at *Southampton*, being brought to the King of *England*, then in *Brabant*, it ſo far provoked Him, that He declared to the Pope's Legates beforementioned, who were then preſent perſwading Him to Peace, That He would never deſiſt till He had met with and fought theſe Invincible *Frenchmen*. This the King ſaid in Raillery, becauſe Cardinal *Bertrand* had juſt then ſpoke with great contempt of his Power, and made it a thing almoſt impoſſible for Him to enter the *French* King's Dominions without a Battel.

But to come to ſomething more material: The [2.] next day after this, He departed from *Mechelen*, and went to *Bruſſels*, and thence to *Valenciennes*, where after a day or two's ſtay, on the Nineteenth of *September*, He marched to *Cambray*, which [3.] He preſently inveſted with His Army. Within a few days came thither to Him the young Earl of *Haynault*, and the Lord *John* of *Beaumont* his Uncle, with a Strong Force, and

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and Six days after the Siege began, the Duke of *Brabant* openly declar'd himſelf for King *Edward*, and came to His Aſſiſtance with Nine Hundred Lances. During this Siege, there were many Skirmiſhes and Aſſaults, but all to no purpoſe: [4.] For *John* Duke of *Normandy*, eldeſt Son to the King of *France*, being admitted by the Biſhop, had put himſelf into it with Five Hundred Freſh Men. The City prov'd too ſtrong to be taken by any other means than Starving; ſo that after ſome brisk Aſſaults which proved in vain, [5] K. *Edward* asking the Advice of the Ld. *Robert* of *Artois*, and the *Engliſh* Nobles that were with Him, they all agreed, that it was in vain to waſt this Noble Army upon ſo difficult an Enterpriſe; but rather, by marching into the K. of *France*'s Territories, to do ſomething worthy the great Charge and Expence they had been at.

[4] *Mezeray Ann.* 1339. *John* Duke of *Normandy* puts himſelf into the Town with 500 freſh men.

[5.] *Froiſſ.* ib.

In complyance with this Advice, [1.] the King order'd His whole Army to diſlodge, and having burnt and deſtroy'd the Country of *Cambreſis*, paſſed over the River *Skelld*, and enter'd the *French* Territories, burning the Country before Him. The Earl of *Haynault* left the King, pretending he was ſent for by K. *Philip* his Uncle; and that as he had aſſiſted the Former whilſt He was within the Bounds of the Empire, ſo he was obliged to ſerve the Latter in *France*. Then he, with the Earl of *Namur*, taking their leaves, return'd back into *Haynault* with their Forces. In the mean while, the K. of *France* being ſtill at *Campaigne*, ſent Orders to the Earl of *Ewe* Mareſchal of *France*, and other His Governors of the Frontiers, to defend them well againſt the Enemy, whilſt He Himſelf went to *Perrone*, intending there to make His Rendezvouz. Then, after a ſhort Truce of about Four Days, in order to a Treaty of *Peace* propoſed by the Duke of *Brabant*, which had no effect, the King proceeded forward into *France* thro' the Country of *La Tieraſche*; the *Engliſh* Army being divided into Three Batallions, marched in Three diſtinct Lines, deſtroying the Country, and taking and burning ſeveral Conſiderable Towns, without any Reſiſtance from the *French*, tho' King *Philip* lay near St. *Quintins* with an Army of above a Hundred Thouſand Men.

[1.] Id. ib. *H.K.*Col. 2574. The King finding the Place too ſtrong to be taken, quits the Siege, and marches into the *French* Territories.

The K. enters *France*, and burns and ſpoils the Country in His March.

Thus [2.] King *Edward* continued in *France* about Five Weeks, and ſo ravaged the Country with His Armies, that in a manner all the Lands of *Cambreſis*, *Vermandois*, *Tieraſche*, and *Laonois*, and other *Parts* of *Picardy* and *Artois*, were wholy waſted, except ſome few *Places* which had ſworn Allegiance to Him; as alſo Churches and Monaſteries, or ſuch Caſtles which were too ſtrongly fortified to be taken: So that the Inhabitants of the Country fled on all ſides, without making any Reſiſtance. [3.] Then the King having paſſed from *Morevile* to *la Flamenguere*, there encamped, being above Forty Thouſand ſtrong. In the mean while, King *Philip* was removed from St. *Quintin* with all His Army, and was gone to *Vironfoſſe* in *Cambreſis*, where He ſtayd ſome time, (His Forces daily increaſing) and then reſolved that He would not ſtir from thence till He had fought with the King of *England* and His *Allies*. And [4.] to this end, on the *Monday* following, the Chief Commander of the *French* King's Croſs-bows ſent Letters to one *Hugh de Geneva*, (a Gentleman in King *Edward*'s Army) deſiring him to give his Maſter notice from K. *Philip*, That if He would chuſe any open Place, not incumber'd with Woods or Bogs, He would give Him Battel before *Thurſday* next: Which was alſo confirm'd by

[2.] *Stow* ib. The K. ſtays in *France* near Five Weeks, and lays waſt many Counties.

[3.] *Froiſſ.* ib. Cap. 40.

The *French* K. being come to *Vironfoſſe*, reſolves to fight K. *Edward*, and to that end ſends a Challenge to give K. *Edward* Battel.

[4.] *H. K.* Col. 2575.

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by another Meſſenger, in a Letter under the Seals of the King of Bo-
hemia and Duke of *Lorain*. Yet for all this, the King of *France's*
Heart fail'd Him, and He declin'd coming to a Battel, as you will fin
by and by.

[5.] Id. ib. The two Armies face each other, K. *Edw.* ſends *Philip* a Challenge to fight His Army, who accepts it, and appoints the Day of Battel. *Froiſſ* ib 41. *Du Cheſne* l. 15. p. 648.

In [5] the mean while, the two Armies were now advanced with
in a League of each other, and whilſt they lay thus encamped in thi
Champaigne Country, facing each other, King *Edward* was adviſed b
the Duke of *Brabant* and other Great Lords in a Council of War
That in order to put this Difference to the Deciſion of a Battel, H
ſhould, by a Herald, ſend the King of *France* a Challenge, to figh
His whole Army on what day He would pleaſe to appoin
The Herald being ſent, and having done his Meſſage accord
ingly, King *Philip* accepted the Offer, and appointed *Friday* th
Twenty Second of *October* to be the Day. In the mean while
the Princes and Great Men, together with the Armies on bot
ſides, had notice to prepare themſelves for this Great Encou
ter. When, on the Day appointed, both Armies being draw
out ready to fight, and the *Engliſh*, in Three Battallions, were alread
marched into the Field, and that every body expected a Bloody Batt
would enſue; [1.] it began to be again debated that very Morning i
the King of *France's* Council of War, Whether it were beſt to give th
Engliſh Battel, or not? Many of His Counſellors wiſely maintainin
that it was not ſafe ſo to do, ſince if they loſt the Day, the Crown
France would be in great Danger: Whereas if the Enemy were bea
en, neither King **Edward**, nor any of His Allies, would thereby lo
any Part of their Dominions. But whilſt this Matter was in di
pute, and the **French** Army ſtood drawn out ready to fight, exp
cting only the Signal of Battel, at that very Inſtant there [2.] arrive
Letters from **Robert** King of **Naples** and **Sicily**, to the *French* King
wherein He adviſed Him to decline Fighting at that time: For, bein
a Great Aſtrologer, He pretended to diſcover by the Stars, either b
Calculating the Nativity of theſe Princes, or by ſome other way, th
if the **French** King ſhould now fight with King *Edward*, (bein
there in Perſon) He muſt expect to be overcome; and that He ſa
many ſad Conſequences which would fall on the Realm of *France* b
ſo fatal a Miſcarriage.

[1.] *Froiſſ.* ib. Cap. 42.

Moſt of the *French* Counſellors oppoſe Fighting, and their Reaſons why.

[2.] *Du Cheſne* p. 649. *Robert* King of *Naples* ſends to K. *Philip* to decline Fighting with the *Engliſh*, and His Reaſon.

Whereupon K. *Philip* and His Counc. reſolve not to fight, and then the *French* retreat to their Camp. [3.] *H. K.* Col. 1575.

Whether this Advice was well grounded or not, I ſhall not determin
but this is certain, that it then had ſo powerful an Effect as proved a
ſolutely deciſive to the King of *France's* Council, not to fight at a
Whereupon [3.] King *Philip* immediately gave Orders to His Arm
to retreat to their Camp, which being encompaſſed with a Ditch, a
they having alſo cut down many Trees in the way, to hinder the A
proach of the *Engliſh*; the *French* King, that Night, privately decam
ed, and marched off another way in to the Borders of *Flanders*. B
King *Edward* was wholy ignorant of it, by reaſon of certain *Fre*
Scouts that were taken, who gave Him falſe Intelligence on purpo
ſo that the *Engliſh* Army was drawn out in order to fight, not only
the *Friday*, but *Saturday* following: Who then, ſeeing there was n
thing to be done, removed their Camp, and marched off towar
Aveſnes in *Haynault*.

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And in the mean while, [4.] King *Philip* being come to St. *Omers*, from thence gave Orders for the placing His Men in ſeveral Gariſons in *Flanders*, eſpecially at *Tournay*, *Lyſle*, *Doway*, and other Towns bordering on the Empire; and then having ſetled His Affairs, and diſmiſſed the reſt of His Forces, Winter drawing on, He returned to *Paris* with the Reputation of more Caution than Courage, conſidering the great Brags He had made, that He would Fight the K. of *England* ſo ſoon as ever He ſhould ſet His Foot in *France*. Yet immediately after His Return to *Paris*, He began to be diſpleaſed at Himſelf, becauſe He had thus declin'd a Battel: But the Lords of His Council wiſely told Him, 'That He had not at all prejudiced His Honour, ſince He had courageouſly ſought out His Enemy, and faced Him boldly many days; and had made Him quit His Realm, without any great Advantage gained. And they further added, That He muſt be forced to make many Great and Expenſive Campaignes, before He could be able to Conquer any thing in the Kingdom of *France*; unleſs the *Frenchmen*, by their own Heat and Raſhneſs, would give up their Country. This Advice proved true enough in the Sequel; tho' at the ſame time the Sword-Men highly blamed the King's Conduct, that for the Opinions of a few Grey-headed Old Men, and the Pannick Fears of a Star-gazing King, He had loſt one of the faireſt Opportunities that could ever be expected, of Beating the K. of *England* and all His Allies quite out of *France*: And they ſeemed to have Reaſon on their ſide. For *Philip* had not only Three Kings with Him, *viz.* *John* of *Luxemburgh* King of *Bohemia*, *Charles* King of *Navarre*, and *David* King of *Scotland*, of whom, the two former brought conſiderable Forces along with them; But, beſides theſe, there were no leſs than Five Dukes, Thirty Six Earls, Four Thouſand Lords and Knights, and above Sixty Thouſand *French* Common-Soldiers; which, together with the Forces of the Princes His Allies, made in all above a Hundred Thouſand Fighting Men; whereas the *Engliſh* Army did not conſiſt of Fifty Thouſand in the whole. So that it is evident, the *French* King had very much the Odds of K. *Edward*, had He then joined Battel with Him; but what the Succeſs had been, God only knows.

[4.] *Froiſſ.* ib Cap. 42.

K. *Philip* having put His Men into Gariſons in *Flanders*, returns to *Paris*.

The King of *France* being diſcontented at His not Fighting, is comforted by His Councellors.

The Military-Men are much diſcontented at the King's not Fighting.

The many Kings, Princes, and other Forces the K. of *France* had then with Him, far exceeding the *Engliſh* in Numbers.

I muſt here tell you, [1.] before I proceed further, that not long after the King's Return into *Brabant*, the Pope wrote Him a civil Letter, 'Wherein He expreſſes His Satisfaction, that when lately the Armies of the Two Kings were ready to engage, yet no Battel enſued; and attributes the Cauſe of their not Fighting, as an Effect of the Divine Clemency, for the ſparing the Effuſion of Chriſtian Blood: And then, after many ſerious Reflections on that and the Miſeries of War, He conjured Him, by the Mercy of God, to think on a final Peace, and in the mean while to conſent to a longer Truce, which He had order'd His Legates the Cardinals of St. *Praxedes* and St. *Mary* in *Aquiro* (had appointed for that purpoſe) to propoſe to Him; and ſo a War being prevented, He wiſhes the Bond of Peace and Charity, as well as that of Blood and Affinity, to be again cloſely knit between the Two Kings. And further, if what thoſe Cardinals ſhould propoſe could not procure that Bleſſed Iſſue, He deſires, that Himſelf (tho' taken up with many other Cares) might afford His own Perſonal Mediation, for a happy End and Compoſure

[1.] *T. W. ad Ann* 1336. *ſed falſò.* *Odoric Rayn. ad hunc Ann.*

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'of all Differences; and ſo concludes with His Requeſt of a ſpeedy 'Anſwer. Dated at *Avignon* X. *Kal. Jan.* (or the Twenty Third o *December.*) To which the King did, not long after, return His Holi neſs an *Anſwer* to this effect.

[2.] Id. ib.

'In the [2.] firſt Place, He gives Him His moſt humble Thank 'for the Mediation He had offer'd, not only by the Cardinals His Le 'gates, but alſo in His own Perſon; and for the Care and Affectio 'He ſtill expreſſed for all His Spiritual Sons: and that He ſhould moſ 'readily perſue His wholſome Admonitions, were it not that His *Ad* '*verſary Philip* had unjuſtly uſurped the Crown of *France*, lawfull 'devolved upon Him after the Death of His Uncle *Charles*, the la 'King thereof: That He had ſeiſed on *Aquitain*, and invaded th 'Kingdom of *England* with His Fleet, which He ſet forth unde 'a Colour of a Voyage to the *Holy Land*; and had likewiſe excited th '*Scots* to rebel againſt Him: and tho' He offer'd Him divers rea 'ſonable Conditions of Peace, yet He had hitherto met with nothin 'from Him but Fraud and Delays, that He might thereby put Him t 'the more Charges, and (if it were poſſible) quite exhauſt His Treaſur 'He therefore beſought His Holineſs to excuſe Him, if He ſhould en 'deavour to recover His juſt Rights, by the Help of God. And alth 'the Kingdom of *France*, that had been demanded by His *Ambaſſado* 'before the Cardinal-Legates who had earneſtly and laudably labour' 'in the Great *Affair* of the Peace; yet He could never obtain a tolera 'ble *Anſwer*, So that none could tell what He deſign'd to do or offe 'And then concludes with an *Appeal* to God, that He deſired nothin 'more than to promote and defend the Honours and Liberties of th 'Church; and that if God ſhould proſper His *Arms*, He hoped to tur 'them againſt the Enemies of the Chriſtian Faith. Theſe Letters, th not having any Date or Place expreſſed in *Walſingham*, as appea from *Odoricus Raynoldus*, ~~they~~ were written about the latter end o the preſent, or beginning of the enſuing Year, from ~~*Antwerp*~~; how ever *Walſingham* is very much out, in placing them under the Year 1336 whereas, it is plainly evident, that they muſt have been written abou this time.

[3.] *Froiſſ.* ib.
K. *Edward* diſmiſſes His Foreign Forces, and returns to *Antwerp* with the reſt of His Army.

I ſhall now return to the Hiſtorical Part of this Relation. Whe K. *Edward* ſaw that the *French* had thus left the Field, [3.] He though He might without any *Diſhonour* do the ſame; ſo having diſmiſſed th *German* Princes with their Forces, becauſe the Winter was now prett well advanced, He returned with the reſt of His Army to *Antwer* where He had left His Queen: And upon His coming thither, to ſhe that He had ſtill Inclinations for Peace, He iſſued out His * Commi ſion to *John* Archbiſhop of *Canterbury*, *Richard* Biſhop of *Durha* *Henry* Biſhop of *Lincoln*, *William* Earl of *Salisbury*, Sir *Bartholome* *Burgheſh*, and Sir *Geoffry le Scrope*, Knights, and *John Vfford* Arch deacon of *Ely*; to treat of Peace with *Philip* of *Valois*, (as He i called in the Commiſſion) or with Commiſſioners from Him. And Month after, on the Sixteenth of *December*, the ſaid Commiſſion w renewed, upon adding *Robert* Earl of *Suffolk* to the forenamed Com miſſioners. I do not find any effect of theſe Treaties, therefore ſup poſe, they came to nothing.

* Rot. Pat. 13 *Ed.* 3. m. 3.
He iſſues a Commiſſion to the ABp of *Canterbury* and ſeveral other Biſhops and Noblemen to treat of a Peace with certain Commiſſioners to be appointed by the K. of *France*.

Th

The King, intending to keep His *Chriſtmaſs* at *Antwerp*; the more to dorn the [1.] Solemnity, reſolved to ſend for His Eldeſt Son *Edard*, Duke of *Cornwal* to come over to Him; this young Prince being ow about ten years of age, having been (as I have ſaid) his Father's uardian of the Kingdom, or Lieutenant during His Abſence, had eld a * Parliament on the Thirteenth of *October* at *Weſtminſter*, where aving had an expreſs *Commiſſion* for it from the King his Father, at the eginning of it the Cauſes were declared to be three; *Firſt*, 'To take care that there be a ſtrict Obſervation of the K's *Peace*: *Secondly*, To provide for the Defence of the *Marches* towards *Scotland*, ſince that People being thereto inſtantly urged by King *David*'s Letters from *France*, and the promiſed Aſſiſtance of the *French* King, began to make freſh Stirs, notwithſtanding the late Truce. And the *Third* Reaſon was, for the better guarding the Seas. To all which was added a demand of a Supply for the King in His Wars.

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The King reſolves to ſend for Prince *Edward* over to Him, who had held a Parl. during His Abſence, and what was done there.

* Rot *Parl.* 13 *Ed.* 3. pars, 2. m. 28. Vid. *Cotton's* Records, p. 17.

* After this the ABp of *Canterbury*, who together with *Richard* Bp f *Durham*, and Sir *Michael de la Poole* came lately from beyond the eas, as the King's Meſſengers to the Parliament, made a Narration of he great Actions which He had lately done in *France* and *Flanders*, and he preſent hazards both He and His Men were expoſed to for want of ore liberal and ſpeedy Supplies out of *England*: It was alſo further delared, That the King, and others for Him, to procure the aſſiſtance of His Allies, and for the neceſſary Expences of this War, ſtood bound n Three hundred thouſand Pounds, and till this Sum was paid, the ing could not in honour depart thence: Upon the hearing of all which, t was unanimouſly agreed and granted by the Great Men, that they ould give Him the *Tenth Sheaf* of all the *Corn* of their *Demeſnes*; as lſo the *Tenth Fleece* of *Wool*, and the *Tenth Lamb* of their own Stock, o be paid in two Years, deſiring withal, that the *Maltolt* (or illegal uties) ſet upon *Wool* ſhould be revoked, and that this Grant ſhould ot turn into a Cuſtom: But the *Commons* would not then proceed ſo ar, (I ſuppoſe not having the Conſent of thoſe who had elected them) ho they declared themſelves very forward to aſſiſt the King; yet pray'd he Duke of *Cornwal*, That he would ſummon another * Parliament in a onvenient time, that in the mean while they might go into the Countrey, to endeavour to have an Aid granted anſwerable to the King's Neceſſities: And they farther pray'd, That two Knts. of the beſt Eſtates hould be choſen in that Parliament; and accordingly * Writs were iſued out on the Sixteenth of *November* for another Parliament, to meet ight days after St. *Hillary* next, being the Twentieth of *January* enuing.

* Id. pars 1. n. 4.

The ABp of *Canterbury* ſets forth the K's Great Actions abroad, and the great want He was in of a liberal Supply.

The Nobility agree to grant the K. a great Tax upon Corn and Wool, but the Commons refuſe till the next Parl.

* Id. n. 6.

Writs iſſued out for another Parliament

* Rot. *Scot.* 13 *Ed.* 3. p. 2. m. 1.

At which time, Prince *Edward* being absent to go~~ne~~ over to his Father at *Antwerp*, there were ~~appointed Six *Commiſſioners* to hold~~ this *Parliament in his ſtead, viz.*~~ [4.] the ABp~~s~~ of *Canterbury* ~~and *York*, and four Juſtices of the *King's-Bench* and *Common-Pleas*;~~ theſe, or any ~~two~~ few or ~~three of them were ordered by the King's Letters Patents~~ to hold his *Parliament* in the Name of the King and His Son, the Lord Guardian of *England*, and were thereby impowered to do all things which ither he or the King Himſelf could have performed.

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[4.] ~~*Cotton's* Abridg. ſh. p. 19.~~ Rot: Pat: 13 E: 3. P. 1. m. 4.

The Prince being now gone over to his Father, the Parliament is held by Six *Commiſſioners*. Then adjourn'd.

Theſe *Commiſſioners* being met at the day appointed, cauſed ſeveral f the *Lords* and *Commons* to aſſemble in the *Preſence Chamber*, but becauſe many of both *Houſes* were not yet come up, they adjourn'd the *Parliament*

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At their meeting the Cauſes of the Parliament are declared. They grant the K. thirty thouſand Sacks of Wool.

liament from day to day till *Monday* next after their meeting; And the the *Houſes* being full to do Buſineſs, the Cauſes of the *Parliament* were declar'd to be the ſame as before; namely, for granting the King a Aid for keeping of the Seas, and for the defence of the *North-Marches* whereunto the *Commons* required time till *Saturday* the 19th of *Febru ary*, and then they unanimouſly granted to the King for an Aid Thir ty thouſand Sacks of *Wool*, on certain Conditions expreſſed in a pair o *Indentures* made thereupon; but as for the *Clergy*, they gave no thing now, becauſe in the Eleventh Year of His Reign, they had gi ven a *Tenth* for three Years, not yet expired, towards His War wit *France*, and to pay His Foreign Soldiers.

* Ibidem. The Merchants and Owners of Ships to bear half the Charge of Tranſportation.

* As for the Merchants and Owners of Ships, they themſelves wer to bear half the Charges of the tranſporting theſe *Wools*, the other hal the Council promiſed to pay out of their own Good-wills to their *Kin* and *Countrey*, but not of Duty, or that it ſhould ſtand for a Precedent The Mariners of the *Weſt* promiſed to ſet forth Ninety Sail, and Te of them of the Burthen of One hundred Tun or more, and to bear th whole Charge, if they could.

This I take notice of, that ſo the Reader may ſee what ſort of Ship the Navy of *England* then conſiſted of, and how it was for the mo part raiſed, *viz.* either of the Ships of ſuch Merchants or Owners wh were hired out for the *King*'s Service, or elſe were found by the *Cinque Ports*, according to the ſeveral number of Ships each of them were ra ted at in thoſe Days, when the Kings of *England* had but few Men o War of their own.

* Ibid. The Parliament take order for guard of the Seas, and chuſe who ſhould be Admirals, and then is diſſolved.

* Then the *Parliament* having taken Order for the Guard of the Sea and that *Richard Fitz-Alan*, Earl of *Arundel*, ſhould be Admiral of th Ships belonging to *Portſmouth*, and the other *Ports* of the *Weſt* for th guard of that *Coaſt*; and that the Ships of *Thames* and the *Cinque-Port* ſhould lie at *Winchelſey* under the command of *William Clinton* Earl o *Huntington*; and that the whole Fleet ſhould be ready before *Lent*; an had alſo taken care for the defence of the *Marches* in *Scotland*, and o the *Northern* Counties, as likewiſe of the Iſle of *Wight*, (I ſay) whe theſe things were ſetled and agreed on, the Parliament was diſſo ved.

[5.] *Froiſſ.* ib. c. 43. The K. leaves *Antwerp* and goes to *Bruſſels* to meet the Confederate Princes; with their Advice to Him.

We ſhall now look back into *Flanders*, and ſee what the King ha been doing there in the mean while. Preſently after *Chriſtmaſs* [5.] th *King* leaving *Antwerp*, went to *Bruſſels*, where was held a *General A ſembly* of the *Princes* and *Lords* that were His *Allies*, wh adviſed Him to obtain the Aſſiſtance of the *Flemings*, that they ſhoul march whither He would lead them, in defiance of their Earl and th King of *France*, who had lately diſmember'd *Liſle*, *Doway*, and *Bethu* from *Flanders*, to reunite which King *Edward* was adviſed to promi the *Flemings* He would uſe His utmoſt endeavour.

[1.] Id. ib. *Jacob Van Artefeld* comes to K *Edward* with a noble Retinue; and procures *Gaunt* and other Towns to ſend Deputies to Him.

Then at the [1.] King's Requeſt *Jacob Van Artefeld* did not only com thither in perſon (with a Retinue like an Earl) but he alſo procured th City of *Gaunt*, and other Cities and Towns of *Flanders*, and th *Low Countries*, to ſend their Deputies to the ſame place; And as for tho of *Flanders*, when the King had made them the Offer beforementione they after ſome Conſultation return'd an Anſwer to this effect by *Ja Van Artefeld*, who contrived it, *That they were very well pleaſed wit the Propoſal, and as willing to comply with it, if they might do it withou*

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Loſs or Diſhonour, [2.] *and were it not that they were obliged both by Oath, and under a Bond of two Millions of* Florens *of Gold to be paid into the* Pope's *Treaſury, never to take up Arms againſt any Lawful King of* France; *which* Forfeiture *not only kept them in awe, but alſo the fear of being* interdicted *by the* Pope, *if they wilfully ſhould break the Oath they had made to Him*: But *Jacob* then farther aſſured the King, that if He would take upon Him the Title and Arms of the King of *France*, and quarter them with His Own, they, the *Flemings*, would not only look upon Him as true King of that Realm, againſt whom they were not to make War, but would alſo reſt ſatisfy'd with His diſcharging them from the ſaid Bond, nor would they after that value the Pope's *Interdict*, if He ſhould inflict it upon them, but would at any time be ready to obey all His Commands.

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[2.] *John Villani.* Hiſt *Ital.* L 11. 108. *A.* p. 650.

The *Flemings* being afraid to take up Arms againſt *France, Jacob Van Artefeld* finds out an Expedient to excuſe them.

Thus did *Jacob Van Artefeld* by this Subtile Expedient ſatisfie the reſt of the Deputies, of the Juſtice of taking part with King *Edward* againſt *France*, notwithſtanding all their Solemn Engagements to the contrary: yet at firſt the King demurr'd to agree to this Propoſal; for tho He believed He might lawfully claim the Crown of *France* in Right of His Mother Queen *Iſabell*, yet He thought it not much for His honour to take upon Him the Arms and Title of that Kingdom before He had made a Conqueſt of ſome part of it, not being ſure whether ever He ſhould be able to ſucceed in His Deſign or not; yet on the other ſide, He was very loth to refuſe the *Flemings* their Requeſt, ſince their Aſſiſtance might prove very ſerviceable to Him: wherefore [3.] He adviſed with the Dukes of *Brabant* and *Guelders*, the Earl of *Juliers*, and other Earls and Lords His Confederates, as alſo with the Noblemen of *England*, that were then with Him, concerning it; who all agreed, that He ſhould by no means refuſe the Requeſt the *Flemings* had made Him. Whereupon the King return'd them this Anſwer, That if they would ſwear and engage to ſerve Him upon all Occaſions in this War, He would then readily do all that they deſired, and in juſtice He might; and further undertook to reſtore them thoſe three Cautionary Towns of *Liſle*, *Doway* and *Bethune*, which had been delivered up as Pledges of their Faith to the *French* King. [4.] To this the *Flemings* having unanimouſly agreed, the Three and twentieth of *January* was appointed for the day when theſe Covenants and Conditions ſhould be ratify'd at *Gaunt* by both Parties: Accordingly King *Edward* coming thither in Perſon, was met by all the Deputies of the Towns of *Flanders*, and then the ſaid Articles being reduced into Writing, both His Majeſty and they interchangeably put their Seals to them; **and thus the King firſt took upon Him the Title and Arms** of *France*. And further it appears (as **Speed* hath very well proved in his Chronicle) that the King at firſt quarter'd the Arms of *England* before thoſe of *France* in His Court of Arms and Seals; tho afterwards, perhaps, the more to ingratiate Himſelf with the *French* Nation, He placed the *French Flower-de-Liſes* before the *Engliſh Lyons*; and about this time He placed this *French Motto* under His Shield, *Dieu & Mon Droit*; in *Engliſh*, *God and my Right*: Declaring thereby His Confidence to be only in God, and the Juſtice of His Cauſe: Which Motto, together with the Arms of *France*, hath been continued by all the Kings of *England*, His Succeſſors, even down to this day.

[3.] *Froiſſ.* ib. The King by the Dukes of *Brabant* and *Guelders* accept of the *Propoſal* of the *Flemings*.

[4.] *J. Vil.* ib. *Odoric Raynold. Ad hunc Ann.* The Covenants between King *Edward* and the *Gauntois* are mutually ratify'd.

* P. 572.

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[5] *H. K.* col. 2576.

K. *Edw.* comes to *Gaunt*, and is acknowledg'd for K. of *France* by the *Flemings*.

So Soon as the King had taken upon Him the Title of *France*, [5] He found the Contrivance of ***Jacob Van Artefeld*** fully to anſwer his Expectation; for when He came to ***Gaunt*** in the beginning of *February*, al the People of ***Flanders*** acknowledged Him for true and Rightful King o ***France***, and did Him ***Homage*** as to their Superior Lord.

[6.] *Froiſſ.* ib. c. 44.

* Rot. Franc. 14 *Ed.* 3. m. 1.

He iſſues out a *Declaration*, ſetting forth His Right to that Crown, directed to all the Subjects of *France*.

In [6] the late Aſſembly at ***Bruſſels*** it was reſolved, that the War o ***France*** ſhould begin with the Siege of ***Tournay***; and therefore to prepare the Minds of the ***French*** for it, as well as to lay open to them His Right to that Kingdom, * King ***Edward*** iſſued out His Declaration by way of ***Letters Patents***, dated from *Gaunt*, and directed to the *Prelates*, ***Peers***, and ***Commons*** of ***France*** to this effect:

'That ***Charles***, late King of ***France***, His Mother's Brother, being 'dead, the ſaid Kingdom was devolved to Him by manifeſt Law and 'Right of Inheritance, and that ***Philip*** of ***Valois***, Son to the Uncle of 'the ſaid King, had by Violence and Injuſtice intruded into it during 'His Minority, and even yet wrongfully detains it; leſt therefore He 'ſhould ſeem to neglect His Own Right, He now thought good to own 'the Title of King of ***France***, and to take upon Him the Defence and 'Government thereof; and then declares He would be very gracious 'to the Good and Obedient, and do Juſtice to every one according to the laudable Laws and Cuſtoms of the Kingdom. 'That He would reform all things that were amiſs, and add, according 'to the Condition of the Times whatever was beſt and moſt expedient 'for them, ***by Aſſent of the Peers, Prelates, and Great Men, and His*** '***other faithful Subjects.*** Then He concludes, That having offered 'the ſaid ***Philip*** divers Amicable Conditions of Peace, and He refuſing 'to come to any Terms of Condeſcenſion, King ***Edward*** thought He 'was neceſſitated to defend Himſelf, and recover His Right by Force 'of Arms: And therefore all ſuch Subjects as would ſubmit to Him, as 'true King of ***France***, by ***Eaſter*** then next enſuing, ſhould be received 'into His Royal Grace and Protection. This was dated at *Gaunt*, the ***Eighteenth*** of ***February***, being the ***Thirteenth*** over *France*, and the ***Fourteenth*** over ***England***. Here, by the way, you may obſerve, that the Stile of ***France*** is ſet firſt, and the Title of Duke of *Aquitain* omitted; it being now merg'd in the more General Title of King of *France*. This is the Sum of theſe Letters, which the King cauſed to be ſent to the Frontiers of the ***French*** Dominions, and to be fixed upon the Doors of divers Churches, and in other Publick Places. Theſe Letters are ſomewhat long, and thoſe that are Curious may find them at large * in ***Speed***'s Chronicle; and Dr. ***Brady*** hath given us the Effects of them in his Hiſtory, from ***Walſingham***, without citing the Record. This is ſufficient to ſhew us, that the Kings of ***France*** did not, in thoſe days, pretend to a Power of diſpoſing of the Lives and Liberties of their Subjects, without the Conſent of the Great Council of the Kingdom.

* P. 572.

The King quarters the Arms of *France* in His Great Seal, and then goes into *England*.

* Rot. Clauſ. 14 *Edw.* p. 1. m. 42.

No ſooner had King ***Edward*** thus ſetled His Matters in *Flanders*, and cauſed His Seals to be changed, by ſuperadding to them the Arms of ***France***; But finding it neceſſary for His Affairs, ſpeedily to return into ***England***, to raiſe more Money of His Subjects to carry on the War, He left the Queen and Prince His Son at ***Gaunt***, and * taking Shipping at ***Sluice***, landed at ***Orwell*** near ***Harwich***, on the *Twenty Firſt* of ***February***. Where, as ſoon as He arrived, the firſt thing He cauſed

to

† note, the like Writs of Summons were also sent to the Arch BPs and BPs: in which it commands them to ~~cause two~~ warn their Deans and Chapters and all the Clergy of their Dioceses to chuse two sufficient Proctors to appear at the Parliament at Westminster on the day therein mentioned. and in these writs he likewise gives them notice of the change of his Stile into that of King of France for divers causes him thereunto moving, but yt it shall no ways derogate from or prejudice the Rights and priviledges of the Kingdom of England

o be Sealed with His † New Seal, were the *† Writs directed to all the heriffs of *England*, to ſummon a Parliament to meet on the *Wedneſ-*ay after *Mid-Lent-Sunday*, being the *Nine* and *Twentieth* of *March* ext enſuing. Theſe were dated at *Harwich*, the *One* and *Twentieth* f *February*, being the day of His Landing.

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† Vid. *Fig. hujus ſigillis* Sanford Gen Hiſt. p. 124.

* Rot. Clauſ. 14 *Ed.* 3. p 1. m. 42. dorſ.

Note; it appears by the Date of theſe Writs, in Caſe of *Abſolute Neceſſity*, a Parliament might be *then* called within leſs than *Forty* ays, though the *Uſage* is otherwiſe *now*. ✗

✗ Also I cannot here omit that the ~~first~~ next thing the King further did after his arrival was, to ~~give notice~~ to all ye Sherifs of England ~~of this change of his Stile to that of King of France &c and cause ye change of his~~ Seals, the Severall ~~Impressions~~ of wch were, [illegible] together with those writs to be openly shewn at the County Courts or other publick meetings. as appears by ye writs themselves. printed in Rs. Col. from Rot. Claus. 14 Ed: 3. pt. 1. m. 3[illegible]

When the † Parliament met, the King order'd the Cauſe of their ummons to be declared, *viz.* 'For Granting Him a Great Aid, or elſe He ſhould be for ever diſhonoured, and His Lands as well on this ſide, as beyond the Sea, in great danger, if He ſhould loſe His Allies: And further, That He was in His own proper Perſon to return to *Bruſſels*, and ſtay there as a Pledge, until the Sum He was engaged for was all paid. But in caſe He ſhould have a ſufficient Aid, all theſe Miſchiefs would be prevented, and His Deſign (with the help of God) have a good Iſſue, *&c.* Wherefore, at His Requeſt, the Prelates, Earls, Barons, and Knights of Shires, having regard to the Miſchiefs aforeſaid, granted Him the Ninth *Sheaf*, *Fleece*, and *Lamb*, and the Citizens and Burgeſſes the *Ninth* Part of all their Goods, according to the true Value, for Two Years next coming; upon condition, He would conſent to the Petitions preſented to Him and His Council. The Archbiſhops, Biſhops, and Clergy, alſo granted the King a *Tenth* in their Convocations.

† Rot. Parl. 14 *Ed.* 3. P. 1. n. 567. *Cot.* Abridg. p. 22. *H.K.* Col. 2567.

The Cauſe of their Meeting.

† Then the Great Men and Commons made it their Requeſt, eeing the King had taken upon Him the Title of King of *France*, and dded the *Flower-de-Liſes* to His *Arms*, that they might not be bound to bey Him as King of that Realm, nor that the Kingdom of *England* e put in Subjection to Him as King of *France*. He thereupon cauſed ertain Letters-Patents to be paſſed under His Great Seal, whereby He eclared, that it was not His Intention that *England* ſhould be any ways Subject to the Realm or Crown of *France*: and theſe He publiſhed for their greater Satisfaction. This the Reader may find printed in *Latin* in * Dr. *Brady*'s *Appendix*, and is alſo to be ſeen in the Old ditions of our Statutes in *Engliſh*, to both which I refer you.

† Ibid. n. 9, 10.

The Petition of the Parliament, that they might not be ſubject to the Crown of *France*.

* N. 86.

I cannot here omit taking notice, that ſince the *Aids* * given in the aſt Parliament were not duly anſwer'd to the King by thoſe that had the Care thereof, certain Perſons were appointed to take the *Accounts* f Sir *William de la Pole*, Sir *John Charnel*, and others who had received the Money and Wools formerly given; and they had a Day aſſigned them to produce their *Accounts*; and in the mean while ſeveral Noblemen and Knights became bound for the *Accountants*, that they ſhould nſwer for what they had received. This deſerves our notice, becauſe t is the firſt Example I can find, that any Moneys given in Parliament were by them order'd to be accounted for to Perſons appointed by themſelves. I meet with little elſe done in this Parliament, * only that the Marquiſs of *Juliers* was now created Earl of *Cambridge*, with a Penſion of a Thouſand Pound *per Ann.* for His Good Service to the King.

* Rot. Parl. n. 11.

* *Vid. Cot.* Abridg. p. 23.

Then † on the *Thirtieth* of *May* next following, the King, before His Departure ✗ iſſued out ~~other~~ Writs, being a Declaration, wherein He ſet forth His Intentions of going ſpeedily beyond Sea, for the Defence and Safety of His Kingdom, and the Recovery of His Own, and the

† Rot. Clauſ. 14 *Ed* 3. P. 1. m. 23. dorſ.

The King ſummons another Parliament to meet after His Departure beyond Sea.

✗ leaving by consent of Parliament again appointed his son the Duke of Cornwall, Guardian of the Realm by his Letters Patent dat: May 27. with Power to confer and dispose of all such dignities, offices & employments mentioned in the Letters Patent dated May 29. issued out writs. Rot: Pat. 14 Ed: 3. pars 2. m. 23. et 16.

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the Rights of His Crown: To which end He ſummoned another Parliament to meet at *Weſtminſter* on the *Wedneſday* after the Feaſt of the *Tranſlation* of St. *Thomas* the *Martyr*, (that is, *T. Becket*) which was the 'Seventh of *July*; to be holden before His Son *Edw*, Duke of *Cornwal* and Earl of *Cheſter*, whom He had conſtituted Guardian of '*England* in His abſence. And He therein not only publickly declared His Intention of going over, in the ſaid Writs of Summons, but 'appointed the preciſe Day to be on the Thirteenth of *June*, that He 'would paſs from *Orwell* in *Suffolk* into *Flanders*; [1.] and He had prepared a Fleet of about Forty Sail of Ships, that there lay ready for His Paſſage. Upon this Reſolution, the Archbiſhop of *Canterbury* ~~(then His Chancellor)~~ inform'd Him, That *Philip* of *Valois* His Adverſary of *France*, foreſeeing His Paſſage, had privately ſet a great Fleet of Men of War to encounter Him, in the Haven of *Sluice*, and adviſed Him to provide more Ships, and reinforce His Fleet, otherwiſe He might meet with great Danger in the Paſſage. But the King not giving any Credit to that Report, ſaid, *He would go, whatever came of it.* Whereupon the Archbiſhop quitted his Council, and taking leave, departed, and reſigned the Seal of his Office to Him. Then the King thinking better on the Matter, called to Him *Rober de Morley* His Admiral, and one *Crabbe* a famous Seaman, who, upon His Enquiry, gave Him the ſame Information and Advice. *Walſingham* ſays, that the Duke of *Gueldres* gave the King the firſt notice of this great Fleet that lay in wait for Him. But which way ſoever the King received it, He preſently ſent for the Archbiſhop, and deliver'd the Seal again to Him: And having forthwith ſent Orders to the *Northern* and *Southern* Ports, and to that of *London*, He, within ten days had got ready a brave Fleet, conſiſting of Two Hundred and Sixty Veſſels, and more Armed Men and Archers than He had need of.

[1.] Rot. Aveſ. C. 29.

The Archbiſhop informs the King that he was way-laid by the *French*, and adviſes Him not to go over, but the King does not believe him.

~~[illegible] was [illegible] the Chancel~~ who was not then Chancellor having reſign'd the Seale just before the K^s going over into Flanders vid: Rot. Claus. 14 Ed: 3 m 13 & publ. in Rs Col. p. 194

But upon further information, He reinforces His Fleet to 260 Sail.

When He was thus provided, on the *Two* and *Twentieth* of *June* He took [2.] Shipping at *Orwell*, attended by His Navy, and a ſufficient Number of Land-Soldiers. And when it arrived upon the Coaſt of *Flanders*, near *Blank-Berg* and *Sluice*, they diſcovered a great many Sail of Ships. The King being told, they believed it to be thoſe the King of *France* had ſent out to intercept His Paſſage; He thereupon commanded the Lord *Cobham* and two other Knights to take Boat, and go privately on Shoar above the Place where the *French* Fleet lay, to view their Number and Strength: Who, upon their Return on Board, told the King, that the Enemy's Fleet conſiſted of about Four Hundred Sail, (as near as they could gueſs) and were Riding in the Harbour of *Sluice*, divided into three Squadrons. Then the King being reſolved to fight, order'd His Ships to caſt Anchor, in order to engage them the next Morning. Upon this, the *Engliſh* Fleet weighing Anchor ſtood out to Sea, to give the *French* leave to come out; tho', as their Writers relate, their Admiral would not let his Fleet quit the Harbour: But this does not ſeem probable; becauſe the *French* Ships were Superior to the *Engliſh* in Number; beſides which, the Haven was too ſmall for ſo many Ships to engage in: But be this as it will, [3.] the King commanding Himſelf in Perſon, order'd His beſt Ships that were well mann'd with Archers and other Soldiers to be ſet foremoſt in the Line of Battel; then having tack'd about to get the Weathergage of Wind and Sun, they boldly received the firſt Onſet.

[2.] *Froiſſ.* ib. Cap. 51. *C. A. M.*

The K. takes Shipping, and meets the *French* Fleet on the Coaſt of *Flanders*. *H.K.* Col. 2577.

He thereupon reſolves to fight them.

[3.] *Froiſſ.* ib.

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For the *French* Admirals ~~fore~~ſeeing the Banner Royal of *England* diſplay'd on the Main-Top-Maſt of one of the Biggeſt Ships, they were ſatisfied that the King was there in Perſon; they therefore reſolved to do their utmoſt to rout His Fleet, and take Him Priſoner. So falling boldly upon the *Engliſh*, there began a Bloody Fight, firſt with a dreadful Shower of Arrows, by which the *Engliſh* Archers ſhooting farther, did much more Miſchief than the *French* Croſs-bows: The Shot being pretty well waſted, (for Guns either were not invented, or at leaſt not then uſed) the two Fleets came up to each other, immediately fell to Boarding, and made uſe of their Grapling-Irons for that purpoſe. The Men at Arms leaping into each others Ships, fell to handy-Strokes, whereby a moſt deſperate Slaughter was made, and that for a time with various ſucceſs, till at laſt the *Engliſh* gain'd the Advantage by retaking the Ship *Chriſtopher*, which the *French* had won from them the Year before. This Fight continued with much obſtinacy from Ten in the Morning until Seven at Night, when the *French* Ships (tho' almoſt as many more, and the Men four for one) were put to flight, their firſt Squadron being entirely defeated, and the ſecond ſo much ſhatter'd, that they could not get away. [4.] So that of their whole Fleet there did not eſcape above thirty Veſſels, which made all the Sail they could for the Coaſt of *France*: to perſue which, the King ſent forty Sail under the conduct of Sir *John Crabbe*, one of His Admirals; but we find nothing of their Succeſs, and therefore, I ſuppoſe, they could not overtake them. In this Fight there were killed at leaſt Thirty thouſand, of which about four thouſand might be *Engliſh*. This was the greateſt Sea-Fight that had ever happened on the Narrow-Seas, and the firſt as well as the laſt, in which a King of *England* commanded in Perſon; and the moſt conſiderable Earls and Barons of His Kingdom being likewiſe there, behaved themſelves very gallantly that day: As for the *French* Admirals, two of them were kill'd in the Fight, but the Third, called *Barbenoir*, a *Genoeſe*, eſcaped with thoſe that fled.

And the *French* Admiral reſolves to do his utmoſt to take Him Priſoner, and fall upon the *Engliſh*.

Who after a ſharp Engagement put the *French* Navy to Flight, and ſunk or took moſt of their Ships.

[4.] *H. K.* ib.

Indeed ſome of the *French* Hiſtorians tell us, that King *Edward* was then wounded in the Thigh with a Spear, and that in Revenge He hanged Admiral *Bahuchet* upon the *Main-Yard* of his Ship; but as for the manner of that Commander's death were it ſo, it was not for that, but (as *Mezeray* himſelf acknowledgeth) as a Puniſhment for thoſe Barbarities which he had either ordered or permitted to be done upon his landing at *Southampton*. And as to what relates to the King's Wound, it was ſo inconſiderable, that He Himſelf does not ſo much as mention it in His Letters, nor did it any way hinder Him in His Affairs. Yet ſome of our own [5.] Hiſtorians here relate, that the Admiral above-mentioned eſcaped alive from this Fight, and that the *French* loſt above Two Hundred Sail of Ships, ſome of which were very conſiderable, having been taken from the *Engliſh* before. I cannot here omit, that the *French* Writers lay the blame upon this Admiral *Bahuchet*, as having mann'd his Ships with Peaſants and Raw Soldiers, refuſing Mariners and Experienc'd Seamen, becauſe they required greater Wages. If this were true, he juſtly deſerved the Puniſhment King *Edward* inflicted on him, as being treacherous to his Maſter; but whether it were ſo or no, I will not diſpute: However, this evil Practice could not extend to the whole *French* Fleet, but

The falſe Relations of the *French* Hiſtorians confuted.

[5.] *H. K* ib.

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only to the Squadron which that Admiral commanded. But *Mezera* lays the blame of this Defeat on the ill Underſtanding there was be tween the two *French* Admirals.

[1.] *Froiſſ.* ib K. *Edward* congratulated upon His Victory by the Burgeſſes of *Sluice* and *Bruges.*
[2.] Chron. Fran. *MS.*

He goes on Pilgrimage to give Thanks to our Lady of *Ardenburgh*, and thence to *Gaunt.*
[3.] *T. W. ad An.* 1339.
The Birth of *John* of *Gaunt.*

King *Edward* having obtain'd ſo great a Victory, [1.] ſtay'd o board that Night and part of the next Day, till He received the Con gratulations of the Chief Burgeſſes of *Sluice* and *Bruges* who cam thither to him; [2.] but in the Evening He and all His Retinue wen on Shore at *Sluice*: On which News His Queen went thither fron *Gaunt*, to meet Him, and congratulate His Safety and Succeſs, and ſ return'd to the ſame Place. But the King, within two days after went on foot in Pilgrimage to our Lady of *Ardenburgh*, (formerly conſiderable Place in *Flanders*, tho' now ruined) to render her Thank for His late good Succeſs; and here He took Horſe, and rode to *Gaunt* which is about Four Leagues further: Where the Queen again recei ved Him with great Satisfaction, and preſented Him with Her Fourt Son, of [3.] whom She had been delivered a few Months before who, from the Place of his Birth, was called *John* of *Gaunt*, and mad a Conſiderable Figure in our *Engliſh* Hiſtory, as you will find here after.

Immediately after the King's Arrival there, He thought fit to ſen a Letter directed to the Biſhops and Clergy of *England*, giving then an Account of His late Victory by Sea, near the Haven of * *Swyne* (for ſo that Port is called in our Old Hiſtorians) and deſiring then to return Solemn Thanks to God for the ſame. The Reader, if he b curious to ſee it, may find it at large in Mr. *Fox*'s † *Acts* and *Monu ments.* This Letter was incloſed in another of the King's, directed t His Son the Prince, Guardian, who then reſided at *Waltham.*

* i. e. *Sluice.*

† Pag. 494. Edit. 1641.

[4] *Froiſſ.* ib. Chap. 44.
K. *Philip* ſends the Count *de Laillè* into *Gaſcoigne*, to take the City of *Bourdeaux*; but was prevented by a Stratagem.
[5.] *T. W.*

Before I proceed further, I muſt give you a ſhort Account of wha had paſſed beyond Sea, during K. *Edward*'s being here; and I ſhall firſ begin with *France*: [4] Where King *Philip* appointed the Count o *Laillè*, an experienc'd Officer, to march with a Conſiderable Arm into *Gaſcoigne*, and there to take the City of *Bourdeaux* and what Pla ces He could in thoſe Parts, which were but ſlenderly Gariſoned, b reaſon of King *Edward*'s Forces being then employ'd in *Flanders* This was accordingly put in Execution by the Earl; who comin on the ſudden before *Bourdeaux*, [5.] Sir *Oliver Ingham*, the Gove nor, was much ſurpriſed to ſee ſo Great an Army there, at a tim when he thought the *French* Forces had been otherwiſe employ'd wherefore, not having Men enough with him to defend the Tow againſt an open Siege, he had no way left to do it but by a Stratagem which was thus: Knowing that the Citizens were very well affected t the *Engliſh* Government, he commanded them to put up the *Frenc* Colours with *Flower-de-Liſes* over the Gates, which were alſo ſet wid open, as if the Citizens had actually declared themſelves for the *Frenc* They ſeeing all things in ſo quiet a Poſture, verily thought the Cit had been their own; (ſuppoſing the *Engliſh* Gariſon were either fled o made Priſoners) and ſo enter'd the Town, headed by their Comman der. But ſo ſoon as they were got into the middle of it, the Gove nor, who had conceal'd his Soldiers in their Houſes, (being about Fiv Thouſand Men at Arms) ruſh'd out ſuddenly upon them, and join'd by the Townſmen, made a great Slaughter of the *French*, the Commander himſelf hardly eſcaping. This News being brought

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King *Edward* then in *England*, He thereupon wrote to the Citizens of *Bourdeaux* a Letter of Thanks; wherein extolling their Loyalty, and the Greatneſs of the late Service they had done, He promiſed to reward it by His Royal Bounty. And thus this City was wonderfully ſaved from the *French*. I ſhall ſhew you likewiſe, what hath been done in *Flanders* and *Haynault*, during the King's Abſence in *England*; ſince it ſeems to give Light to the preſent State of Affairs in thoſe Parts.

[2.]Not long after King *Edward*'s Departure for *England*, the ABp of *Cambray*, being then at *Paris*, complain'd to King *Philip* that the *Hainalders* had done him great Damage, having lately deſtroy'd and over-run his Countrey, and that *John* Earl of *Haynault* was an open Enemy to *France*, and the Earl his Nephew a private Friend to *England*; whereupon King *Philip* preſently order'd the Gariſons in *Cambreſis* and about *Tournay* to be drawn out, making about ſix hundred Men at Arms, who were joined with a Detachment of *Germans*; theſe marched to the Town of *Haſpre* in *Haynault*, which they ſurprized, plunder'd and burnt, without ever declaring any War: At this Cruel Action the young Earl being highly provok'd, vowed Revenge, and raiſing a ſufficient Army, marched againſt the Town of *Aulinton* in *Tyerache*; but they having notice of their coming, the Townſmen thought they had ſufficiently provided for their own defence, tho it ſeems to little purpoſe; for the Earl ſitting down before it with his Army, took it by Storm, and put moſt of the Gariſon to the Sword, and having done the like there as the *French* had to his Town, he marched away with a great deal of Booty.

[2.] *Froiſſ.* ib c 45.
K. *Philip* upon Complaint of the *ABp* of *Cambray*, orders His Forces to make War upon the Earl of *Haynault*.
Which is revenged by the Earl in taking the Town of *Aulinton*.

When [2.] the *French* King had received the News of this Action, He commanded His Eldeſt *Son*, *John* Duke of *Normandy*, to make a brisk Incurſion into *Haynault*, and to haraſs and deſtroy the Countrey, and revenge the Miſchief which the *Haynalders* had done; but ſince it required ſome time for the Duke to raiſe an Army fit for that purpoſe, I ſhall in the mean while ſay ſomething of what was done between the *French* and *Flemings* in *Flanders*, of whom, when King *Philip* heard they had done *Homage* to the King of *England*, He complain'd to the *Pope*, who taking part with the *French* King, immediately *excommunicated* the *Flemings*, and laid His *Interdict* upon the whole Country, ſo that no Maſs could be ſaid there, until King *Edward* ſent them over ſome *Engliſh* Prieſts, that did not think themſelves oblig'd by that *Sentence*. But when King *Philip* found that this had little or no effect upon them, He reſolved to take another Courſe, and ordered about thirteen hundred Men at Arms, and Croſs-Bows, to be ſent from *Tournay*, who marching before the Town of *Courtray*, killed or hurt as many as they found without the Walls, and beſides carried off a great Booty in Sheep and other Cattle; at which the *Flemings* were ſo provoked, that raiſing a conſiderable Body of Men under the conduct of *Jacob Van Artefeld*, they reſolved to march againſt the City of *Tournay*, and there to have their Revenge; but before he would undertake ſo difficult an Enterprize, he deſired to have the help and Advice of ſome more experienced Commanders: [3.] wherefore they ſent to *Ypres* to the Earl of *Saliſbury*, and the Ld **Robert Ufford*, Eldeſt Son to the Earl of *Suffolk*, to come to their aſſiſtance, with as many Soldiers as they could ſpare, which were but fifty Men at Arms, and forty Croſs-Bows; but being to paſs near the

[2.] Id. ib.
The *French* King orders His Son the Duke of *Normandy* to make another Incurſion into *Haynault*.
Upon King *Philip*'s Complaint againſt the *Flemings*, they are excommunicated by the *Pope*, whereupon K. *Edw.* ſends over ſome *Engliſh* Prieſts to ſing Maſs to them.
The *Flemings* under *Jac. Van Arte.* reſolve on the ſiege of *Tournay*, but are diſappointed by the taking Priſoners of the Earl of *Saliſbury* and Lord *Ufford*, going to their aſſiſtance.
[3.] Id. ib.

* *Froiſſ.* calls him E. of *Suffolk*, but it is a miſtake.

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Town of *Lille*, theſe of that Gariſon having intelligence of their coming that way, laid a ſtrong Ambuſh for them behind the Hedges, not far from that Place, conſiſting of above fifteen hundred men, by whom, (being hem'd in on all ſides,) though theſe with their Men behaved themſelves very valiantly, they were taken Priſoners, and carry'd fetter'd to *Paris*, and there brought before the King: Who was (I know not for what Reaſon) ſo incenſed againſt them, that He would have put them all to death, had it not been for the more calm Perſuaſions of the prudent King of *Bohemia*, who not only remonſtrated to Him the unworthineſs of the Action in Cold Blood, to put to death Men of ſuch high Quality, who were only Priſoners of War, but alſo that it might happen that ſome of His Commanders might fall into the like Miſfortune, and muſt then expect the like Treatment: Theſe Conſiderations ſo far wrought upon the *French* King, that He only commanded them to be kept cloſe Priſoners, where they continued till the enſuing Truce, and then they were ſet at liberty, paying their *Ranſoms*: But when *Jacob Van Artefeld* heard of their being taken, he immediately diſmiſſed all the Forces he had raiſed, and return'd home to *Gaunt*.

[4.] Id ib. c. 48. The Duke invades *Haynault* with a great Army, and deſtroys all the Country.

But to return to the Duke of *Normandy*, [4.] who had Orders from his Father to invade *Haynault*: having now raiſed a great Army of above Twenty thouſand Men, made his General Rendezvouz at St. *Quintin*, and accompanied with divers of the Chief of the *French* Nobles, enter'd *Haynault*, and there deſtroying without mercy, burnt all the Towns on that ſide the Countrey almoſt as far as *Valenciennes*, except that of *Queſnoy*, and ſome other places that were too ſtrong to be eaſily taken; after which Deſolation Duke *John* return'd to *Cambray*, where he disbanded ſome of his Men, and ſent the reſt into Gariſons; but the Reaſon why the *Haynalders* made ſo ſmall a reſiſtance, was, that the Earl finding himſelf overpowered by the *French*, was lately gone over into *England*, to implore the aſſiſtance of the King his Brother-in-Law, who received him very kindly, and notwithſtanding his late deſerting his Intereſt, now made a League offenſive and defenſive with him; which being concluded, the Earl went over again, but before he returned home, he went into *Germany* to the Emperor *Lewis*, who had married his Eldeſt Siſter, and made the like League with Him: Theſe Tranſactions detained the Earl of *Haynault* abroad much longer than was expected, and his Uncle the Lord *John* of *Beaumont*, would not venture to engage the *French* in a Battel, without the Earl his Nephew's Preſence, or expreſs Orders.

Whereupon the Earl implores the aſſiſtance of King *Edw.* His Brother-in-Law.

[5.] *Froiſſ.* ib. c. 50. The Duke of *Normandy* lays ſiege to the Town of *Thine L' Eveſque*. The E of *Haynault* comes to the relief of it with 100000 men, and offers the *French* battel, which is declined by them.

Then [5.] the Duke of *Normandy* taking this Advantage, and being excited by the Archbiſhop of *Cambray*, who told him the Town and Caſtle of *Thine l' Eveſque* having been lately ſurprized by the *Engliſ* and *Haynalders*, was a very troubleſome Neighbour to that City; h thereupon marched with a conſiderable Army to beſiege it, and ſo batter'd it with his Warlike Engines, that the Beſieged were very near a Surrender; when the Earl of *Haynault* now return'd home with an Army of about Forty thouſand Men, he march'd to the relief of that Place, and before he arrived there, he was reinforc'd by near Sixty thouſand *Flemings*, that came to his aſſiſtance; ſo that his Army made about an hundred thouſand in all; therefore finding himſelf ſuperior to the *French* in number, he ſent to the Duke of *Normandy*

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mandy by one of his own Knights to offer him Battel, but the *French* Prince having the advantage of a River between him and the *Haynalders*, which could not be paſſed without great danger to that Party that undertook it, he by the King his Father's Advice, (who was then *incognito* in the Camp) return'd this Anſwer, *That he had no occaſion to fight, ſince he could take the Caſtle without it*; to which King *Philip* alſo added, *that when He thought fit He would paſs the River, and deſtroy* Haynault *worſe than it had been already.* When the Earl heard this, and found that he could not draw the *French* to a Battel, and that there was no relieving the Place without it, he gave notice to the Beſieged to ſhift for themſelves as well as they could, [1.] and for that end ſent them divers Veſſels down the River by which the Caſtle lay, and on theſe the Beſieged going on board in the Night with all their Baggage and Proviſions, quitted the Place, having firſt ſet it on fire. This being perceived by the *French*, they preſently got into it, and quenched the Flames, which, notwithſtanding, had done conſiderable damage to the Buildings.

[1.] *Fabian. Ad hunc Ann.* Whereupon the Beſieged quit the Place, which is ſurrender'd to the *French*, and the Earl with his Forces return home.

This Misfortune happened preſently after King *Edward*'s laſt Arrival at *Gaunt*; [2.] but before He heard of it, He wrote to the Earl to give Him notice of his late Victory at Sea, and deſired him to ~~continue~~ the Siege; but the Earl ſeeing there was nothing more to be done, decamp'd and return'd home to *Valenciennes*, with the reſt of the Princes and Lords of the Empire that accompany'd him in this Expedition.

[2.] *Froiſſ.* ib. c. 50. raiſe

But [3.] before they departed thence, it was agreed between King *Edward* and them, that a General Aſſembly of all the Confederates ſhould ſhortly be held at *Villenort*, a Town in *Flanders*, there to conſult how to carry on the War the reſt of this Campaign; then about the middle of *July* King *Edward* met at the Place appointed, together with the reſt of the Princes and Lords formerly mentioned; beſides whom there were three or four Burgeſſes ſent from every good Town in *Flanders*.

[3.] *Froiſſ.* ib. c. 53. A General Aſſembly of the Confederate Princes meet at *Villenort*, and what is there reſolv'd.

In this *Aſſembly* it was agreed, that two compleat Armies ſhould be forthwith raiſed, the One conſiſting of the Men of *Gaunt* and *Bruges*, and Other *Flemings*, with a certain number of *Engliſh* Archers, making up in all about Fifty five thouſand [4.] Men; which being commanded by the Lord *Robert* of *Artois*, was to lay ſiege to St. *Omer*'s; and the Other conſiſting of King *Edward*'s own Forces, with thoſe of His Allies, was to ſit down before *Tournay*; but King *Philip* to prevent their Deſigns, had already ſent thither *Eudes* Duke of *Burgundy*, with many other Lords and Captains, to the reinforcement of the Earl of *Armagnac* the Governor; theſe came near to it with two and forty Ships well furniſhed with Soldiers and Proviſions of all ſorts: Then King *Edward* and the Confederates reſolved, that he ſhould ſet forward with his Forces by the middle of *Auguſt* next enſuing, and lay ſiege to the City of *Tournay*, and that thither all the Lords of the League ſhould repair to him with their ſeveral Forces, except the Lord *Robert* of *Artois*, who was to lie before St. *Omer*'s: Theſe things being ſetled, the *Aſſembly* broke up, and every one made himſelf ready to perform what had been now agreed upon.

[4.] *Du Cheſne* Hiſt. P. 651. King *Philip* to prevent the Confederates Deſign, reinforces the Gariſon at St. *Omer*'s.

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[5.] *Froiſſ.* ib. c. 53
As alſo that of *Tournay*.

[1.] *Fabian.* Ib.

When [5.] King *Philip* had information of the Reſolutions of this
Aſſembly, He immediately gave orders not only to reinforce the Gar-
ſon of St. *Omers*, but becauſe the City of *Tournay* was like to be firſt
attack'd, He immediately ſent thither a ſtrong Detachment under the
command of the Earl of *Ewe*, with other Lords and Chief Comman-
ders of *France*, amounting in all to Four thouſand Men at Arms, and
Ten thouſand Foot, [1.] the City it ſelf being able then to raiſe Fifteen
thouſand Men of its own Burgers; and beſides all this, the *French* King
had taken convenient orders to furniſh the Town with all things neceſ-
ſary for a Siege.

[2.] *Froiſſ.* ib. c. 54.
The Confederate Princes have a General Rendezvouz of all their Forces, with which King *Edw.* marches to the Siege of *Tournay*.

Toward [2.] the latter end of *July*, or beginning of *Auguſt*, all thing
being ready, the Confederate Princes again met according to appoint-
ment, and King *Edward* began His March towards *Tournay*, attende
by ſeven *Engliſh* Earls, eight Prelates, eight and twenty Barons, an
two hundred Knights; his Army was very numerous, conſiſting
Four thouſand Men at Arms, and Nine thouſand Archers on Horſe
back, and beſides a great number of Foot, and the Forces of the Con
federate Princes and Lords that accompany'd Him; alſo *Jacob Van Ar
tefeld* came to the Siege with no leſs than Forty thouſand *Flemings*
with this powerful Army the King marched from *Gaunt*, and paſſin
the River *Eſcant*, approached near *Tournay*.

[4.] *T. W.*
K. *Edw.* ſends K. *Philip* a Letter of Defiance.
[5.] C. *A. M.*

But I cannot here omit, that before King *Edward* had begun to la
actual Siege to it, [4.] He thought fit to ſend to King *Philip* a Letter
Defiance, which being ſomewhat long, I ſhall here give you the Con
tents of it, It was directed thus; [5.] '*Edward*, by the Grace of Go
'King of *England* and of *France*, and Lord of *Ireland*, to the Rig
'Noble and Puiſſant Lord *Philip* Earl of *Valois*; and then accoſtin
Him with no other Title than bare *Philip* of *Valois*, [yet moſt
the *French* Hiſtorians make this Letter begin with Sir *Philip de Valoi*
which ſhews more Civility, and agrees better with the Directions;
tells Him, 'That He had for a long time beſought Him by Meſſages an
'all other Reaſonable Ways to reſtore His Rightful Heritage of *Fran*
'long detain'd from Him; but ſince He ſaw He would not do Him J
'ſtice, He had entred into the Country of *Flanders* as Sovereign Lo
'thereof, and that by the Aid of *Jeſus Chriſt*, and the Power of H
'Own People and His Allies, He would put a ſhort end to His Clai
'if He would advance nearer towards Him; but becauſe two ſo gre
'Armies as there were now on both ſides, could not ſubſiſt near ea
'other, without great damage to the People and Countrey, which
'good Chriſtians ought to prevent, eſpecially Princes and Governo
'of Nations, He therefore deſired a brief Period might be put to t
'Matter; and to avoid the Deaths of ſo many Chriſtians, (the Quar
'being between them two only,) that therefore the deciſion of th
'Claims might be determined by and between their ſingle Perſons:
'which Iſſue He referr'd Himſelf, for the Cauſes aforeſaid; and in co
'ſideration of the great Valour of His Perſon, as alſo of His Senſe a
'Good Advice: But if He would not conſent to this Way, then that
'might be ended by a Battel of a hundred of their beſt Men on eith
'ſide; and if He would not accept one of theſe Offers, then that H
'would aſſign a certain Time within ten days after the date of this L
'ter, to fight Army againſt Army, before the Town of *Tournay*; a
'this His Deſire was not out of any Pride or Preſumption, but that t

'W

Will of our Lord *Jeſus Chriſt* might be declared between them, for the greater Repoſe of true Chriſtians; and that all the Enemies of God may be the better reſiſted, and Chriſtianity put in ſafety; ſo deſires King *Philip*'s ſpeedy Anſwer to it by the Bearer thereof. This bears Date at *Chyn* upon the *Skell*, near *Tournay*, the 26th day of *July*, Privy Seal; the firſt Year of His Reign over *France*, and fourteenth over *England*.

[1.] Id. ib. K. *Philip*'s ſpeedy Anſwer to it by the Bearer thereof.

To this *Letter* King *Philip* return'd the following *Anſwer*, which, not being very long, I ſhall here give you at length: [1.] '*Philip*, by the Grace of God, King of *France*, to *Edward* King of *England*: We having ſeen your Letters brought to our Court, in which were contained certain Requeſts made to one *Philip* of *Valois*, but for that your Letters were not directed, or the Requeſts made to Us, as clearly appears by the Tenor of them; We ought not to have given You an *Anſwer*, nevertheleſs, becauſe We underſtand by the ſaid Letters, and otherwiſe, that You are enter'd into Our Kingdom of *France*, doing great Damage to Us, Our Realm, and Our People, without Reaſon, not regarding what a Liege-man ought to obſerve toward his Lord; for You have enter'd into Our Homage, and recognized Us King of *France* according to Reaſon, and promiſed ſuch Obedience as Men ought to promiſe to their Liege Lord, as appears more clearly by Your Letters Patents ſealed with Our Great Seal, which We have by Us: Our Intention therefore is, When it ſhall ſeem Good unto Us to drive You out of Our Realm, and that We may be able to do this, We have firm Hopes in *Jeſus Chriſt*, from whom all Our Puiſſance is derived; ſince by Your Unjuſt Enterpriſe, proceeding more from Wilfulneſs than Reaſon, We have been hinder'd from † that *Holy Voyage* beyond Sea, and alſo a great Multitude of Chriſtians to loſe their Lives; and Divine Service hath been diminiſhed, and Holy Church leſs reverenced. And as touching that which is noted in Yours, that You look to be aſſiſted by the *Flemings*; We hope, and ſurely believe, That the Good People and Commons of that Country, will ſo carry themſelves towards Our Couſin, the Earl of *Flanders*, their Lord, that it may not be to their Diſhonour: And that to Us, their Sovereign Lord, they will maintain their Faith and Loyalty. And as for what they have hitherto done, otherwiſe than well, We are aſſured, that was occaſioned by the Evil Advice of ſuch Perſons, who neither had any Regard to the Publick Weal, nor to the Honour of their Country; but only to their own Private Advantage. Given in the Fields near adjoyning to the Priory of St. *Andrew les Airs*, under Our Privy Seal, in Abſence of Our Great Seal, the *Thirtieth* of *July*, in the Year of Grace 1340.

† *i. e.* to the *Holy-Land.*

[2.] *Du Cheſne* p. 671. *Mezeray.*

The [2.] *French* Writers relate this Matter very differently: As, that King *Philip* only return'd this Anſwer by Word of Mouth; *That a Lord ought not to accept of a Defiance from his Vaſſal*; and further added, *That if He would ſtake His Crown of* England *againſt that of* France, *He would fight with Him for both*; *otherwiſe He* (the *French* King) *ſhould fight for what was His Own already, which was very unequal.* This, they ſay, King *Edward* would not hearken to; and ſurely He had good and ſufficient Reaſons for ſo doing; ſince, as He wanted not Courage to make that Challenge, ſo His Prudence prompted Him to weigh well the Conditions.

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Yet I cannot admit of the Truth of this Relation; for ſince the Authentick Copies both of King *Edward* to the *French* King, and alſo of His Anſwer, are extant in all our Hiſtorians of that time; it ſeems all Needleſs and Impertinent for Him to have return'd any other Anſwer by Word of Mouth, more than had been already ſent in Writing. But leaving the King a while at the Siege of *Tournay*, we will now look into *England*, and ſee what hath been done there in this ſhort time of His Abſence from thence; ſince it will ſhew us the chief Reaſon of His wanting Succeſs at this Siege.

A Parliament held at *Weſtminster* during the King's Abſence, and the Cauſe of calling it.

* Rot *Parl* 14 *Ed.* 3. pars. 2 n 2, 3. Vid. *Cotton's* Abridg p. 27.

Not long after the King's laſt going over, a Parliament was held by * Commiſſion, on the *Seventh* of *July*, at *Weſtminſter*: The Reaſons of their Meeting were declared by the Archbiſhop of *Canterbury*, the Chancellor, to be, Firſt, to conſult what further Courſe was beſt for the King and His Allies to take againſt *France*. Secondly, To provide for the Common Peace; and how to keep Good Order at Home. Thirdly, To take care for the Defence of the *Northern* Ports. Fourthly, For the Dominion at Sea. And, Fifthly, How to anſwer the King the Subſidy laſt granted Him.

Ibid. n 3, 4 The King's late Victory by Sea declared, and a great Supply is required.

The next day, being *Thurſday*, was openly declared in Parliament the Great Victory which the King had lately obtain'd at Sea: Yet, that to proceed ſo as to perfect theſe Happy Beginnings, He muſt be further enabled with Great Supplies of Money; and deſired their Advice, how it might be raiſed with the leaſt Grievance to His People: The Anſwer to which was reſpited till *Saturday* next enſuing. At which time, the Lords and Commons granted unto His Majeſty, as in the laſt preceding Parliament, the *Ninth* of their Corn, Wool, and Lambs, and many uſeful Proviſo's were made for the Anſwering the ſame.

Id. n. 6, 7.

On the ſame day came thither the Earls of *Arundel* and *Gloceſter*, with Sir *William Truſſel*, who were ſent with the King's Letters under the Privy Seal, directed to the Lords and Commons in Parliament; putting them in mind of His late Victory near the Port of *Swyne*, and preſſing for a ſpeedy Supply of Money to carry on His War this Summer.

Ibid. The ABp of *Canterbury* and other Bps and Abbots undertake to raiſe 20000 Sacks of Wool on their own Credit.

In Obedience to which Demands, *John* Archbiſhop of *Canterbury*, *Ralph* Biſhop of *London*, with other Biſhops, Abbots, and Knights there named, freely undertook, on their own Credit, to raiſe the King *Twenty Thouſand* Sacks of Wool. So that for every Sack of the beſt Sort, the King ſhould be anſwered Six Pounds, for others Five Pounds, and for the worſt of all, Four Marks; beſides His Cuſtom of Forty Shillings for every Sack: And of all this a ſpeedy Return to be made to the King. And it was ordered, that the Subſidy of the next Year ſhould be employ'd for the Payment of theſe Woolls, and this to be Confirm'd by the King's Letters-Patents.

Ib. The Wool given in this as well as in the laſt Parliament, order'd to be ſpeedily ſold to certain Merchants, who agreed to pay ready Money for it.

Then it was further agreed in Parliament, That for the ſpeedy Sale of this Wool, and turning it into Money, as alſo of the *Ninth* Fleece which had been given in the laſt Parliament, the Sheriffs ſhould be commanded to ſend up from all Cities and Boroughs of their ſeveral Counties, certain Merchants, to appear before the King's Council at *Weſtminſter*, on the *Fifteenth* of *Auguſt* next enſuing; to treat with them about the buying the ſaid Wool in all Counties. Where the ABp of *Canterbury*, with ſome other Biſhops, Earls, and Barons of the King's Council, there named, treated with them, and contracted for

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a great Number of Sacks of Wool; the Money to be paid at *Bruges* within three Weeks after, or upon the *Eighth* of *September*, or elſe upon the Feaſt of St. *Michael* next enſuing at the fartheſt. The Merchants of *Bardeton* and *Pruſſia* contracted for a great deal of this Wool, and engaged to pay the Money to thoſe of *Louvain* and *Malins*: And ſeveral particular Perſons are there named, both *Almans* and Others, that had been retained by King ***Edward***. And the Lords of the Council ſent for divers Perſons to Account before them, and order'd them to return this Money to the King beyond Sea: But what the Reaſon was that theſe Returns were not made to the King accordingly, is hard to determine; ſome of our Writers laying the fault upon the Merchants that were to return the Money; and others, upon the Knavery or Negligence of the King's Officers; who having got theſe Wools into their Hands, did not deliver them to the Merchants, according to their Agreement. But to give ſome further Light into this Matter,

The Return of which is not made to the King accordingly.

Ib. n. 29.

^ tho not ~~then~~ Chancellor having resigned that office ~~just before the King~~ [illegible] ~~being~~ [illegible] Rot. Claus. 14 Edw. 3. p. 1. m. 13.

It appears upon the ſaid Parliament-Roll, that by the End of *July*, the Archbiſhop of *Canterbury*^ ~~then Chancellor~~, and the Treaſurer, with other Lords of the Council, finding the King very uneaſy upon Failure of the Payment of His Money, wrote over to Him, giving Him an Account of His late Subſidy; and letting Him know, that the late Grant of Twenty Thouſand Sacks of Wool, was not made until the *Four* and *Twentieth* of *July* by the Parliament, which was then but newly riſen; and that therefore the King and His Allies ſhould not wonder, that neither the Wool nor Money could be yet return'd; ſince certainly as much as could be raiſed of this Subſidy, ſhould be ſpeedily ſent Him, as far as the Art or Induſtry of Man could perform it. Yet, for all this, it ſeems, the King received no Part of this Money all the while He lay before *Tournay*, which proved the Ruin of that Deſign, and ſo far incenſed Him againſt all thoſe Miniſters of State, and other Officers who had undertaken this Charge, that He revenged it very ſeverely when He came back; as you will find hereafter. We ſhall now return to the Siege of *Tournay*.

The Failure of which proves the Ruin of His Deſign.

[3.] *Froiſſ.* ib. Cap. 54. The King lays cloſe Siege to *Tournay*, but cannot take it by Force.

So ſoon as [3.] King *Edward* had ſat down with His Army before that Place, in the beginning of *Auguſt*, He preſently laid cloſe Siege to it with all His Forces, and then proceeded to make ſeveral vigorous Aſſaults, as well with Engines of Battery, as by Storm: But the Ciy was too well provided, both with Men and Proviſions, to be won by plain Force, or by any other way than direct Starving; which neiher the *Engliſh* Patience nor Money could then afford: So that all the Revenge they could take, was, that the Earl of *Haynault* in the mean while plunder'd and burnt all the Villages and Towns in the Adjacent Countries. Then, after a tedious Siege of above Nine Weeks, when 4.] King ***Philip*** had brought a powerful Army into the Field, and made ſeveral fruitleſs Attempts to raiſe the Siege, He was hinder'd by he Lords of His Council from coming to a Battel, which was there ofered Him: [5.] ~~Yet~~ He kept at a diſtance from the King of *England*'s rmy, as being afraid to engage them. Nor could He be provoked to ght, tho' the Earl of *Haynault* and the Lords *Manny* and *Cobham*, he King's Marſhal, and other Officers, being ſent out with Parties uring the Siege, waſted the adjacent Country, and burnt Three undred Cities, Towns, and Villages, within Six Leagues round *Tournay*:

[4.] Id. ib. c. 57. K. *Philip* attempts in vain to raiſe the Siege, and is hinder'd from coming to a Battel.

[5.] *T. W.*

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Both Kings being weary of War, the Counteſs-Dowager of *Haynault* mediates a Truce between them; which is concluded by Commiſſioners on both ſides.

[6.] *Froiſſ.* ib. c. 64.

Tournay; and killed many Barons and Knights belonging to the *French* *Army*, beſides Common Soldiers. So that both Kings began now to be weary of the War; the *French*, from the Deſpair He had to relieve the Town without Fighting the *Engliſh Army*, which He did not think Safe; and the *Engliſh*, becauſe His Returns of Money fail'd Him, wherewith to pay His *Army*; and further, for that (as *Villani* the *Italian* Hiſtorian relates) the Duke of *Brabant* being bribed by King *Philip*, and not deſiring that ſo Conſiderable a City ſhould fall into the Hands of the *Engliſh*, asked leave of King *Edward* to depart; [6.] whereupon, the Lady *Jane* of *Valois*, Counteſs-Dowager of *Haynault*, (Siſter to King *Philip*, and at that time a profeſs'd Nun in the *Abbey* of *Fountain au Tartres*) offer'd her Mediation between theſe two Princes, her Brother and Son-in-law; and being alſo urged by Letters from the Pope, (who ſent two Cardinal-Legates for that purpoſe) King *Edward* conſented to a Truce until *Midſummer* next enſuing. To conclude which, and draw it up into *Articles*, [1.] the Commiſſioners appointed for the King of *England*, were, the Duke of *Brabant*, the Duke of *Gueldres*, the Marquiſs of *Juliers*, and *John de Haynault* Lord of *Beaumont*; thoſe for the King of *France*, were *John* King of *Bohemia* and Earl of *Luxenburgh*, *Adolph* Biſhop of *Liege*, *Ralph* Duke of *Lorain*, *Arnè* Earl of *Savoy*, and *John* Earl of *Arminiac*: Who, after ſome time of Debate and Conſideration, concluded a Truce between the Two Kings and their *Allies*, upon the enſuing *Articles*, *viz.*

[1.] *H. K.* Col. 2578. Chron. Rob. Aveſ. C. 34.

^ Amadé

1. That no Prejudice or Injury ſhould be done by either Party to the other, during the Truce and Reſpite.

2. That the Two Kings, their *Adherents* and *Confederates*, whoſoever they were, ſhould remain, during the ſaid Truce, in the ſame Poſſeſſion and *Seizin* they were in at that time, of all Goods, Lands and Poſſeſſions, which they held, or had acquired any manner of way.

3. That during the ſaid Truce, the Two Kings, their *Aſſiſtants* and *Confederates*, whoever they were, might ſafely go out of one Country into another; and the Merchants, with all manner of Merchandize and all other People with their Goods, might go and come, as well by Land as Sea, as freely as they uſed to do at other times; paying their Paſſage-Money, and Tolls, and Cuſtoms, as antiently due. And the Barons and others of *Gaſcoigne*, and in the Dutchy of *Guyenne*, were to be compriſed in this *Article*.

4. That neither of the Kings ſhould procure, or cauſe to be procured, by Themſelves or Others, any Prejudice to be done to the Other, His Friends or *Allies*, by the Church of *Rome*, or others of *Holy Church*, whatever they were; nor to their Lands or Subjects, by reaſon of the War, or any other Cauſe; nor for the Service the *Allies* and *Aſſiſtants* of both Kings had done, or that ſhould be done for either of them: And if their moſt Holy Father the Pope, or Others, ſhould offer to do ſo, both Kings might oppoſe them to the utmoſt of their Powers, without doing ill, during the Truce.

5. All Priſoners of War on both ſides ſhould be releaſed during the Truce, upon their Paroles, to return again to Priſon when it was ended.

6. That

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6. That there ſhould be a Truce between the *Engliſh* and *Scots* for the ſame time, and certain perſons were to be appointed upon the Borders of each *Kingdom* to ſee it obſerved, upon ſuch *Conditions* as had been formerly; which if the *Scots* refuſed, the King of *France* was not to aſſiſt 'em with Forces, nor any other ways to relieve or encourage them: And it was further agreed, That this Truce ſhould be notify'd or proclaim'd in *England* and *Scotland* ſix and twenty days after the date thereof. This was confirm'd and ſeal'd with the Seals of the *Commiſſioners* on both ſides, in the *Church* of *Eſpetelyn*, on *Monday* the twenty fifth of *September*, in the Year of Grace 1340, and was afterwards ratify'd by both Kings.

[1.] There was alſo a private or ſeparate Agreement then concluded by all Parties at this Treaty, that both Kings ſhould ſend four or five Commiſſioners to treat further of a firm and laſting Peace between them; of which you will find more by and by.

[1.] *Froiſſ.* ib. C. 64.

But I cannot here omit, that during the late Siege of *Tournay* [2.] the Confederate Princes met with another piece of Ill Succeſs, which much accelerated the late Truce, and it was thus: The Lord *Robert* of *Artois* had at the ſame time undertaken the Siege of St. *Omer*'s, and tho attended by an Army of above forty thouſand Men, was yet nevertheleſs forced not long after to raiſe it to his no ſmall diſgrace; but it did not happen, as *Froiſſart* relates, from a Panick Fright that then aroſe in the *Flemiſh* Army on the News of the ſudden approach of the *French*, nor from any Mutiny againſt the Lord *Robert* of *Artois*, their Leader, as our Hiſtorians will have it, but rather as [3.] ſome of the *French* Writers more truly report, from the *Flemiſh* Army's being made up of Tradeſmen and Artificers from divers Cities and Towns of *Flanders*, who were under no Diſcipline, and would not obey their Commanders; but when they were brought to aſſault a Trench that was newly caſt up by the Beſiegd for their defence, they not only refuſed to do it, but retreated to their Camp without ſtriking a Stroke; This being obſerved by the Duke of *Burgundy*, and the Earl of *Armigniac*, who then commanded within the City, they took freſh Courage, and ſally'd out upon the *Flemings* with all the Forces they could ſpare; which had ſo good an effect, that tho' *Robert De Artois* the *Flemiſh* General, and thoſe about him behaved themſelves very well, yet his Men being raw and undiſciplin'd, were ſoon routed, and he forced to retreat to his Camp, with the loſs of near four thouſand Men; and, finding that alſo deſerted, he was forced to retire in the Night to *Caſſel*, and from thence removed to *Ipres*, ſo that his Army being broken, he could do no more in thoſe Parts. From thence He marched with all the Forces he had left to the aſſiſtance of King *Edward*, who ſtill lay before *Tournay*, though their arrival did Him but little ſervice, for He was forced to riſe from before that Place, as you have already heard. But to return to the preſent Affair:

[2.] Id. ib.

[3.] Chron. Fran. *MS.*

The raiſing this Siege, and the Defeat of the *Flemiſh* Army was certainly a great Diſappointment to King *Edward*'s Deſigns, and all He then gain'd by it, was, that the Officers and ſome of the Soldiers who had been at St. *Omers*, came to reinforce His Army; albeit to little purpoſe, ſince by the raiſing both theſe Sieges, and making the Truce beforementioned, it is evident the *French* King gain'd a great advantage,

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for He not only ſaved both theſe Cities from being taken, but by this means ſo broke all King *Edward*'s Meaſures, that He not long after made the Emperor and the Confederate Princes of *Germany* to fall off from His Party, when they found He could do them no farther Service.

A Brief Account of the Affairs of *Scotland* for three Years paſt.

[4.] *H.K.*Col. 1580.

1 under the Command of the Earls of March & Sothirland invaded &c

2 had not S[illegible] Grey met with them, & gave them a repulse and allso the following Truce &c

If we look back into *England*, we ſhall find the King's Affairs to have been unſucceſsful this Summer, in relation to *Scotland*, where King *Baliol* being but weakly aſſiſted by King *Edward*, could not recover what He had loſt; [4.] all that He could do, was only to make ſome ſlight Excurſions into *Scotland*, attended by the Earl of *Angus*, the Lord *Piercy*, and other Noblemen, with no great Forces: But in revenge, whilſt King *Edward* lay before *Tournay*, the *Scots* invaded *England*, and plunder'd and burnt the Countrey as far as *Durham*, and had done much more miſchief had not the Truce been made between *England* and *France*, in which the *Scots* were included, and all further Hoſtility ceaſed for a time.

[1.] *Hec. Boeth.* l. 16. *Buchan.* l. 9.

But ſince the Relation of the Affairs abroad hath hindred me from ſpeaking any thing of *Scotland* till now, I will here give you from Her Hiſtorians a Brief Account of what happened there for theſe three Years laſt paſt; [1.] during which time King *Edward*, being wholly taken up with the War againſt *France*, could not ſpare any Forces conſiderable to aſſiſt King *Baliol*; by which means, upon the Death of the Lord *Murrey*, who had been Vice-Roy to King *David*, the Lord *Robert Stewart*, the King's Nephew, was choſen in his Place; by whoſe Conduct (whilſt King *Edward* was thus employ'd abroad) moſt of the Strong and Conſiderable Places of *Scotland* were again reduced to K. *David*'s Allegiance, together with the greateſt part of the Country: For firſt Sir *William Douglas* recovered all *Tividale*, and likewiſe overthrew the Lord *John Striveling* at *Craging*, won the Caſtle of *Hermitage*, baffled Sir *Laurence Vaux*, and took Sir *William Abernethie* Priſoner, being at that time ſent by the Lord *Robert Stewart* into *France* to King *David*, to requeſt His Orders and Aſſiſtance, becauſe a War was expected from *England*.

The Lord *Robert Stewart* is made Vice-Roy of *Scotland*, and reduces divers ſtrong Places to the Allegiance of K. *David*.

In the mean while the Lord *Robert* beſieged *Perthe*, which was by the *Engliſh* vigorouſly defended againſt him for the ſpace of ten Weeks; but the Lord *Douglas* arriving on the ſudden from *France*, bringing with him into the *Tay* five Ships well furniſhed with Men, Arms and Ammunition, Sir *Thomas Ughtred* the Governor, not being able to hold out any longer, was forced to ſurrender the Place, tho upon honourable Conditions; by which great Succeſs King *Baliol*'s Party in *Scotland* was reduced ſo low, that for want of Succours from *England* He was forced to quit His Kingdom, and take refuge here; tho the *Scotiſh* Writers relate, that He was brought hither by *King Edward* before His War with *France*, either for His greater Security, or hoping by His Removal to keep the *Scots* more at quiet; or elſe out of ſuſpicion of His Loyalty.

The *French* King ſends Supplies of Men and Money into *Scotland*.

Whilſt King *Edward* lay at the Siege of *Tournay*, the *French* King ſent new Supplies of Men and Money into *Scotland*, inciting the Lord *Robert Stewart* to make War upon *England*, that ſo by ſuch a Diverſion King *Edward* might be forced to quit the Siege; upon which the *Scots* taking heart, not only won many Fortreſſes in *Scotland*, but alſo adventured in ſeveral great Bodies to enter *England*, where they deſtroy'd the Country in the manner already related: In ſhort, they did make ſuch good uſe of King *Edward*'s Abſence, that [2.] by this time there was ſcarce any place of moment left untaken, except *Berwick*, *Striveling*, *Roxburgh*, and *Edinburgh*, the Caſtle of which Town being ſeated on a high Rock, and reckoned the ſtrongeſt place in all *Scotland*, [3.] was not long after ſurprized and taken by a Stratagem, through the ſubtile Contrivance of Sir *William Douglas*, and Sir *Simon Frazer*, who feigning themſelves to be Merchants that had brought Wine, Coals and other Proviſions for the Caſtle, were brought up to the Gates by a great many of their Party diſguiſed like Clowns, and by ham-ſtringing two of the Horſes directly in the Gate-way, they ſurpriſed and killed the Porter; from whom *Douglas* taking the Keys, let in his Companions that ſtood without, and ſo falling ſuddenly upon the Gariſon, put them all to the Sword, except a few *Engliſh* Gentlemen who were kept Priſoners. This Loſs happening whilſt the King lay before *Tournay*, an Account of it was carried thither to Him, at which He was very much troubled.

[2.] *Froiſſ.* ib. c. 55.

[3.] *Buchan.* ib.

The Caſtle of *Edinburgh* taken by ſurprize.

Theſe being the Chief Actions that happened in *Scotland* during the ſpace of three Years laſt paſt, I have here put together without ſetting down the exact time when each of them was done, becauſe the uncertain and contradictory Accounts and falſe Computations of the *Scotiſh* Writers render it as impoſſible, as it is unneceſſary to be known.

[2.] We ſhall now look back into *Flanders*, where ſo ſoon as the Siege of *Tournay* was over, King *Edward* returned again to *Gaunt*, where He was joyfully received by His Queen; and here He ſtaid for about two Months to ſettle His Affairs, ſtill waiting for a Supply of Money out of *England*; of which when He found Himſelf wholly diſappointed, He was forced at laſt privately to return home in order to raiſe it, for payment of the great Debts He had contracted in this late Expedition.

[2.] *Froiſſ.* ib.

The King returns to *Gaunt*, where He ſtays till His going into *England*.

But ſeeing, as well before that, as after it, the *Pope* had very much beſtirr'd Himſelf to make Peace between the Two Kings, I ſhall here inſert the Letters that paſſed between His *Holineſs* and King *Edward*, which tho of great Moment, yet could not, by reaſon of other Affairs, be inſerted in their Proper Places, without breaking the Thrid of the *Hiſtory*; therefore I ſhall now give you them all together, that the Reader may ſee the Inclinations of the *Pope* and Court of *Rome*, and their Partiality to the *French* Intereſt.

An *Account* of this Year's Tranſactions between the *Pope* and King *Edward*.

[3.] In the beginning of this Year, ſo ſoon as King *Edward* came to *Gaunt*, He wrote to the *Pope* to give Him an Account of His aſſuming the Arms and Title of King of *France*, and the Reaſon why He had ſo done, *viz.* ‘Becauſe the Lord *Philip* of *Valois*, Couſin German to the ‘late King *Charles*, (and thereby one Degree removed further from that ‘Crown than King *Edward*) had during His Minority, by Force and U‘ſurpation intruded Himſelf into that Throne: Then the King concludes ‘with great Profeſſions, how ready He ſhould be at all times to preſerve ‘the Good Laws and Cuſtoms of that Kingdom, and not to oppreſs it ‘by change of Coin, or any Inordinate Exactions, and alſo how willing ‘He ſhould be to accept of a Peace, for the Recovery of the *Holy-Land*, ‘were it not that the ſaid Lord *Philip* raiſed War againſt Him, and would ‘not condeſcend to any Reaſonable Conditions of Peace. This bears

[3.] *Odoric. Raynold. ad hunc Ann.* §. 4.

The King writes to the *Pope* to juſtifie His *Proceedings* againſt the *French* King.

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Date at *Guant* the Eighth of *February*, in the firſt Year of His Reign over *France*, and the Fourteenth over *England*.

[2.] Id. ib. The *Pope's Anſwer* to this Letter.

‘[2.] To this Letter the *Pope* not long after return'd an *Anſwer*, wherein He more plainly than ever before declared Himſelf of the *French* King's ſide; for after having blamed the King of ***England***'s Conduct in aſſuming the Arms and Title of *France*, as proceeding from Evil and Unrighteous Councils, He farther reproves Him, That under the Pretence of being Supreme Lord of *Flanders*, He had joined with the *Flemings*, who had never been noted either for Conſtancy or Loyalty, and who had often rejected their own Natural Lords.

‘He then bids Him conſider His Imprudence in taking the Title abovementioned, which indeed belonged to King *Philip*, as having been many Years poſſeſſed of it, and who had been recognized by King *Edward* Himſelf in His doing *Homage* to Him; ſo that thoſe who hear theſe things, will aſcribe what the King had done to meer Simplicity or Vanity; ſince, if it be well conſidered, ſuch a Title wanting both Reality and Advantage, the taking of it muſt have proceeded from the fault of thoſe Men who only ſeek their own Profit, tho never ſo much to the King's Loſs and Detriment. And then deſires Him further to reflect how much He had thereby provoked the Kings and Princes who were now confederated againſt Him, and thereby rendred the Concluſion of any Peace between Him and the King of *France* impracticable; ſince the Princes, Nobles and Subjects of that Kingdom would rather expoſe themſelves to death and loſs of Eſtates, than ever accept of Him, as claiming by that Title He had ſet up. Nor ought He to repoſe much Confidence in the *Germans* and *Flemings*, for tho they ſeemd ſo kind for the preſent, yet He would find them Broken Reeds, not to be at all rely'd upon, when once they had drained Him of His Money; the truth of which He would quickly find, if He pleas'd but to peruſe the *Actions* of His Progenitors, where He would ſee how the *Germans* and *Flemings* had dealt with them upon the like Occaſions.

‘He then concludes with an earneſt Exhortation, That He would receive what He had written with a favourable Mind, and ſeriouſly conſidering it, would lay aſide the aforeſaid empty Title, and incline His mind to Peace and Concord, whereby He might obtain thoſe things which appear to be His Right, and that a mutual Agreement being made between Him and the ſaid King, as they were nearly allied by Blood, ſo they may be united in the perpetual Bond of Love and Confederation. Dated at *Avignon Tertio Non. Martii*, *Anno Pontiff* VI.

[4.] Id. ib. § 8. He again admoniſhes Him to break off His Alliance with the Emperor.

‘[4.] And the Pope at the ſame time wrote other Letters to the King, wherein He chid Him, That notwithſtanding His having been admoniſhed the laſt Year, that under penalty of Eccleſiaſtical Cenſures, He ſhould break off His Alliance with *Lewis* of *Bavaria*, that is, the Emperor, (for the Pope would not own Him as ſuch) and concerning which He had hitherto returned Him no Anſwer; and therefore He now deſired ſpeedily to know His Reſolution concerning it. This bears Date at *Avignon*, the ſame Day with the former.

‘And

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[5.] Id. ib. §.8

‘And [5.] it further appears from the ſame Author, that upon the King's deferring to declare Himſelf, and renounce the Emperor's Friendſhip, thoſe very Cardinals that had been lately Mediators of the Peace, wrote to the Pope, that thoſe Cenſures He had once threat'ned the King withal, ought now to be inflicted on Him; becauſe He ſtill retained the Vicarſhip of the Empire. But the Pope did not come to that Height of Severity, but wrote back to them to forbear ſuch ſevere Proceedings, until He, together with the Cardinals, had more maturely weighed ſo important an *Affair*. And, before things went thus far, we ſhall find the Emperor Himſelf to have repealed His Commiſſion granted to King *Edward*; ſo that there was no further Occaſion for the Pope to come to that Extremity.

[1.] Id. ib. The K. ſends two *Italians* as Envoys to the Pope, with their Inſtructions.

Moreover, [1.] King *Edward* being reſolved to juſtifie His Right the Crown of *France*, whilſt He reſided at *Gaunt*, employ'd two *alians*, *Nicholas de Fliſco*, and *Andrew* his Son, as Envoys to the ope, with theſe following Inſtructions. *Firſt*, ‘They were to ſet forth the King's Title to that Crown. *Secondly*, They were to anſwer all Objections that could be made againſt it, in reſpect of His having done Homage to King *Philip*, and thereby acknowledged Him Rightful K. of *France*; as alſo that Main Objection, of His being deſcended by a *Female*, and thereby made incapable of Succeeding to the Crown of that Kingdom: And that the *French* Nation had done Him no Injuſtice, ſince they had already ſet aſide ſome Nephews and Grandchildren of the late Kings, *Lewis* and *Philip*, Elder Brothers to *Charles* the *Fair*. All which, ſince they are much the ſame in the Objections and *Anſwers*, expreſs'd in the King's firſt Letter to the Pope, I ſhall here aſs over; only to the laſt Objection, the *Ambaſſadors* were order'd to eply, ‘That, tho' it is true, that there were ſeveral Daughters born to the ſaid Kings, ſome of whom had Sons, yet thoſe were all dead without Iſſue: And as for the two Daughters of the late K. *Charles*, King *Edward* claim'd to Succeed before them, as being the neareſt Kinſman to His late Uncle King *Charles*; whoſe Daughters being themſelves incapable to Succeed, were alſo then without any Heirs-Male.

[2.] Id. ib.

Theſe Inſtructions were ſent by [2.] *Nich. de Fliſco*, and his Son *Andrew* above-mentioned, and were followed by other Letters from the ing to the Pope, Sealed with the *Arms* of *England* and *France*; which ad been ſent before, but that He could not get this New Seal ſoonr made.

I cannot here omit taking notice, that whilſt theſe Envoys remain'd t *Avignon*, certain Bold and Wicked Men thinking to curry Favour ith the King of *France*, broke into their Lodgings by Night, and iſing on their Perſons, hurried them away into the *French* Territories. But as ſoon as ever the Pope heard of it, He wrote to the ing of *France*, demanding to have the ſaid Envoys return'd Safe to *vignon*, or elſe He would put His Kingdom under an *Interdict*. Upon which, *Philip* return'd *Anſwer*, that He was utterly ignorant f the Fact, andhad given Orders to make a ſtrict Search for them, and o carry them back from whence they were taken, which was done ccordingly: And the Pope was ſo exact in His Juſtice, that He cauſed everal of His own Family to be hanged, whom He found had a hand n this Violence. This, tho' it happened towards the latter end of

this

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this Year I have inſerted here, that ſo I might put all things concernin this *Affair* together.

[3.] Id. ib. *ad hunc An.* § 37. The K. writes again to the Pope, to thank Him for His Endeavours to procure a Peace.

I ſhall now return to King *Edward*, who whilſt He continued a *Gaunt*, long before His Departure for *England*, wrote another Letter t the Pope; wherein [3.] ‘He thanked Him for His Diligence in endeavouring a Peace between the two Realms, which He Himſelf alſo highly deſired; that thereby He might be at Liberty to proſecute th *Holy-War* againſt the Common Enemies of *Chriſtendom*. Then He declared, how, at the importunate Inſtances of ſome Great Perſons, (as well as His Holineſs's Interceſſion) He had accordingly condeſcended t a Truce, even then when He had almoſt reduced *Tournay* to the laſ Extremity: And yet, that upon Sight of His Holineſs's Letters, He had prolonged the Term of the ſaid Truce, that thereby H might give Him fuller Information of His own Intentions, and alſo of the Equity of His Cauſe; requiring thereupon His Advice which He ſhould be ſtill ready to embrace. Alſo, that He had ſen His Envoys to the *Apoſtolick See*, to return Thanks to His Holineſs, for His Diligence in obtaining the Liberty of *Nicholas de Fliſco*; deſiring *God Almighty* to preſerve His Holineſs in the Government o His *Holy Church*, many and happy Days. Dated at *Gaunt* the *Nineteenth* of *November*, in the Firſt Year of His Reign over *France*, an the Fourteenth over *England*.

* Rot. Pat. 15 *Ed.* 3. m.

*About the ſame time, He ſent to His Holineſs the following Juſtification of Himſelf and His Cauſe, by certain Commiſſioners who were appointed for that purpoſe, *viz. William* of *Norwich* Dean of *Lincoln*, *John Ufford* Archdeacon of *Ely*, and *Thomas Thoresby* Chanon of *Southwell*, who declared on the Behalf of their Lord the King, His ſincere Intentions to accept of a Peace: In order to which, they thought i neceſſary, truly to repreſent to His Holineſs the State of the Matte of Fact. As *Firſt*, ‘The Lord *Philip*'s Uſurping the Realm of *France*, and, to hinder King *Edward* from proſecuting His Right, had aſſiſted the *Scots* againſt Him; as alſo, by unjuſtly ſeiſing ſeveral Places in the Dutchy of *Guienne*; ſo that the King, being then under Age, and unexperienc'd, had not (till of late) taken any Courſe to proſecute His Right to the ſaid Kingdom of *France*: Yet deſiring Peace and Quiet, He had already offer'd the Lord *Philip*, for the Recovery o the ſaid Dutchy, and for His forbearing to aſſiſt the *Scots*, theſe following Conditions: Firſt, *The Marriage of His Eldeſt Son with a Daughter of the Lord* Philip, *without any Dowry*. Secondly, *The Marriage of His own Siſter, now Lady of* Gueldres, *with a Son of the ſaid Lord* Philip, *with a Great Portion*. Thirdly, *The Marriage of His own Brother, the Earl of* Cornwal, *(deceaſed) with any Siſter or Kinſwoman of His*. Fourthly, *To redeem the Seiſure of His Lands, He had offer'd unto Him a Sum of Money, to be adjuſted at the Diſcretion of the ſaid Lord* Philip. Fifthly, *Becauſe the ſaid Lord* Philip *pretended that He would croſs the Seas to the Aid of the* Holy-Land, *their ſaid Lord the King, out of the great Zeal He always had, and ſtill hath to undertake this Expedition, offer'd to accompany Him thither, and to grant the* Scots *a Reaſonable Truce; on condition, that the ſaid* Philip *would faithfully promiſe Him, after His Return, to do Him full Right and Juſtice, as to the Dutchy of* Guienne. But He deſpiſing and rejecting all theſe Reaſonable *Conditions*, proudly anſwered, That He would 'do nothing, until He had given to the *Scots* full Satisfaction for all Places which, in His time, had been taken by Force in *Scotland.* And when King *Edward*'s Ambaſſadors anſwered, That as to this Point, they were not impowered to make any Return, nor did they believe their Lord the King would agree to it: To this the Lord *Philip* immediately replyed, *That it would never be well, until there was one King of both the Realms of* France *and* England; (thereby meaning Himſelf.) This the Archbiſhop of *Canterbury* declared publickly at his Return from *France*, before a great number of Prelates, Earls, Barons, and others.

Then they proceeded further to ſet forth, 'That the King having Summoned a Parliament, it was there, by the Advice and Conſent of all the Eſtates of the Kingdom, decreed and ordain'd, That ſince by humble and moderate Ways He could not obtain Peace, and that by the Judgment and Deciſion of divers Doctors and Advocates, as well of the Court of *Rome*, as of the Students at *Paris* and *Oxford*, and eſpecially of the moſt Learned and Expert Prelates of *England*, by all whom He had cauſed His Right to be carefully diſcuſs'd; It had appear'd to them, that the ſaid Kingdom of *France*, was, by the Death of His Uncle, the late Lord King *Charles*, lawfully devolved upon Him by Right of Succeſſion as next Heir-Male; therefore, that He might lawfully proſecute His ſaid Right by Force.

[5.] Id. ib.
A Brief Relation of what had been tranſacted in *England* before the King's laſt going over.

'And [5.] that it was therein further ordain'd, that thoſe Alliances ſhould be made in *Almaign*, which were ſince concluded by the Biſhop of *Lincoln* and ſeveral Noblemen of *England*. Then, after a ſhort Account of the making of thoſe *Alliances*, they proceeded to ſet forth the King's Voyage beyond Sea, His late War upon *France*, with His Return out of *Flanders*; and how in His Paſſage over thither again, He had been ſet upon by the *French* Fleet, which He had deſtroyed: And that upon the Confidence of the *Archbiſhop* of *Canterbury*'s Promiſe, of furniſhing Him with Money ſufficient, He had then gone over quite unprovided of any, and ſat down before the City of *Tournay*; where not having yet received any for the Payment of His Forces, He had been forced to raiſe the Siege, and agree to a Truce, when the Place was near being taken. And theſe Commiſſioners further reported, as they had it from the King's own Mouth, that the ſaid *Archbiſhop* had not only been negligent in the Return of His Moneys, but had alſo endeavoured to ſtir up Variance and Diſcord between Him and the Queen, by ſpeaking to Each of them to the Prejudice of the Other, if Credit had been given to what he had ſaid. As to theſe laſt Points, the Commiſſioners deſired the Pope would be pleaſed to keep them Secret; but as for the reſt, He might publiſh them, if He thought fit.

[1.] Id. ib.
King *Edward*'s Commands & Reſolutions expreſſed by His Commiſſioners.

Then [1.] the Envoys went on, and declared King *Edward*'s Demands and Reſolutions, which were to this effect: 'That tho' He challenged the whole Realm of *France* as His Right, devolved to Him by Hereditary Succeſſion, yet that out of Reverence to His Holineſs, He was ſtill ready to treat of Peace; provided that in the ſaid Treaty, Conſideration might be had to His Claim to the ſaid Kingdom; and not only concerning the Dutchy of *Guienne*, with which, being His own already, He ſhould not ſit down contented tho' He might

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‘have it free from all Service and Subjection to any one. Then they ‘further offer'd the Pope on the King's behalf, That out of His great ‘Confidence, and the Reverence He had for Him, He was willing to ‘accept of His Holineſs's Mediation in Perſon, ſince He had already ‘offer'd it by His Letters, if Deputies from both Parties might be ‘ſent unto His Court for that purpoſe.

[2.] Id ib. § 38. The Pope adviſes the King to be more moderate in His Demands.

[2.] ‘These were the King's ultimate Propoſals, made at ‘that time to the Pope; who ſeeing there was no likelihood ‘of bringing theſe Princes to any final Agreement upon thoſe ‘Terms, but rather that K. *Philip* would, upon the hearing of them, ‘be more incenſed than before; He therefore adviſed the King to be ‘more moderate in His Demands; for that the King of *France* was ſo ‘far from granting ſo much, that in His laſt Letters to Him, He had ‘only offer'd the Reſtitution of thoſe Lands in *Aquitain*, which had ‘been forcibly taken by His Father *Charles* of *Valois*, in the time of ‘King *Charles* the *Fair*, when the late King *Edward* refus'd to come ‘over and do Him Homage; as alſo thoſe Places that the preſent King ‘had lately ſeiſed into His Hands.

Commiſſioners agreed on to be ſent to *Arras*, to treat of a General Peace.

I have been more particular in relating all the Points of this Negotiation, not only becauſe they are to be found in no other Author, except the above-cited *Odoricus Raynoldus*, but alſo that it lays before the Reader all the Proceedings in that great Difference between theſe two Kings, and what made it almoſt impoſſible for them ever to come to any Agreement. So that all that could be done in this Conjuncture, was, that (according to the Agreement at the laſt Treaty for the Truce) both the Kings ſent Five Commiſſioners to meet at *Arras*; whither alſo the Biſhop of *Rome* ſent two Legates: And theſe being all met together, were to conſult and agree upon the Beſt and moſt Equal Conditions, for eſtabliſhing a Firm and Laſting Peace.

[3.] *Froiſſ.* ib. Cap. 64.

They can come to no Agreement, but only to prolong the Truce for about a Year and a half.

* Rot. Alman. 15 *Ed.* 3 m. 7.

[3] In Complyance to which, the Pope (not as a Judge, but a Common Friend and Mediator) impowered the Cardinals of *Naples* and *Clermont*, as His Legates; Who going firſt to *Paris*, and having conferr'd with the *French* King, went from thence to *Arras*, attended by His Commiſſioners or Plenipotentiaries, who were, *Charles de Valois* Earl of *Alençon*, King *Philip*'s Brother; *Peter* Duke of *Bourbon*, *Lewis* Earl of *Flanders*, *Guy de Caſtilion* Earl of *Blois*, the Archbiſhop of *Sens*, the Biſhop of *Beauvois*, and the Biſhop of *Auxerre*; and they were met by *Seven* of King *Edward*'s Delegates, who were, *Henry Burwaſh* Biſhop of *Lincoln*, *Richard Bury* Biſhop of *Durham*, *Henry Plantagenet* Earl of *Derby*, *Thomas Beauchamp* Earl of *Warwick*, the Lord *Robert* of *Artois*, Sir *John* of *Haynault* Lord of *Beaumont*, and Sir *Henry Earne* of *Flanders*: All theſe held a Treaty at *Arras* for Fifteen Days together, but could come to no Agreement as to a laſting Peace; for the *Engliſh* Demands were too high, and the *French* Conceſſions too low, they yielding to nothing but the Surrendring the Earldom of *Ponthieu*, and thoſe other Places in *Aquitain*, which were already the King's Right. So all that then could be done, was, by ſeveral Meetings, to continue the Truce one Year and half longer; *viz.* according to our * Records, Firſt, to the Twenty Ninth of *Auguſt* next enſuing, and from thence it was prolonged to the Fourteenth of *September*, and from that time till *Midſummer*, in the Year 1341. ^x which does not amount to full two Years, as *Froiſſart* makes it: But it is no great

x which last Truce was made by the means and mediation of John King of Bohemia, Arnulf Bp. of Leige Ralph Duke of Lorrain and ~~John~~ Aymé the Count of Savoy and John Count d'Arminiak: as appears by a Copy in Cotton Library Otho E. II. f. 113. vid: Rd. Coll: p. 205. to 209. which was likewise [illegible] by King Edward for the sd. Term. as appears by the Kings writ to the [illegible] Kent, Rot: Claus: 14 Ed: 3. m. 32. d. vid: Rd. Coll: above mentioned: dated Oct. 6. this year great matter how long or ſhort the time was, ſince before it was expired, the War broke out again, as you will find anon. So ſoon as this *Truce* was again renew'd and confirmed for the time beforementioned, the *Aſſembly* broke up, and the *Cardinal Legates* at the Lord *John* of *Haynault*'s Deſire, went homeward through his Countrey, where by him and the Earl his Nephew they were nobly treated.

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[5.] *Lewis* Earl of *Flanders* being by virtue of this late Truce reſtored to his Countrey, now came to viſit King *Edward*, whilſt He continued at *Gaunt*, where the two Princes, tho lately Enemies, feaſted each other very magnificently; however, the King could take but little Pleaſure in thoſe Recreations, being very uneaſie by reaſon of His Great Debts which He had contracted for the laſt Summer's War, having not been able to receive any Money out of *England*, as He had long expected: wherefore finding it abſolutely neceſſary to look into this Affair Himſelf, and to ſee where the fault lay that He was no better ſerv'd, He reſolved to go over into *England*; in order to which [1.] He went privately firſt to *Zealand*, where He ſoon after took Shipping with only His Queen, and eight more Perſons of Quality in His Company; but upon the Sea He met with a very Violent Storm, which laſted for three days together, inſomuch that both He and all that were with Him were in extreme danger of periſhing; however at laſt the Storm being happily abated, * He landed ſafe on the 30th of *November*, about Two in the Morning at the *Tower* of *London*, with His Queen and ſome few Perſons of Quality.

[5.] *Holingſhed.* Chron 912.

The Earl of *Flanders* returns home, and is treated by K *Edward.*

The King reſolves to return privately into *England.*

[1.] *Stow. in hunc Ann.*

The King Lands at the *Tower.*

* Rot. Clauſ. 14 *Ed.* 3. part. 2. m. 12. dorſ.

* [illegible] in the mouth
of the River of [illegible]

Upon [2.] the King's entring the Tower, He found no Guard there, only His Children and a few Servants that waited on them; wherefore in great Anger He preſently ſent for the Lord *Nicholas de la Beche*, Conſtable of the *Tower*, and committed him to cloſe Confinement in the ſaid Place; as alſo He ſerved *Andrew Aubrey*, Mayor of *London*, the Lord *Thomas Wake*, Sir *John* St. *Paul*, Keeper of the Great Seal, Sir *John Stonore*, Lord Chief Juſtice of the *King's Bench*, *Michael Wath*, *Henry Stratford*, and *Robert Chickwel*, Clerks of the *Chancery*, and *Philip Thorp*, Clerk of the **Exchequer**, all whom, having been concerned in raiſing or receiving the late Subſidies, He ſent for and impriſoned in the *Tower*. The [3] King alſo ſent and ſeized the Bp of *Chicheſter* His *Chancellor*, and the Bp. of *Litchfield* and *Coventry* His Lord Treaſurer, whom He put out of their Offices, and then impriſoned them for a while, yet durſt not detain them for fear of the *Clementine* Conſtitution, forbidding Bps to be impriſoned.

[2.] *T. W. Ad hunc Ann.*

He commits many of His Great Officers Priſoners to the *Tower.* And Impriſons the Bps of *Chicheſter* and *Litchfield*, but dares not detain them.

[3] Antiq. Britan. p. 213. *Edit. Hanov.*

The [4] next Morning after the King's Arrival, He ſent to *Lambeth* for the ABp. of *Canterbury*, but he was removed from thence the day before, and being afraid of the Storm he heard was like to fall upon him, on the Third of *December* removed to *Canterbury*, thinking himſelf ſafeſt there from the K's Diſpleaſure. But ſo ſoon as He heard where he was gone, He ſent the Lord *Nicholas de Cantelupe* with Letters of Credence, who in the King's Name warned the ABp before a Publick *Notary*, and declared, That whereas he ſtood bound to Foreign Merchants, under pain of forfeiting his Goods, to ſee ſuch Sums diſcharged as the King had borrowed for maintenance of His Wars; and that He having been diſappointed of thoſe Moneys, for the raiſing of which He had wholly rely'd upon the ABp's fair Promiſes, and that

[4.] Vid *Ang. Sacra.* 1 Vol. f. 21 to 25.

The ABp of *Canterbury* being afraid of the K's Diſpleaſure, removes to his own See. The K. ſends the Lord *Cantelupe* to him with a ſevere Meſſage, and the ABp's Anſwer.

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this Diſappointment had reduced Him and His Army to great Streights and Neceſſities; wherefore the King's Will was, That he the ABp ſhould preſently pay thoſe Sums of Money, or elſe go over into *Flanders* to anſwer the Creditors, and to remain there in cuſtody till the Money was paid; and to this the Lord *Cantelupe* deſired the Lord ABp's immediate *Anſwer*: But he could not be perſuaded to it, and required ſome longer time to return an *Anſwer* to a Matter of ſo great Moment and Conſequence.

Theſe Meſſages between the King and him took up all the reſt of this Year.

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[5.] Id. ib. The *ABp's* firſt *Letter* to the King. [1.] *T.W.*

[5.] But when the Archbiſhop ſaw that by the K's Exorbitant Demands upon him, not only his Eſtate, but his Good Name was in danger; tho he did not think it ſafe to go to the King whilſt He was under that Paſſion, yet preſently after *Chriſtmas* he wrote Him a long Epiſtle, [1.] wherein he admoniſh'd Him to 'Take better Advice, and 'make uſe of Good and Able Counſellors, and to remember, that by 'Evil Counſel His Father had, contrary to the Laws of the Land, and '*Magna Charta*, impriſoned divers Great Men, and adjudged others of 'them to death, ſeized their Eſtates, or put them to grievous Ranſom, 'and what happened to Himſelf for this Cauſe. He alſo put Him in 'mind, That by the Prudence and Diſcretion of the Prelates and other 'Wiſe Men of the Nation, His Own *Affairs* had proſper'd, ſo that He 'had won the *Hearts* of the *People*, and had met with more Aſſiſtance 'from the *Clergy* and *Laiety* than any of His Progenitors whomſoever; 'but at preſent, by the Evil Council of ſome about Him, who loved 'their own *Profit* more than His *Honour*, or the *Safety* of the *People*, 'He had impriſoned Clerks and Others againſt the Laws of the Land, 'His Coronation Oath, and againſt the Great Charter; the Infringers 'whereof were, by the *Prelates* of *England*, and the *Pope's Bull* (which 'he had by him) *excommunicated*; which things the King had done to 'the great danger of His *Soul*, and detriment of His *State* and *Honour*. 'He then tells Him, He had pronounced *Excommunicate* all ſuch about 'Him that were Favourers of Treaſon, Flatterers of, and Impoſers up'on Him; and, as His *Spiritual Father*, beſeeched Him to hold them as 'ſuch; ſome of whom, by their Sloth and Ill Service and Advice had 'loſt *Tournay*: Then beſought Him to call together the *Prelates*, *Great* '*Men*, and *Peers* of the Land, to look and enquire into the Miſchiefs of 'the State, and in whoſe hands the *Wool*, *Moneys*, and other things 'then remained, which ſince the beginning of the War had been gran'ted to Him for maintaining thereof; and by what means, and through 'whoſe default He loſt *Tournay*, and to puniſh the Offenders in all 'things according to Law. And as to what concern'd him, Saving al'ways the Eſtate of *Holy-Church*, and his Own *Order*, he was ready in 'all Points to ſubmit to the Judgment of His *Peers*. This Letter was dated at *Canterbury* the firſt of *January* this Year.

[2] Id. ib. *Ang. Sacra.* The Subſtance of his Letter to the new Lord Chancellor.

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'In [2.] the ſame Month he wrote to Sir *Robert Boughier* a Lay-man, 'who had been lately made Chancellor in the room of the Biſhop of '*Chicheſter*, That he ſhould preſerve the Liberties of *Holy Church* and 'the *Laws* entire, and he let him know, that a *Ninth* had been levy'd 'and diſtrain'd for, upon *Prelates* and others of the *Clergy*, who were 'not bound to pay it; and alſo the *Tenth* was exacted on ſuch as were 'only bound to pay a *Ninth*; thereby oppreſſing the *Clergy* againſt all

'Juſtcie;

Juſtice; exhorting and requiring him in the Lord, not to permit the Religious and Clergy to pay otherwiſe than according to the Form of the Grant of theſe *Taxes*; nor to give his *Advice* or *Aſſent* to any thing in prejudice of the *Great Charter*, or that might tend to the ſubverſion of *Church Liberties*; declaring, if he ſhould make out any Writ, Commiſſion or Precept to that purpoſe, he would not neglect to exerciſe ſuch *Power* as *Holy Church* had committed to him.

[3.] Nor did the *ABp* ſtop here, but growing yet bolder, he again wrote to the *King* and His *Council*, wherein he lets them know, ‘that as *ABp* and the *Pope*'s *Legat*, he had declar'd all thoſe that do arreſt Clerks, put them in priſon, and detain them againſt their Wills, *Excommunicated* by the Canon; which Sentence he publiſhed in the Church of *Canterbury*, and cauſed it likewiſe to be publiſhed by all his Brother Suffragans or Bps of that Province; after the Denunciation of which Sentence, ſeveral Clerks (there named) were taken and impriſoned, to the prejudice of God and *Holy Church*, againſt the Laws and Priviledges of all Clerks, and to the danger of their Souls who did ſuch things, or gave Advice, or aſſented to the doing of them; wherefore he now beſeech'd the King to preſerve the Rights and Privileges of *Holy Church* inviolable, and forthwith to releaſe the Clerks, and others, that had been impriſoned againſt the *Great Charter*, the Laws of the Land, and Privileges of ſuch as were detained. And he further beſeeched all thoſe of the King's Council, who had preſumed to adviſe Him to commit ſuch things, not to hinder the releaſe of thoſe *Clergymen* that were then impriſoned: he alſo declared, That the King's Miniſters or Officers, of what Condition ſoever, who had entred the Granges, Houſes, and other Places of *ABps*, *Bps*, or other *Eccleſiaſticks*, and *Religious Perſons*, without the Conſent of their *Bailiffs*, and took and carry'd away their Goods, and all thoſe that commanded ſuch things to be done, were involved in the ſame *Sentence* of *Excommunication*; wherefore he wiſhed the King would vouchſafe to apply a fit Remedy thereunto, for he could not diſſemble, but that againſt ſuch (as his Paſtoral Office required it of him) he ſhould by his Brethren execute what was his and their bounden Duty to perform; yet it was not his Intention that the King, Queen, or their Children ſhould be comprehended in this *Sentence* of *Excommunication*, as far as by Law or Right they might be excuſed.

[3.] Id. ib. His Letter to the King and Council, complaining of the Grievances of the *Clergy*.

Then [4.] the ABp (to be as good as his Word) wrote to all the Bps of his Province, ‘Commanding them to declare *excommunicate* all ſuch as invaded the Rights of Churches, and all thoſe who through Malice infringed or diſturbed their *Liberties* or *Free Cuſtoms*; and eſpecially thoſe that violated the Antient *Liberties* and *Free Cuſtoms* of his Church of *Canterbury*, or in any manner diminiſhed them, or did any thing contrary to its Privileges: Alſo thoſe that diſturbed the Peace and Quiet of the Kingdom, or that gave Advice or Aſſiſtance to, or favoured them that did ſo: As likewiſe thoſe who by any Artifice whatſoever, ſhould violate, diminiſh, or change any of the Liberties and Free Cuſtoms contain'd in the *Great Charter*, or *Charter* of the *Foreſt*, privately or openly, by Word, Deed, or Advice, or the Antient Liberties and Free Cuſtoms granted by them to the City of *London*, ſhould be declared *Excommunicate*: And then he directs them to proceed in the ſame manner againſt all ſuch as impriſoned Clerks, or entred

[4.] Id. ib. The *ABp* commands the *Bps* of his Province to excommunicate all Invaders of the Church's Rights.

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The King writes to the Bp of *London* to vindicate His own Proceedings, and to recriminate the *ABp*, and gives an Account of the Tranſactions between them.

[5.] Id. ib.

'tred into the *Houſes*, *Granges*, &c. of Archbiſhops, Biſhops, &c as before.

[5] When the King ſaw that the ABp went about to make himſelf popular, and by ſtanding up for the Liberties of the Church and Kingdom, to caſt all the blame upon Him and His Miniſters, He was exceedingly incenſed; wherefore to take off the Odium from Himſelf, and to recriminate upon the ABp, He wrote Letters to the Bp of *London*, and to the ~~Prior~~ Dean and Chapter of ~~*Canterbury*~~, in very high and ſevere Language; ſetting forth, 'how He had been uſed, and charged with many great Crimes; but firſt gives a Narrative of all the Tranſactions between Him and the ABp; as that being advanced to the See of *Canterbury* during His (*viz.* the King's) Nonage, He had put great Confidence in his Fidelity and Diſcretion, and uſing him as the Director of His Soul, and likewiſe of the Affairs of the Kingdom; and ſeeing the Kingdom of *France* devolved upon Him by Right of Succeſſion, but was uſurped by *Philip* of *Valois*, he with great importunity perſwaded Him to make a Confederacy againſt *Philip* with the *German* Princes, thereby engaging Him in a hazardous War, upon his promiſing and affirming, that he would cauſe the Expences of it to be defray'd out of the King's Revenues and Subſidies; and that relying upon this, He had gone beyond Sea, and enter'd into a War at a vaſt Expence, obliging Himſelf to His Confederates in great Sums of Money upon the Promiſes of the ABp; but this Aſſiſtance in Money not coming to Him, He was forced to contract vaſt Debts under exceſſive *Uſury*, inſomuch that He was not able to proſecute His Expedition, but forced of neceſſity to return into *England*; where declaring to the ABp His Streights and Misfortunes, He called a Parliament, which gave Him the *Ninth*, as above, and the *Clergy* a *Tenth*; which if fully collected, and in due time, had probably been ſufficient for the carrying on His War with good Succeſs, and the payment of His Debts, to the no ſmall confuſion of His Enemies. Then He ſays, The ABp promiſed a ſecond time to aſſiſt Him effectually toward collecting the ſaid Subſidies, and adminiſtring other Neceſſaries; upon which, truſting to thoſe Promiſes, He again took Shipping to perſue His Right, and by God's help obtained a Victory over His Enemies, as has been before related: He afterwards beſieged *Tournay*, as aforeſaid, and every day expecting from the ABp's prudent Management to be relieved (under thoſe His preſſing Neceſſities) with what had been promiſed Him, He found at laſt all His *Hopes* were fruſtrated; and tho by many Letters and Meſſengers He had ſignified to him and others of His Counſellors the great Exigences and Dangers to which He was expos'd for want of Money, yet He was only put off with frivolous Excuſes, by which they palliated their Fraud and Malice, ſo that He was forced full ſore againſt His Will to conſent to a Truce, ſo much to His Diſhonour, as well as to the loſs of His Expedition.

'That at length, all His Faithful Friends in theſe His *Adventures*, with whom He diſcourſed how He might beſt be delivered from His preſent Misfortunes, unanimouſly agreed, that the Fault lay wholy at the *ABp*'s door, and proceeded either from his Sloath or Negligence, if not his Malice; complaining againſt Him, that He had not before corrected the Inſolence of the ABp and His other Officers, and threatned, that if He would not do it ſpeedily, they would quit His Service, and withdraw themſelves from the Confederacy; that therefore for the

Correction

* But when the King perceived [illegible] resigne was ~~confirmed~~ by his ~~letters~~ ~~recantation~~ to hin[illegible] Day the Clergy from paying him a ninth part, the ~~[illegible]~~ of ye Corn and wools which had been granted ~~him~~ by them in Parliament for 2 years. he thereupon directs his writs to at the ~~[illegible]~~ and the rest of ye Bps. seting forth the sd Grant, and yt understanding that they had received divers admonitions, [illegible] directed [illegible] other clerks [illegible] [illegible] them to the great Prejudice and loss, he [illegible] commands them not [illegible] admonitions or Inhibitions to be published or commanded or procured by them, whereby this affairs may be any ways hindred or retarded. this writ bears date the 10th of [illegible] at Westminster. And when the King [illegible] Rot. Claus. 15 Ed. 3. p. 3. m. 47. d.

Rot. Claus. 15 Ed. 3. p. 1. m. 43. d.

not to

'Correction of thoſe Evil Officers, He had removed ſome of them from His Service, for oppreſſing the People, and taking Bribes; and others of leſs Note, He committed to Priſon; and then believing He might have a fuller Account of the Actions of His Officers from the Archbiſhop, to whom He had committed for a long time the Adminiſtration of all His Affairs, He ſent Sir *Nicholas de Cantelupe*, to command him to come forthwith to **London**, to diſcourſe with Him. ~~Which, together with his Refuſal, being already related, I need not repeat.~~

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~~& that the the King sent him his Letters of Protection both to come to him, and return again in Safety, yet he notwithstanding refused to appear before him w.ch he highly resented~~, than which he had neglected. then

'That He had ſent a ſecond time to him by Sir *Ralph Stafford* Steward of His Houſhold, with Letters of Safe-Conduct; to come to, and inform Him about the Affairs of His Kingdom; but that contemning His Requeſts and Meſſages, he (with an haughty and diſdainful Air) anſwered, That he would not come to, nor confer with Him, *but in full Parliament*; which at that time it was not expedient to convene. Then recounting His Great Bounty and Beneficence towards him, with the extraordinary Reſpect and Affection ſhown to him, and the mighty Truſt and Confidence He had in him; declares, how Ungrateful he was, and how much he had deceived Him: *Wounding His Innocence by railing at, and reproaching the Juſtice, Fidelity, and Diligence, of His Officers; by Preaching publickly, and ſending Letters into divers Parts, that by Royal Power, and againſt Juſtice, the People had lately been oppreſſed, the Clergy confounded, and the Kingdom over-burthened with Exactions, Taxes, and Talliages.*

and Protection ~~for his~~ Returns.
Vide Rot. 15. Ed. 3. p. 1. m. 18.
Rymers Col. p. 223.

The King ſets forth the Archbiſhop's Ingratitude;

'But becauſe the Archbiſhop endeavour'd to obtain the Name of a Good *Paſtor*, which indeed he always wanted; (being by Common Opinion a Notorious Mercenary) he now took upon him to aſſert the Liberty of the Church; which, if it had been injured either in Things or Perſons, it was chiefly owing to his Remiſsneſs, crafty Inventions, and reprobate Councils; whilſt he wickedly pretended, That he had certain Sentences, and Articles of *Excommunication*, made in general againſt the Violators of Church-Liberty, and the *Great Charter*; on purpoſe to leſſen the Good Opinion His Subjects then had of Him; to defame His Miniſters, trayterouſly to raiſe Sedition amongſt the People, and to withdraw the Affections of the Earls, Barons, and Great Men, from Him. And laſtly, He concludes, That being obliged to ſecure His Reputation, and to obviate the Archbiſhop's Malice, He was now forced to publiſh ſome other of his Actions beſides thoſe above-recited: As that by his imprudent Advice, He had made ſo many exceſſive Gifts and Alienations of His Lands and Revenues, that His Treaſury was quite exhauſted, and His Crown-Rents much diminiſhed; and that being corrupted by Bribes, He had remitted ſeveral Sums of Money due to Him, and had given away much of His Revenues to Perſons not deſerving, or, at leaſt, converted them to his own Uſe; and had preſumed to attempt other things, to the Damage of His Eſtate, and Detriment of His Royal Dignity, and Grievance of His Subjects; abuſing the Power committed to him; commanding thoſe to whom his Letter was directed, to publiſh it, and cauſe others to publiſh it, in ſuch Places as they ſhould think convenient. Witneſs Himſelf at **Weſtminſter**, the *Twelfth* of *February*, in the *Fifteenth* Year of His Reign. * And the very ſame Complaints againſt the Archbiſhop, the K. ſent in a Letter to the Pope, tho' in ſomewhat ſmoother Language; and requeſted Him, that the Arch-

And his Seditious Practices.

* Rot. Rom. 14 Ed. 3. m. 4.

The K. writes to the Pope againſt the Archbiſhop.

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[1.] Angl Sacr. Vol. 1. p. 23. The *Archbiſhop* preaches in the Cathedral at *Canterbury*, and cauſes the King's Letter to the *Prior* to be read, and then anſwers it.

Archbiſhop might be removed out of the Kingdom, for the Preſerv
tion of the Publick Peace, and preventing the Dangers that mig
otherwiſe enſue. This was dated at *Langley* the *Fourteenth* of *March*

On [1.] *Aſhwedneſday*, being the *Twenty Firſt* of *February*, t
Archbiſhop preached in the Cathedral of *Canterbury*; and at the e
of his Sermon, he told the People there were certain Letters direct
by the King to the Prior and Convent of *Chriſt-Church* againſt hi
which he deſired might be read; Which was done accordingly b
Order of the *Prior*, and the Contents of them publiſhed in the *Engl*
Tongue; Againſt which the *Archbiſhop* in every Point defended his I
nocence, and then admoniſhed the People to pray for the King, Quee
and their Children. And to thoſe that ſhould devoutly do ſo, a
alſo pray for the State of *Holy Church*, being Penitent for their Sin
he granted Forty Days Indulgence from Purgatory. But the next d
being the *Twenty Second* of that Month, the *Abbot* of St. *Auguſti*
in *Canterbury*, to whom and his *Convent* the like Letters had been ſe
publiſhed them anew to the People in his own Church, expoundi
them in hatred to the Archbiſhop, that ſo they might have an ill O
nion of him: The reaſon of which was, that the *Abbots* of this M
naſtery had ſtill great Quarrels and Diſputes with the *Archbiſhops*
Canterbury, about their Privileges; of whom to be revenged the *A*
bot was glad of this Opportunity of publiſhing the King's Lette
Which likewiſe bears date at *Langley* the *Fourteenth* day of *March*.

The *Abbot* of St. *Auguſtin's* publiſhes the K's Letters to him, and juſtifies the King.

[2.] Id. ib. p. 27. The *Archbiſhop* in Vindication of himſelf, writes the King an inſolent Letter, advancing the Power of the Clergy above that of the King.

Then [2.] the *Archbiſhop* being highly incenſed at theſe Proceeding
was reſolved further to juſtifie himſelf; and to this end, wrote to t
King a bold and inſolent Letter; which being very long, I ſhall he
only give you the Contents of it. The Title whereof is thus; *T*
Anſwer or Excuſe of the ABp to a Slanderous Libel: Then addreſſing hi
ſelf to the King by way of *Preface*, tells Him, 'That there were Tw
'Things, by which the World was governed, the *Holy Pontifical A*
'*thority*, and the *Royal Subordinate Power*. Of theſe Two, t
'Charge of the Prieſts was the Greateſt and Higheſt; inaſmuch
'they were in the laſt Judgment to give an Account of Kings them
'ſelves: Wherefore He ought to know, that even they depend upo
'the Judgment of Prieſts, and might not be directed by their ow
'Wills: for who could doubt, but *Chriſt's* Prieſts were to be though
'the Fathers and Maſters of Kings, Princes, and of all Faithful Pe
'ple? Then he proceeds to tell Him, that many Biſhops had *Excom*
'*municated* Kings and Emperors; and alſo to inform Him, what goo
'Kings ought to do, and how they ought to behave themſelves towar
'Biſhops; and what Reverence, Honour, and Reſpect was due to them
'After which, he complains, that the Honour due to him, in rega
'of his Dignity, and as he was his Spiritual Father, was turn'd int
'Diſgrace, and the Reverence into Contempt; whilſt His Epiſtle
'Sealed with the Royal Seal, but more truly, *Slanderous Libels*, dictate
'and written by his Enemies, containing many Crimes falſly impute
'to him, were ſent to the Bps of his Province, and all the reſt of th
'Clergy, to be publiſh'd to his Injury and Diſgrace: By which unhear
'of Fact, *Royal Power* preſum'd to judge the *Lord God*, in his Servan
'and *Prieſts*, and He ſeemed to condemn him his Spiritual Father, an
'Greateſt *Peer* of the Land, againſt the Order of God, Human La
'and Natural Reaſon, being not called nor convicted by Record, an

'unheard, and that to the danger of His Soul, and as an ill Example, to the manifeſt prejudice of all the Peers of *England*.

And then proceeds to juſtifie his own *Actions* in relation to the Things whereof he ſtands accus'd, and anſwers all the Points of his Charge.

'Then making large Profeſſions of his **Affection** to the King, and ſetting forth the great Services he had done Him, he proceeds to his Anſwer: And as to the firſt thing laid to his Charge, that when the Kingdom of *France* was devolved to Him by Right of Succeſſion, he had importuned Him to make a League with the *Almains*, to recover His Rights, and ſaid, He need only to find Soldiers, and he would find Money; which failing, the King was forced to contract great Debts upon Uſury: To this the *ABp* anſwered, That at the beginning of the King's *Government*, when himſelf was Bp of *Wincheſter*, it was known by whoſe Counſel He was governed; that afterwards when His Right to that Kingdom was ſo adjudged in the Parliament at *Northampton*, two Bps, *viz.* of *Worceſter* and *Coventry*, were ſent into *France* to lay Claim to it on His behalf, and to hinder the Coronation of *Philip de Valois*: which *Embaſſy* was the firſt occaſion of the War; but at that time He being not ABp, was out of favour at Court, (tho for what Reaſon God knows) yet afterwards when it pleaſed His Majeſty to call him, with others of His Council, to conſult of Publick Affairs, that they conſidering the danger of Mens Souls, Bodies and Goods by a devouring War, did all they could to make Peace between the Two Kingdoms; but that after all Endeavours for Peace proved unſucceſsful, and *Philip* had made War upon Him: Then in a Parliament at *Weſtminſter*, called for that purpoſe, ſeeing the Obſtinacy of the *French* K., it was agreed that He ſhould league with the *Germans* and others; but as for the payment of the Expences of His War, there were Agreements made with certain Merchants in a Council at *Stamford*, which are to be found in *Chancery*; which if they had been obſerved, theſe, together with other Subſidies, granted both by the *Clergy* and *Laity*, and the great Cuſtom of *Wool* (if well managed) would have been (as was thought by all the Council) ſufficient for the War.

Then the *ABp* utterly denies that theſe Agreements could be broken or changed by him, ſince thoſe Subſidies never came into his hands; for after the King's firſt going over, he (the ABp.) ſtaid not in the Kingdom, but went with the Cardinal Legates and the *Bp* of *Durham* into *France*, to treat of Peace, going often backward and forward, to and from the King then in *Brabant*, and with whom he ſtay'd, and was partaker of His Neceſſities; and that he with other Prelates and Great Men of *England* had been become bound for Him in great Sums upon Uſury.

'The Second Thing charged upon him in the King's Letters (he ſays) was yet more wonderful, *viz.* That when the *Ninth* was granted, he promis'd effectually to aſſiſt in the levying of it, and that by reaſon of the non-performance of that Promiſe, when the King lay before *Tournay*, He was forced to raiſe the Siege, and conſent to a Truce contrary to His Mind; to this he anſwered, That the whole Subſidy of the *Ninth*, for the firſt Year, was aſſigned to the King's Creditors before His ſecond going beyond Sea, as might appear by the *Aſſignations* themſelves; and therefore it was manifeſt that he neither promiſed to ſend, nor could ſend any thing to the Siege of *Tournay*, eſpecially not knowing when it began.

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'To the Third; That the Neceſſities and great Streights the K. was 'then brought into were by his Fault, Negligence and Malice, and that of 'his other Officers; and that when upon deſiring to have a better Infor- 'mation of His Affairs, He had ſent for him by two ſeveral Meſſengers, 'he refuſed to come; to this the *ABp* anſwered, by denying that 'he ever made Him any ſuch Promiſe of ſending Money to Him; 'and therefore ſuch as ſerved Him in the War had no reaſon to com- 'plain of his Fraud and Negligence; and again ſets forth how faithful 'and diligent he had been both then and at all other times in His Ser- 'vice; that as for thoſe who had brought Him into theſe Inconvenien- 'cies and Misfortunes, if culpable, they ought to be puniſhed; yet by 'Juſt, not Arbitrary Proceſs.

'Then as for the two Meſſages that had been ſent to him, he an- 'ſwered thus; To the firſt, Sir *Nicholas Cantelupe* bringing the King's 'Letters of Credence, only cited and enjoined him to go into *Brabant* 'to diſcharge the *King*'s Debts, and ſtay there till they were paid; fo 'that if he had been ſummon'd to have been at *London* with the *King*, '(as His laſt Letters intimated) he muſt have been here and beyond Sea 'at the ſame time. To the Second; That Sir *Ralph de Stafford* came 'without any Letters, and by his bare Word cited him to come to 'the King, affirming, he ought not to fear any Treachery; but to this 'the *ABp* reply'd, That notwithſtanding the *King*'s Letters of Safe 'Conduct at firſt view ſeem'd ſufficient for his coming to, ſtaying at, 'and returning from His Councils, if he had been legally ſummoned, 'as he was not, yet the ſame day he received theſe Letters of Conduct, 'the Sheriff of *Canterbury* brought him the *King*'s Writ to appear at *Lon-* '*don* before the *King* and *Council* upon a Contempt: So tho the *King*'s 'Letter gave him free liberty of returning, yet by His Writ, he 'was of neceſſity to fall into his Enemies hands, which became not His 'Royal Majeſty: Nevertheleſs, he was, and ſhould always be ready to 'anſwer what ſhould be objected againſt Him, before the Prelates and 'Peers, ſaving His State and Order.

'As to what was charged upon him for publiſhing *Sentence* of *Excom-* '*munication*, and commanding it to be publiſh'd againſt the Violators 'of *Eccleſiaſtick Liberty*, and the *Great Charter*, to blacken the *King*'s '*Reputation*, defame His Miniſters, and traiterouſly move *Seditio* 'amongſt the People, and to withdraw the Affections of the Earls, 'Barons, Nobles and Great Men from the King; ſince this ſeemed to 'affix the Crime of Treaſon upon him, in which caſe no *King* or *Tem-* '*poral Lord* could be his Competent Judge, therefore he proteſted open- 'ly by theſe Preſents, That by what he now ſaid, or ſhould ſay, he 'intended not to prejudice *His State* in any thing, but wholly to de- 'cline Tryal by any Secular Judge whatever.

'And Laſtly, As to his own Prodigality in giving away the Reve- 'nues of the Crown to undeſerving perſons, and waſting the Product 'of them, and converting the *King*'s Treaſure to his own Uſe, he ut- 'terly denies it, aſſerting again his Innocence, the Great Service he had 'done, and the Labour and Expences he had been at for the Crown: And 'near at the Concluſion of his Letter ſays, This may ſuffice for *Anſwer* 'to the Scandalous Libel at preſent, and wiſheth for the *King*'s *Honour* 'it had neither been written nor publiſhed.

Th

The *Original* of this *Letter* is very long, which the Curious Reader may find at large in the Firſt *Volume* of *Anglia Sacra*, and I wiſh that this *Abſtract* of it may not prove tedious to him; but I thought fit to inſert thus much, that ſo he may obſerve not only the *Original* and *Progreſs* of this Great Difference between the *King* and the *ABp*, but alſo how inſolently the *ABps* of *Canterbury* preſumed to carry themſelves towards their Sovereigns in thoſe days, and how much they exalted their pretended *Eccleſiaſtical Authority*, above the *Temporal*. How far the *ABp* was to blame in this Matter I will not diſpute, I only ſpeak as to the Manner of the Management of this Controverſie.

[3.] Id p.36. **The K. is not ſatisfy'd with the *ABp's* Juſtification, and writes him a ſhort and ſevere *Anſwer*.**

However [3] the *King* was not at all ſatisfied with his long *Epiſtle*, to which He immediately afterwards return'd him a Brief *Anſwer*; wherein He firſt reproves him for his Inſolent and Undutiful Language, and tells him, 'That how much ſoever He honoured and revered His 'Spiritual Fathers, yet that He ought not to overlook their Offences 'when He ſaw them tend to the danger of Him and His Government: 'Then ſhews him his Miſtake when he complained he was condemned 'of Capital Crimes, being abſent and unheard; as if He (the *King*) 'in thoſe Letters wrote in His Own Vindication, had proceeded criminally againſt him; but forbids him and all other *Bps* to publiſh any '*Sentences* of *Excommunication*, or other Things againſt the *Rights* of 'His *Crown*, or derogatory to His *Royal Dignity* and *Prerogative*, as 'they had been always uſed by His *Progenitors*.

The K. ſummons a Parliament.

During this Controverſie between the *King* and the *ABp*. there was a * Parliament ſummon'd to meet at *Weſtminſter* on the *Monday* after he *Quindene* of *Eaſter*, or 23d of *April*, being *Eaſter Monday*; the Cauſes whereof were declared to be, how the *King* might be ſpeedily ſupply'd by the Grants made Him in the Parliament laſt Year, upon His going over in perſon againſt His Enemy *Philip* of *Valois*, great part of which was detained from the *King* by Evil Officers: Alſo Secondly, how a ſufficient Sum of Money might be raiſed for His preſent Neceſſities; after which Declaration was made in the King's Name, That whoever of His Subjects ſhould think themſelves hardly dealt with either by the *King*, or His Officers, upon Complaint and Proof hereof made, they ſhould have their Remedy.

* Rot. *Clauſ.* 15 *Ed.* 3. part 1. m. 37. dorſ.

[4] *Antiq. Brit.* p. 235. **To which the *ABp* comes privately, tho not ſummoned, and demands admittance, which is deny'd.**

To [4] this Parliament the *ABp* came privately, tho he had no Writ ent him, and almoſt as ſoon as it aſſembled, came to the K's Palace, ttended with a great Company of *Clergymen* and *Knights*; but upon is Entrance into the *Houſe* the *High-Steward* and *Chamberlain* met im, who in the K's Name forbad him to enter the Parliament, until n the *Exchequer* he had undergone a Tryal concerning certain Crimes id to his Charge: The *ABp*, leſt he ſhould move the King too much, went into that Court, and there took a *Copy* of the *Articles* of which is *Accuſation* conſiſted, and to theſe he promiſed to return an *Anſwer*, hen with the K's leave he came into the Parliament Chamber for that me, and there before the Prelates and Lords of the Realm declared the Cauſes of his coming to be for the *Honour*, *Rights* and *Liberties* of the *hurch*, for the *Profit* and *Commodity* of the *Realm*, and for the *Inte-ſt* and *Honour* of the *King*; and laſtly, that he might clear Himſelf n Parliament of ſeveral Crimes laid to his Charge, and publiſhed over l *England* to his Prejudice.

* Cot. *Abridg.* p. 30.
A great Debate ariſes among the Lords thereupon.

This occaſion'd a * Great Debate among the Lords for ſome days about this Point, *Whether the Nobles of the Land ſhould be put to anſwer, except before their Peers in open Parliament?* And a *Committee* of the whole *Houſe* was appointed to draw up a Repreſentation of this Matter to be laid before His Majeſty; and they were alſo to enquire concerning the Crimes laid to the *ABp*'s Charge, and fairly to repreſent how far they thought him culpable: Whilſt theſe Things were in agitation, he came again to the *Houſe*, but [5.] was forbid by Sir *William Attewood* to enter the Room, ſo he ſtood at the Door, and being kept out by the Guard, took his Croſs into his own hands, and ſolemnly proteſted, That he would not ſtir from that Place till the King gave him leave to come into Parliament, or a ſufficient Reaſon why he ſhould not: Whilſt he thus ſtood there, certain Noblemen happening to come out, he beſought them to requeſt the K. on his behalf, and for the Right of his *Church* of *Canterbury*; this they kindly promiſed him to do. Theſe *Accuſations* were ſuppoſed to be contrived by the *Bp* of *Wincheſter*, the Lord *Darcy*, and ***William Killesby***, the firſt being his ſecret, but the two laſt his open Enemies; yet at length by the Interceſſion and Favour of the Lords, the K. gave leave for his Admiſſion into Parliament, where he offered legally to purge himſelf of the *Crimes* objected againſt him; but he was referr'd to the ſaid Bps and Peers, who had his *Cauſe* under conſideration at that time.

[5.] *Ant. Brit.* p. 236.
The *ABp* comes again to the Houſe, and being kept out, proteſts he would not ſtir till he had admittance.

[1.] *Cot Abridg.* p. 31.
The King comes to Parl. and the *ABp* being admitted in, humbles himſelf to Him, and deſires an open Tryal, which the K. does not think fit to grant him.

On the [1.] 19*th* of *April* (being *Thurſday*) the *King* came into St. *Edward*'s (commonly called the *Painted*) *Chamber*, to whom, in ſight of the Lords and Commons then aſſembled, the *ABp* being admitted in, humbled himſelf, and required His Gracious Pardon; which upon the General Suit and Intreaty of the whole Parliament, His Majeſty granted Him; after which the *ABp* deſired, That whereas he was publickly defamed throughout the Realm, he might now be arraigned in open Parliament before his Peers; but the *King* anſwered, He would firſt attend to the Common Affairs, and after that examine leſs Matters. However a little after, without any more Accuſation, or Anſwer, the *King* of His own accord declared him legally diſcharged and excuſed. And thus ended the *ABp*'s Troubles, the Matter being no more reſum'd, he either appearing innocent, which is moſt likely, or however made ſo by the *King*'s ***Pardon***; but I do not find he was ever employed by the *King* with the ſame Confidence as he was before, notwithſtanding what the Learned * Author of *Antiquitat. Britan.* relates t the contrary.

* P. 236.

Thus have I put together all the Proceedings againſt the Arch biſhop, that they may not interrupt the Thrid of other A fairs.

* Rot. Parl. 15 *Ed.* 3. n. 4.
The King demands how He ſhall be anſwered for His Subſidies ſtill in arrear.
† Ibid. n 42.
But the Great Men defer it till the K. anſwers their Petition.

I ſhall now proceed to the main Things that were tranſacted in thi Parliament; where * in anſwer to the King's chiefeſt and moſt materi al Demands, how He might more ſpeedily receive the *Ninth* Fleece ſti in arrear for the firſt Year, and how the like Subſidy (ſtill due) migh be beſt raiſed for this ſecond Year before *Midſummer* next coming, t which they were deſired to give their *Anſwer* on *Saturday* next enſuing but † the Conſideration of this Matter was put off until the *King's A ſwers* to the *Petitions* of the Great Men, the Clergy and Commons, wer reduced into *Statutes*; which being ſhown to the King, tho clogg'd wit certain hard *Conditions* demanded by the Great Men and Commons

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yet upon a new Grant of Thirty thouſand Sacks of *Wool* now made to Him in compenſation of the *Ninth* of the ſecond Year, He then ſeem'd content to agree to them; tho this were indeed no new Subſidy, but being very neceſſary and advantageous for His preſent Occaſions, He on that Conſideration paſſed all theſe *Petitions* into *Statutes*, which being read before the Great Officers of the Kingdom, they were required to ſwear to the obſervation of them, (as it might in their Places concern them); the Chancellor, Treaſurer, and ſome of the Juſtices made Proteſtation, that they neither conſented to the Subſtance nor Form of them, nor that they could keep them in caſe they were contrary to the Laws and Uſages of the *Kingdom*, which by Oath they were bound to obſerve; yet however theſe *Statutes* were then paſſed, and being put into the Form of a *Charter*, was ſealed with the Great Seal, and delivered to the Great Men and Knights of Counties.

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Which upon a new Grant of 30000 Sacks of Wool, He at laſt agrees to.

The K. paſſes all their *Petitions* into *Statutes*, which are proteſted againſt by the Great Officers of the Kingdom.

Some of the K's *Anſwers* to the *Articles* or *Petitions* of the *Clergy*, brought in by the *ABp* and other *Bps* are remarkable; As for Inſtance; His* *Anſwer* to the Second *Petition*, That the *Liberties* of the *Church*, and all *Liberties* granted to any other Eſtate or Perſons may be kept; and that the *Great Charter* may be proclaimed again, and confirmed by Oath, to be obſerved; the *King*'s* *Anſwer* was, He was willing that the *Great Charter* and other *Liberties* ſhould be obſerved; which being already exemplify'd under the *Great Seal*, He thought was ſufficient, *and there was no need of ſwearing to it, conſidering that in the Kingdom there were already too many perjur'd*: (Which by the by, ſhews that Oaths taken of courſe were no better kept in thoſe Times than they are in Ours.) To the Fifth, containing a Complaint againſt the K's Officers for having entered into *Religious* and *Parſonage-Houſes*, and by force taken away their Goods; and that further, they had by an Oath forced upon *Religious* Perſons and Parſons, enquired of things within their *Houſes*, and them ſo found, have carried away; His *Anſwer* was, That He would not that any Man ſhould enter into the *Church*'s Fees againſt their *Liberties*, nor would that any of His Officers ſhould enter upon *Church Lands* or *Houſes* to take their Goods; but if *Lay-men* to defraud Him brought their Goods thither, He thought Himſelf wronged.

* Ibid. n. 20.

* Ibid. n. 30.

The King denies to have the *Great Charter* ſworn to, and why.

His *Anſwers* to the reſt of their *Petitions*.

To the Seventh; That the K's Officers had levy'd of Parſons and Rectors of *Churches* the *Ninth Sheaf*, the *Ninth Lamb*, and the *Ninth Fleece*, when they ought only to have paid their *Tenths*; * the *Anſwer* was, He would not have their *Ninths* or *Tenths* to be otherwiſe paid than they were granted; that is the *Ninth*, by ſuch as held a *Barony*, or uſed to be ſummoned to Parliament; and then the K. granted for him and his Heirs, that if any Perſon do any *Act* againſt the Form of the *Great Charter*, or any other Good *Statute*, that he ſhould anſwer in Parliament, or other Place where he ought by Law to anſwer.

* Ibid. n. 32.

All the *Statutes* and Conditions abovementioned are enter'd in the Back of the Roll, and printed in the *Statutes* at large this Year, and are a true Tranſlation of the Record in *French*; where, among other things, in the third *Chapter* of theſe *Statutes* it was agreed, That the Chancellor, Treaſurer, Barons, and Chancellor of the *Exchequer*, the Juſtices of both Benches, Juſtices aſſigned in the Country, Steward, and Chamberlain of the K's *Houſe*, Keeper of the Privy-Seal, Treaſurer of the *Wardrobe*, Comptrollers, and thoſe that were appointed to remain

The Great Officers of the Km. for the future to be nam'd and ſworn in Parl. to maintain the *Liberties* of the *Church* and *Magna Charta*.

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main and be about the Duke of *Cornwall*, ſhould be named and ſworn in Parliament, and ſo from thenceforth at all times, when they ſhould be put in Office, to keep and maintain the Privileges and Franchiſes of *Holy Church*, all the Points of the *Great Charter*, the *Charter* of the *Foreſt*, and all other ***Statutes***, without breaking any of them.

Theſe ***Statutes***, and the Conditions abovementioned, are entered on the back of the Roll, and are printed at large in our *Statute Books*.

[3] *Vid.* printed *Stat.* 15 *Ed.* 3. The King to put in new Officers in the room of thoſe that ſhould die or be removed by advice of Parl.

In the [3.] Fourth *Chapter* it was alſo agreed, That if any of the Officers aforeſaid, or Chief Clerks in either Bench ſhould die or be removed, that the King ſhould put in another, by the Advice of His Great Men and thoſe about Him, and theſe Officers were to be ſworn according to the Form aforeſaid; and at the beginning of every Parliament, the Offices of all the ſaid Miniſters (except the Juſtices of both Benches, and the Barons of the *Exchequer*) were to be taken into the King's hands, that they might be the fitter to anſwer any Complaint that ſhould be put in againſt them; and if upon ſuch Complaint, or otherwiſe, any of them ſhould be found faulty, then to be attainted in Parliament, and puniſhed by Judgment of the Peers, and ouſted of his or their Office, and another Convenient Perſon put in his Place; and the King was to cauſe Execution to be done without delay, according to the Judgment of the Peers in Parliament.

It is very probable that theſe ***Statutes*** concerning Officers were Contrivances of the ***ABp, Bps***, and ***Clergy***; for it was a great vexation to them, that the *Chancellor*, *Treaſurer*, and many other Officers who had been ***Clergymen***, and were lately put out of their Offices (as hath been related) upon the King's arrival in ***England***; and that others who were Lay or Secular Perſons ſhould be placed in their ſtead.

[4.] *Vid.* printed *Stat. Book*, ib. The King not long after repeal'd the *Statutes* made this *Parl.*, as derogatory to His Royal Prerogative; the Sum of the Writ concerning it.

[4.] But I muſt here obſerve, that the ***Statutes*** abovementioned were ſome Months after the making of them (that is, on the firſt of *October* next enſuing) revoked by the King's Writ or Proclamation, as contrary to the Laws and Cuſtoms of the Land, His Prerogatives and Royal Rights; as appears by the Writ it ſelf (of the ſame date), directed to the Sheriff of ***Lincoln***, printed at large in the ***Statute Book***; as likewiſe appears by a * Writ directed to the ***ABp*** of ***Canterbury***; the Effect of which is much the ſame with that to the ſaid Sheriff; ſetting forth, 'That whereas in the laſt Parliament at ***Weſtminſter***, *&c.* there were 'certain ***Petitions*** made, not only expreſly contrary to the Laws and Cuſtoms of ***England***, but alſo very prejudicial and reproachful to the Royal Dignity, which if the King had not permitted to be made into a 'Statute, the ſaid Parliament had ended without Succeſs, and been 'diſſolved in Diſcord, and ſo His Wars with ***France*** and *Scotland* had 'likely come to nothing; wherefore having * *præmitted* a Proteſtation of revoking thoſe things when He could conveniently tho He 'had permitted the ſaid ***Statutes*** at that time to be ſealed with His Seal 'yet that by the Advice and Aſſent of the Earls, Barons, and other 'Wiſe Men, for Lawful Cauſes, as for that His Conſent was wanting to the making of them; tho then (as it behoved Him) He diſſembled in 'the Premiſſes, to avoid the Dangers which by denying of the ſame 'He fear'd would enſue; He therefore hereby declared it null and void 'and that it ought not to have the Name and Force of a Statute.

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* *Rot. Clauſ.* 15 Ed. 3. *part.* 3. m. 25. dorſ. printed in Dr. B's Append. n. 88.

* *Præmiſſis Proteſt.*

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A Remarkable Clauſe *in* the Writ to the *Archbiſhop.*

But there is ſomewhat peculiar in this Writ to the ABp, quite different from that to the Sheriff abovementioned, *viz.* ‘That ſince He ‘(the King) underſtands that he had ſummoned a Provincial Council ‘to meet at *London* on the Morrow after St. *Luke* next enſuing, in which ‘he intended to excite the *Bps* of His Province againſt Him (~~the King~~) ‘and to ordain and declare ſome things to His prejudice, about confirming the ſaid pretended *Statute*, and to the depreſſion and diminution ‘of His Royal Rights and Prerogatives, for the Preſervation whereof ‘he is bound by Oath, *&c.* and further, that he, the *ABp*, intends ‘to promulge grievous Cenſures concerning theſe things; wherefore ‘the King being willing to prevent ſo great a Miſchief, does ſtraitly forbid the *ABp* to propound, or any ways attempt any thing in that ‘Council, in derogation or diminution of His Royal Dignity, Power ‘and Rights of the Crown, or of the Laws and Cuſtoms of the Kingdom, or in confirmation of the ſaid pretended Statute, or in contempt of His Honour, or to the diſadvantage of His Counſellors and ‘Servants: And then concludes with a Threat, That if the *ABp* did ‘theſe Things, He would proſecute Him as His Enemy, and a Violator of His Rights, with as much Severity as lawfully He may. Witneſs the King at *Weſtminſter* the firſt of *October.*

This Repeal by the King alone is afterwards confirmed in Parl.

But tho it muſt be granted that this was a high ſtretch of the King's Prerogative, and ſuch as our Times would not bear, yet even then when neither the *Bps*, *Barons*, nor *Commons* in *Parliament* ever gave their Conſents to this Revocation, they were not at all ſatisfied with this Precedent; for in the next Parliament of the 17th of this King, this Statute abovementioned was by them legally made void and repeal'd, (without any mention of the King's late Writ or Proclamation) as appears upon the Statute Roll, tho not printed in our Statute Books; the *Record is in *French*; and is thus render'd into *Engliſh*; *Alſo it is accorded, and aſſented unto, that the Statute made at* Weſtminſter *in the* Quinden (i. e. *fifteen days*) *after* Eaſter, *ſhall be wholly repealed and annulled, and loſe the Name of a Statute, as being prejudicial and contrary to the Laws and Uſages of the Kingdom, and the Rights and Prerogatives of the King. But for that there are ſome Articles in the ſame Statute, which are reaſonable and agreeable to Law, 'tis agreed by the King and His Council, that thoſe Articles, and Others accorded in this preſent Parliament, ſhall be made into a New Statute, by the Advice of the Juſtices and other Sages, which ſhall be perpetual. Yet that ever any ſuch Statute was made, I do not find.*

* Rot. Parl. 17 *Ed.* 3. n. 23. printed in Dr. *B*'s Appen. n. 89.

The Evil Conſequences of printing the Writ of Repeal without the Subſequent Statute.

This *Revocation* very well deſerves our further Remark; for ſince no more than the K's *Writ* to the Sheriff of *Lincolnſhire* was thought fit to be printed by thoſe who firſt publiſhed the *Statutes* in *Engliſh*, without the Subſequent *Statute* laſt mentioned, it hath been commonly made uſe of by the high Aſſertors of the Royal Prerogative, as a ſufficient Precedent to prove, that the King alone has a Power to make void and repeal any Law or Statute that He ſhall judge derogatory to His Prerogative, or the Laws and Cuſtoms of the Realm; and He needs no more but to ſay as King *Edward* did in this caſe, That He diſſembled in the Premiſes, and never gave His free Conſent, but only to void greater Dangers, or to obtain a Subſidy when He needed it to carry on His Wars: But the Lords and Commons were not ſatisfy'd with this Doctrine, and tho they would not quarrel with the King as to

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what was paſt, yet it is evident they were not ſatisfied with His Prero-gative in vacating this *Statute*, or elſe there had been no need for them to have made another Repeal of it: And tho the Learned Mr. *Barne* in his Elaborate *Hiſtory* of this King's Reign, hath been ſo candid a to recite *verbatim*, not only the K's *Writ* of *Revocation*, but the un printed Statute laſt mentioned, yet he looks upon it as a *meer Reſult o the King's Prerogative Royal, in thoſe days eſteemed of ſufficient force, an as ſuch afterwards confirm'd by Act of Parliament:* Which I can by n means gather from this *Statute*, but rather conclude the contrary fro this *Inſtance*.

There were then alſo ſome other Petitions made by the Com-mons, for which, together with the K's *Anſwers* to them, as bein now obſolete, I refer the Reader to the Parliament-Rolls, or elſe to th *Abſtract* of them in *Cotton*'s *Abridgment*. But before I leave this Parli-ament, I ſhall take notice, that the neceſſitous Condition of the K' Affairs requiring Twenty thouſand Sacks of *Wool* to be tranſported be-fore *Michaelmaſs* next coming; it was then provided, that no man be-fore that time ſhould ſend beyond Sea any *Wool*, on pain of thrice th value, and loſs of Life and Member.

It is provided in Parl that none ſhall ſend Wool beyond Sea till the K's is tranſported.

We ſhall now paſs to ſomething of Foreign Affairs: Not long afte the making of the late Truce, the King of *France* (like a wiſe Prince did all He could to ſtrengthen Himſelf with Foreign Alliances again the time that the War might be again renewed by the King of *England* and finding none more able to do Him hurt than *Lewis* the Empero He deſired to gain His Friendſhip, for which there was now a fair Op-portunity offer'd it ſelf; for His firſt Wife being deceaſed, He had new-ly married the Niece of K. *Philip* by His Siſter; and the Emperor Him-ſelf was alſo the more inclin'd to make Peace with that King, becau of the great Intereſt He knew He had with the *Pope*, and that it was b His Interceſſion that He might expect an Abſolution from His ſo lon continued Excommunication. Upon theſe Conſiderations and Encou-ragements K. *Philip* diſpatched Ambaſſadors to the Emperor for th purpoſe, who [5.] not only made a firm League with Him, but one o the chief Conditions of it was, That He ſhould revoke the *Bull* or *Cha-ter* which He had formerly made to K. *Edward*, to be Vicar of the Em-pire, which He conſented to; and therefore thought fit to ſignifie ſ much to the King by a Letter He ſent Him.

The *French* King ſends His Ambaſſadors to the Emperor to deſire Peace.

[5.] *H. K.* col. 2580.

Vid: a Copy of this Lette in Bib. Cotton: Claud. C. 11. publisht in R[illegible] [illegible]

[1.] *T. W. ad An.* 1340. *ſed falſò.*

The Emperor writes to K. *Edward*, wherein He lets Him know He had made Peace with K. *Philip*, and offers His Mediation to do the ſame for the King.

[1.] Wherein after ſome previous Complements, He proceeds to le Him know, 'That *Philip* K. of *France* had given Him Authority by H 'Letters to mediate a Peace between them, which, tho incumber'd wit 'many great and weighty Affairs, He was willing to undertake, it bein 'very expedient for, and advantageous to K. *Edward*, His Kingdom an 'Allies; if He would give Him like Power by His Letters, to treat o 'and make a Peace or Truce for a Year or two. Nor ought the Frien 'ſhip enter'd into and contracted between Him and *Philip* K. of *Fran* 'to move K. *Edward*; for ſince He Himſelf had made Truce and A 'greement (meaning the late Truce at *Tournay*) with K. *Philip* with 'out His knowledge or Aſſent, He (the Emperor) by Advice of H 'Princes, (who beſt underſtood His Leagues and Agreements, an 'thought a Friendſhip with the ſame Prince might be made with ho 'nour) had enter'd into League with Him; and therefore for the Cauſ 'before noted, He thereby revoked His Commiſſion, by which He ha

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And further revokes His Commiſſion of Vicar of the Empire.

'made Him His Vicar of the Empire; yet notwithſtanding lets Him know, that in His Mediation and Treaties He would take care of Him like a Brother; and if He would acquieſce in His Advice, His Cauſe ſhould be brought to a good End by His Aſſiſtance: And therefore for His further Information, He had ſent to Him one of His Chaplains of the Order of *Hermites*, who, He deſired, might ſpeedily be ſent back. Theſe Letters were dated at *Frankfort*, the *Four and Twentieth* of *June*, in the *Twenty Seventh* Year of His Empire.

[2.] Id. ib. See the ~~lette~~ original, in Rot: Claus: 15: Ed: 3. p 2 m. 34 d. [illegible]

K. *Edward's* Anſwer to the Emperor's Letter.

[2.] Tho' K. *Edward* was inwardly vexed at the Emperor's thus quitting His Confederacy, and making ſo ſtrict an Allyance with the *French* King, and at the revoking His Imperial Bull, yet He was too prudent to expreſs any publick Reſentment of it; but return'd Him an Anſwer to this effect: 'He firſt lets Him know, that He had received His Letters with Reſpect; then commends His Zeal for offering to make an Agreement between Him and *Philip* of *Valois*; and tells the Emperor, that He always wiſh'd for a Reaſonable Peace with Him, which He had perſued as much as in Honour and Juſtice He ought; and that He deſired, ſuch a Peace as He wiſh'd for might be procured at the Inſtance of ſo Great a *Mediator*. But, becauſe He knew His own Right to the Kingdom of *France* to be ſufficiently clear, He would not commit it to any doubtful Arbitration of Judgment; and much wonder'd, that He ſhould join with *Philip*, that had done Him ſo many Notorious Injuries, ſeeing the evident Juſtice He had for His Demands, and *Philip*'s Obſtinacy in not complying with them, He had for that reaſon entred into a League with Him. And as to what was ſaid, that He, without His Knowledge or Aſſent, had made a Truce, and entred into a Treaty of Peace with *Philip*; conſidering the Circumſtances of the Fact, it ought not rationally to have moved Him, becauſe at that time He beſieged *Tournay*, and ought to follow the Advice of thoſe that were with Him, and gave Him their Aſſiſtance: Conſidering alſo, that Winter was coming on, and the Diſtance between them, He could not be permitted to conſult Him. And further, He put Him in mind, that He had granted, that when He had an Opportunity, He might Treat without His knowledge; but ſo, as not to make a final Peace with *Philip* without His Conſent, which He never intended to do. It ſeemed alſo to ſome, that the Revocation of the Vicarſhip was too ſuddenly done; when, according to the Agreement made by His Imperial *Bull*, it ought not to have been done, until He had obtained the *Kingdom* of *France*, or the greateſt Part of it. Dated at *London*, the ~~*Eigh*~~four*teenth* day of *July*, in the *Second* Year of His Reign over *France*, and over *England* the *Fifteenth*.

But tho' the King, by the Emperor's thus quitting His Party, loſt the Confederacy of the *German* and *Belgick* Princes, yet not long after, He had an Opportunity offered Him of making War upon *France* another way, and that without any Breach of the late Truce; ſince He acted for the Aſſiſtance of a Confederate Prince. I ſhall here briefly give you the Occaſion of it.

[3.] *Froiſſ.* ib. c 65.

[3] Some Months after the Siege of *Tournay*, *John* D. of *Bretaign*, who had there ſerved the K. of *France*, fell ſick, and died in *Normandy*, the *Thirtieth* of *April*, in his Return home, without any Iſſue,

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The Death of the Duke of *Bretaign*, and the Contention that aroſe between the Competitors for that *Dutchy*.

tho' he had been thrice married. Upon whoſe Deceaſe, there aroſ a great Contention between *Charles* Earl of *Blois*, and *John* Earl o *Montfort*, who ſhould be his Heir. Their Titles ſtood thus: *Arthur* th *Second* Duke of *Bretagne*, Father to the Deceaſed, had by his firſ Wife one Son, who died before his Father, and left only one Daughter, who had been married ſome Years before to Count *Charles* o *Blois*, Nephew to the *French* King. But beſides this Son, Duke *Arthur* had another by a Second Wiſe, *viz.* *John* Earl of *Montfort*; wh

John Earl of *Montfort* ſeiſes upon the Chief Places in it, and is own'd for Duke of *Bretaign*.

being in *Bretagne* at the Death of his Half-Brother, not only ſeiſed al his Treaſure, with which he ſecured his Brother's Soldiers to his Intereſt, but alſo being very well beloved, [4.] he poſſeſſed himſelf o the Towns of *Nants*, *Breſt*, *Rhennes*, and the Caſtle of *Hennebond* with other ſtrong Places; ſo that moſt Part of the Nobility did Homage to him, and owned him for their Duke.

[4.] Id. c. 66, 67.
[5.] *Froiſſ.* ib. c. 69.

Montfort implores K. *Edward*'s Aſſiſtance againſt the E. of *Blois*.

But [5.] *Montfort* being ſenſible, that he ſhould not be able by hi ſingle Force, to defend himſelf againſt the K. of *France*, who, he wa certain, would ſide with the Earl of *Blois* againſt him; went over privately into *England*, and offer'd K. *Edward* to hold that Dutchy o Him by Homage and Fealty, if He would defend him againſt th *French* King, and all Others, who ſhould give him any Diſturbance The *King* accepted his Offer, and thought He ſhould have great Advantage by it; as not having a nearer and more Commodious Way o entring *France*, than through *Bretagne*: For He had found by experience, that the *Germans*, *Brabanters*, and *Flemings*, had been no great Help to Him, but had only drain'd Him of His Money. After Earl *John* had done his Homage to K. *Edward*, in the Preſence o divers Lords of *Bretaign* and *England*, He thereupon promiſed to aid and defend him, as His Liege-Man, againſt the *French* K. and all others; after which the Charter of Homage, and *Articles* of *Agreement*, being Sealed and Delivered inter-changeably, and E. *John* having been nobly preſented by K. *Edward*, he return'd home.

[1.] Id. ib. c. 70. The *French* K. ſummons the Count of *Montfort* to appear at *Paris*, which he obeying, and fearing Judgment would be given againſt him, eſcapes from thence.

[1.] The *French* K. knowing what the Count of *Montfort* had done in *Bretagne*, and hearing likewiſe of the Homage he had made to the K. of *England*, for that Dutchy; He was, at the Requeſt of the Earl of *Blois*, ſummoned to appear at the Parliament of *Paris* before the *King*, His *Peers*, and other Great Lords of *France*. He appeared according to the Summons; and when the *King* charged him with having done Homage to His *Adverſary*, the *King* of *England*, he denyed it: However, he was commanded, upon pain of loſing all he held of Him, that he ſhould not depart from *Paris* in *Fifteen* days; within which time, the *Twelve* Peers, and other Lords and Barons, ſhould judge of his Right. But he expecting no equal Juſtice from them, ſuddenly and privately withdrew from *Paris*, and return'd into *Bretagne*.

[2.] Id. c. 71. Vid. Hiſt. de Bretaign, per D' Argenter. He has Sentence of Arreſt pronounced againſt his Title to *Bretaign*, in the Parliament at *Paris*.

[2.] Immediately after his Departure, the Great Court of the Peers and Lords of *France*, again Aſſembling at *Conflans*, pronounced a Solemn *Arreſt* or Sentence againſt Him, concerning the Dutchy of *Bretaign*; That it belonged to *Mary*, the Wife of the ſaid Earl of *Blois*. And further, their Judgment was, That if ever the Earl of *Montfort* had any Right, he had doubly forfeited it: Firſt, By doing Homage to any other Lord than the K. of *France*, of whom he ought to have held it; and then, By diſobeying the *King*'s Commands, in going from *Paris* without His Leave. No ſooner was this Sentence paſſed againſt Him; but the Earl of *Blois* with a great Army from the King of *France* enter'd *Bretagne*, and ſurprized and took the Count of *Montfort* Priſoner in the City of *Nantes*, by the Treachery of the Townſmen, from whence he was ſent to *Paris*, and kept Priſoner a long time. *Froiſſart* ſuppoſes him to have deceaſed this Year, but he is therein greatly miſtaken; for he ſuffer'd about three Years Impriſonment, and then obtain'd his Liberty, but died ſoon after; which perhaps might lead that Author into this Error: But he is right enough in placing theſe Things about the Feaſt of *All-Saints* this Year.

The Earl of *Blois* enters *Bretagn* and takes Count *Montfort* Priſoner, who is ſent to *Paris*.

[3] But the Matter did not end ſo, for *Margaret*, Wife to the Earl of *Montfort*, and Siſter to the Earl of *Flanders*, a Lady of a Maſculine Spirit, was not caſt down at this Misfortune, but being then in the City of *Rhennes*, went from thence to all the Good Towns and Fortreſſes that continued in her Intereſt, and carrying with her the Lord *John* her Son, then a Child, ſhe by his Preſence, but more by her own Perſwaſions, ſecured them firmly to her; which being perform'd, ſhe retired to the ſtrong Town of *Hennebond*, where (as *Froiſſart* relates) ſhe ſtay'd with her Son all that Winter, and the next Spring ſhe was beſieg'd by the Lord *Charles* of *Blois*, but in the mean while ſhe had ſent to implore King *Edward*'s Aſſiſtance. This tho true in Matter of Fact, yet our *Author* is certainly miſtaken in point of Time, for it appears from the Authority of all the [4.] *French Hiſtorians*, as well as from other Circumſtances, that all theſe Great Actions of this Counteſs were done this *Autumn*, and part of the enſuing *Winter*, and therefore I ſhall here inſert them altogether.

[3.] Id. ib. Cap. 73. Whereupon his Counteſs carries on the War in his Name.

She implores K. *Edward*'s aſſiſtance.

[4] *Vid.* Contin. *Guil.* de *Nangis*. *Du Cheſne*. *Mezeray*.

[5.] Though the Counteſs of *Montfort* had ſecured her ſelf in the Town of *Hennebond* (as you have already heard) yet had ſhe not Forces ſufficient to take the Field; ſo that Count *Charles* of *Blois* not long after the impriſonment of the Earl of *Montfort* again enter'd *Bretagn*, to reduce what remain'd unconquer'd under his Obedience. But upon the firſt news of this Invaſion, the Counteſs ſent the Lord *Amery de Clyſſon* into *England* to deſire Succour of King *Edward*, offering her only Son and Heir in marriage with one of the King's Daughters; which (tho it could not then take effect, yet) was conſummated ſome Years after, as you will find in its due place: This Offer was then readily accepted by King *Edward*, and He preſently order'd Sir *Walter Manny* to go over and aſſiſt the Counteſs with as many Men at Arms as ſhe deſired, beſides Three thouſand Archers; but theſe Forces being put on Shipboard, were detained above ſix Weeks at Sea by contrary Winds, ſo that her Affairs were reduced to the laſt extremity before they could arrive; for Count *Charles* of *Blois* being backed by a powerful Army from *France*, had taken the City of *Vannes*, reſolving to put a ſpeedy period to the War, had laid cloſe Siege to *Hennebond*, in which the Counteſs and her Son then were, and made ſuch furious Aſſaults upon it, that had ſhe not behaved her ſelf with a Courage above her Sex, and even equal to that of moſt Men, they had both loſt ther Liberties, together with the Place. After a ſharp Aſſault which the *French* made upon it, ſhe finding it could not be preſerved without ſome extraordinary Effort, armed her ſelf *Cap a Pied*, and mounting on Horſeback, rode from Street to Street, deſiring the Men to make a Vigorous Defence; and She order'd the very Women to tuck up their Coats, and to carry Stones and Pots of Quick-Lime

[5] Id. c. 79. The *Count de Blois* again invades *Bretagn*, whereupon the *Counteſs* ſends into *England* to implore the King's aſſiſtance, which He immediately grants.

The Lord *Manny* is ſent with ſome Forces, but they are detained by contrary Winds.

The *Counteſs* is beſieged in the *Caſtle* of *Hennebond*, and makes a vigorous Effort in her own perſon to raiſe the Siege.

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to the Walls, and throw them down upon the Enemie: And not onl this, but ſhe perform'd Actions almoſt incredible, were they not atteſ ed by the *Writers* of that Time; for in the next Aſſault the *Frenc* Army made, ſhe aſcending a Tower to behold the Succeſs, obſerve that whilſt the *French* were aſſaulting the Town with all their Force their Camp was left unguarded; whereupon ſhe took Horſe, and arm ed as ſhe was before, ſally'd out with Three hundred choſen Men, an fetching a Compaſs to prevent being diſcern'd, fell into the *Frenc* Camp, (in which there were few beſides Servants) and cut down and ſet fire on the Tents and Pavilions: So ſoon as the Enemy perceiv' this by the Smoak, they ſuppoſing ſome Treachery, preſently left th Aſſault, and returned to defend their Camp; but when the Counteſ ſaw them coming, ſhe rally'd her Men, and finding ſhe could not wit ſafety return the ſame way ſhe came, took another, and made towar *Breſt*, which was above two and twenty *French* Miles from thence and tho ſhe was cloſely perſued by a Party of *Horſe*, led by Prince *Lewi* of *Spain*, then Marſhal of the *French* Army, yet ſhe out-rode them, an getting into *Breſt*, was received with great joy by the Inhabitants However, ſhe ſtaid not long there, for having reinforced the ſmall number ſhe had brought with her, with Five hundred Freſh Men at Arms, o the fifth day after her coming thither, ſhe returned back to *Hennebond* and paſſing thro a part of the *French* Camp, which was but weakl guarded, got in at the ſame Gate from whence ſhe had ſally'd out, whic was preſently opened to her, and there ſhe was received not only wit all poſſible Demonſtrations of Joy, but with wonderful Aſtoniſhment, for they did not know till then what was become o her.

[1.] Id. c. 89.

This [1.] *Action* highly raiſed the Courage and Valour of her People in the Town, but at the ſame time likewiſe it did the more ſtir up and exaſperate the Fury of the Enemy, for the Siege was carried on by Prince *Lewis* with more fierceneſs than before, in the abſence of Count *Charles*, who was employ'd in the Siege of *Auray*; but the Walls at laſt were ſo mightily ſhatter'd by the great Stones that were thrown from the Engines, that it made the Bp of *Leon*, and other perſons in the Town deſirous to treat about a Surrender; and they had done it, but that the Counteſs happily interpos'd, and only begg'd three days reſpit of them, within which time (ſhe ſaid) ſhe hoped the Succours from *England* would arrive; which falling out very ſeaſonably according to her Expectation, the Lord *Manny* with his Forces were there joyfully received; and as this added freſh Courage to the Beſieg'd, ſo it diſpirited the Beſiegers to that degree, that the Lord *Manny* making a brisk Sally ſoon after his Arrival, with about three hundred Archers, beſides a few Men at Arms, they not only broke into the *French* Camp, but deſtroy'd the chiefeſt battering Engine they had; ſo that finding it impoſſible at that time to take the Town, they thought it beſt to raiſe the Siege, and march off.

The Town juſt ready to be ſurrender'd, is relieved by the Lord *Manny*.

[2.] Id. ib. Who not being ſtrong enough to given battel, only takes ſome *Caſtles*, and routs *Don Lewis* of *Spain*.

The [2.] War was continued the reſt of this Winter with various ſucceſs; Sir *Walter Manny* not long after took the Field with a tolerable good Army, yet however he found himſelf not ſtrong enough to give the Enemy Battel, nor yet to lay ſiege to any conſiderable Place, tho he took ſome Caſtles, as that of *Conqueſt* and *Goryla* Foreſt, and routed *Don Lewis* of *Spain*, who commanded part of the *French* Army in

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in Bas-*Bretagn*, and killed his Brother, with a great number of his Men; but the Forces of Count *Charles* of *Blois* were ſo much ſuperior to his, that they took the Towns of *Dinant* and *Auray*, as alſo the City of *Vannes*, and the Towns of *Karais*, and then returned back, and laid freſh ſiege to *Hennebond*, but it was again as valiantly defended by Sir *Walter Manny*, being encouraged by the preſence of this brave Counteſs her ſelf; inſomuch that the *French* finding it too ſtrong to be taken by force, reſolved to raiſe the Siege, and ſince Winter was now far advanced, they retreated to put their Army into Quarters of refreſhment.

The Count *de Blois* takes *Dinant* and *Auray*, and again beſieges *Hennebond*, tho in vain.

[4] During this time of Receſs, both Parties being tired, a Truce was at laſt concluded between Count *Charles* of *Blois*, and the Counteſs of *Montfort*, and conſented to by all their Allies, to endure to the 15th of *May* next enſuing; whereupon ſo ſoon as the *Articles* were ratified, ſhe, together with her Son, took Shipping, and went for *England* under the Conduct of the Earl of *Northampton*, and arrived in ſafety at *Plimouth*, from whence ſhe was honourably convey'd to the K., and by Him received very graciouſly. He likewiſe took care of her Son the Lord *John*, who ſome Years after married the King's Daughter, but in the mean while was educated in *England*, and brought up in all Manly Exerciſes befitting a young Prince that was to fight for, and recover his Dominions by the Sword, before ever he could enjoy them.

[4.] Id. ib. A Truce is concluded between Count *Charles* and the Counteſs, who thereupon goes over into *England* with her Son.

Froiſſart makes the Counteſs of *Montfort* to have come over into *England* about the latter end of *November*, 1342, and to have ſtay'd here all this Winter, and then to have returun'd into *Bretagn* the beginning of the Year, *Anno Dom.* 1343, in the Company of the Lord *Robert* of *Artois*, whom the King ſent over to her Aſſiſtance; but this muſt certainly be a Miſtake in our Author; for all our *Hiſtorians* both in Print and MS, which are alſo confirmed by our Records, agree, that King *Edward*'s Expedition into *Bretagn*, was not till after the Death of the ſaid Lord *Robert*, *viz.* in the ſixteenth Year of His Reign, being the Year 1342: And there is likewiſe another Infallible Proof for it, that the next Truce which was made before *Vannes*, bears Date the 19*th* of *January* that Year, or elſe *Anno Dom.* 1343, if it be reckoned according to our Account to begin at *Chriſtmaſs*.

Froiſſart's miſtake in the Counteſs's coming over rectify'd.

This I thought fit to take notice of, ſince this Error of *Froiſſart* hath led divers of our Modern *Hiſtorians* into the ſame Miſtake, and particularly the Learned Mr. *Barnes*, in his large *Hiſtory* of this King's Reign.

We ſhall now return to the Affairs of *England*, from which we have made too long a Digreſſion, were it not that they are ſo interwoven with thoſe of *Bretagn*, that they cannot well be ſeparated, eſpecially ſince it gives us the Original and Progreſs of that great Quarrel between the Potent Families of *Blois* and *Montfort*, which was carry'd on, though with various ſucceſs, for the ſpace of above Twenty Years.

In the mean while nothing happened here conſiderable, but that [5.] Queen *Philippe* was on the fifth of *June*, brought to Bed at *Langley* in *Hertfordſhire* of Her Fifth Son, who was called *Edmund*, and was afterwards Duke of *York*. King *Edward* having now a ſhort Interval of Peace, to expreſs His Joy at His Son's Chriſtening, (tho *Froiſſart* will

[5.] *T. W. In hunc Ann.* The Queen is brought to bed of Her fifth Son, called *Edmund*,

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needs have it to be for the Love of theOunteſs of **Salisbury**) proclaimed a Solemn *Tourneament* at *London,* to which reſorted many Noblemen and Knights from Foreign Parts, who took delight in ſuch Manly Exerciſes, which were then maintained with great Magnificence for fiſteen days together.

* L. 15.
† L. 9.
A Miſtake of the *Scotiſh* Hiſtorians confuted.

To ſay ſomewhat of the *Scotiſh* Affairs: what * *Hect. Boeth.* and † *Buchanan* relate, That K. *Edward* immediately after the Truce at *Tournay* invaded *Scotland* with a great Army of Forty thouſand Men, and being preſſed for want of Proviſions, was forced to grant the *Scots* a Truce for four Months, is a great Miſtake; for the *Scots* had been included in the late Truce with **France**, and that it was obſerved for great part of the laſt Year, is as certain; but that they begun the War again in this, we have * *Froiſſart*'s Authority for it; who relates, That about *Midſummer* the *Scots* under the Conduct of Sir *William Douglas* beſieged the Caſtle of *Sterling*, and becauſe he knew, that K. *Edward* being now at home, it was not probable the Siege could laſt long without ſome Powerful Diverſion, he therefore uſed the greater Fury in all his Attacks, hoping thereby to carry the Place before any Succour ſhould arrive; but King *Edward* about the beginning of *September*, being alarm'd at the News of theſe Motions of *Scotland*, came to *York*, having before x iſſued out His Commands to His Lords and Military Tenants, to meet Him with their ſeveral Retinues by ſuch a time at *Berwick*, where the Commiſſioners of Array for the *North*, did ſo beſtir themſelves, that the King was ſhortly after provided with ſufficient Forces, both of Horſe and Foot, ſo that His Army daily increaſed to the Number of near ſixty thouſand Men; which when the Lord *Douglas* heard, fearing if King *Edward* ſhould arrive before the Town was taken, that the Siege would then be raiſed, wherefore to prevent this, he ſo vigorouſly preſſed the Beſieged with continual Aſſaults, that they were at laſt forced to capitulate on Condition to march out with their Lives and Liberties preſerved, but to carry off no more than the Cloaths on their Backs.

* Id. c. 70.
The *Scots* beſiege the Caſtle of *Sterling*.

Rot. Scot. 15. Ed. 3. m. 8.
x appointed King Edward Bayliol his Lieutenant General for the defence of ye North parts of England & those in Scotland that were under ye Kings ~~[illegible]~~ Dominion, he issued out &c

Upon which K. *Edward* raiſes a great Army to reſcue it.

But before His arrival the Beſieged are forced to ſurrender upon Conditions.

[1.] Id. ib.
The King returns to *New-caſtle* for want of Proviſions.

[1.] When K. *Edward* received this Ill News, tho He was very much concern'd for the loſs of a Place, which was of ſo great importance to Him, yet He could not then tell how to help it, ſo that being in great want of Proviſion for His Army, He was forced to return back from *Berwick* to *New-caſtle*, and there attend the coming up of His Fleet for above a Month, [2.] in which time it was ſo ſhatter'd and diſperſed by a Tempeſt, that but a ſmall part of it was able to arrive there, and that not till *November*, whereby the *Engliſh* Army ſuffer'd much for want of Victuals, the *Scots* having deſtroy'd and convey'd away all the Corn and Forage from thoſe Parts.

[2.] *Buchan.* Ib.

[3.] *Froiſſ.* ib.
The *Scots* not knowing the K's Neceſſity, deſire a Truce, which is granted for ſix Months.

[3.] It happened well for K. *Edward*, that the Lord *Douglas* and the other *Scotiſh* Lords knowing nothing of this Misfortune, had before retired farther into *Scotland*, where dreading a ſudden Invaſion, they knew not how to prevent it, but by ſending a Bp and an Abbot to K. *Edward* to deſire a Truce; the Meſſengers found the King at *New caſtle* in the beginning of *December*, and there entring into a Treaty with Him and His Council, a Truce was concluded for ſix Months on theſe Conditions, *viz.*

Tha

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That [4.] during this time, the *Scots* ſhould ſend into *France* to their King *David*, to let Him know, that unleſs He would return home by the *Firſt* of *May* next, with ſufficient Power to meet His Enemies in the Field, and defend His Realm, they would all ſubmit to King *Edward*'s Government, and never after own *David* for their King. Theſe Reaſonable Conditions, in ſo bad a Conjuncture, were well accepted by King *Edward*, and the *Scots* went home with a Ratification of the Truce into *Scotland*; and the King having ſettled His Affairs in thoſe Parts, return'd towards *London*, and all things remain'd in the ſame State all the reſt of this Year.

[4.] *Froiſſ.* ib. *Bach.* ib.
The Conditions of it.

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This is *Froiſſart*'s Account of King *Edward*'s Expedition; which, tho' * *H. Knyghton* does not particularly mention, yet he ſays in general, That K. *Edward* went into *Scotland* the laſt Year, towards the end of *November*, and kept His *Chriſtmaſs* at the Abby of *Melros*; and that the Earl of *Derby* did the like at the Caſtle of *Roxburgh*, During which time, the Truce was made between *England* and *Scotland*. After which, removing to *Berwick*, He there kept His *Eaſter*. And thither came Twelve of the beſt *Scotiſh* Knights, to a Tourneament then held by Him; wherein Two of them were kill'd, with a Knight of the Earl of *Derby*'s: Which Lord (he ſays) behaved himſelf in this Expedition, with that Courteſie and Honour, that he gain'd the general Eſteem of all Sorts of Men.

* *Ad hunc An.*
The K. keeps His *Chriſtmaſs* at the Abby of *Melros*, and from thence removes to *Berwick*, and holds a Tourneament.

So ſoon as the King return'd into *England*, He † held a Parliament, or rather Great Council, of the Biſhops and Peers at *Weſtminſter*, about the laſt of *April*: Wherein, as * *Froiſſart* relates, all the Earls and Barons there preſent, adviſed the King, That laying aſide all other Affairs, He ſhould give a ſpeedy Aſſiſtance to the Counteſs of *Montfort*, who then ſojourn'd with the Queen. And they further adviſed Him, That ſince He had a Foreign War upon His Hands, it would be very convenient to make a Truce with *Scotland* for Two Years.

† Rot. Clauſ. 16 *Ed.* 3. m. 38. dors.
* Ibid. c. 91.
The K. holds a Great *Council*, and what was done in it.

As to the firſt Part of their Advice, the [1.] King readily complyed with it; and by the end of *May*, ſent back the Counteſs of *Montfort*, attended by the Lord *Robert* of *Artois*, (Chief Commander in this Expedition) and the Earls of *Northampton and *Devonſhire*, with the Lord *Stafford*, beſides other Barons and Perſons of Quality; with a ſufficient Army of Archers and Men at Arms, in a Fleet of about Forty Six Sail, bound for *Bretagne*. But Count *Charles* of *Blois* hearing of this Deſign, had got ready a Navy of between Thirty and Forty Sail, in which were about Four Thouſand Men, and had ſent them out to fall upon the *Engliſh* Fleet, and hinder the Landing of their Forces: They met with them near the Iſle of *Guernſey*, but the *Engliſh*, as ſoon as ever they diſcover'd them to be the Enemy, came furiouſly upon the *French* Fleet, having the Advantage of the Wind, ſo that both Fleets preſently engaging, there began a dreadful Sea-Fight, firſt with Arrows, ſhot from the *Genoueſe* Croſs-Bows, on the one Side, and the *Engliſh* Long-Bows on the other; till at laſt the Ships coming up cloſe together, fell to Boarding and Handy-ſtrokes; where (as our *Author* tells us) the Counteſs of *Montfort* her ſelf, being Armed like a Man, behaved her ſelf with her Sword, as gallantly as any Soldier in the Fleet. The Fight began about Four in the Afternoon, and continued till Night parted them, without any great Advantage on either ſide: Then they caſt Anchor not far from each other,

[1.] Id. ib.

The Lord *Robert* of *Artois* is ſent into *Bretagne* with a ſmall Army, and in his Paſſage encounters the *French* Fleet.

* note th[illegible] of the [illegible] was appointed by the King to be his [illegible] [illegible] as appears by his Comissione [illegible] upon the Roll [illegible] Rot [illegible]

In which the *Counteſs* of *Montfort* behaves her ſelf very gallantly.

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The two Fleets are parted, & diſperſed by a Storm.

for they reſolved to fall on again the next Morning; but a Violent Stor
ariſing in the Night, did ſo diſperſe both the Fleets, that they cou
never meet again; that belonging to the *French*, conſiſting of gre
Ships, was forced to beat it out at open Sea; whilſt the *Engliſh* Fle
which were much Smaller Veſſels, by Morning recovered the Shor
Where the Lord *Robert* of *Artois* landing with his Forces near the Ci

The Lord *Robert* lands his Forces near *Vannes*.

of *Vannes*, reſolved to begin with the Siege of that Place; which w
preſently undertook, being encouraged by the Preſence of the Cou
teſs of *Montfort*; and, after a vigorous Aſſault made by the *En*
liſh, tho' without any effect, the Town was taken the Night followin
thro' Surpriſe, by a Party commanded by the E of *Oxford* and Sir *Wa*
ter Manny, who privately clapt Scaling-Ladders to the Walls, at

And takes the Town by a Scalade.

Place where there was little or no Guard kept; whereby they enter
the Town under the Cover of two falſe Attacks, which were made
the ſame time, by the Lord *Robert* and the Earl of *Salisbury*, at tw
different Places, to divert the Beſieged.

But the Triumph of this Victory was but of a ſhort Continuanc
For the Counteſs of *Montfort*, with Sir *Walter Manny*, and divers
the *Engliſh* Nobility, as well as the greateſt Part of their Forces, preſen

[2.] Id. c. 93. The Lord *Robert* of *Artois* is beſieged in *Rhennes* by the *French* Army.

ly going away to [2.] *Hennebond*, and the Earl of *Salisbury* marchin
to beſiege *Rhennes*, the Lord *Robert* of *Artois* was left in the Tow
with but a very indifferent Gariſon. Not long after, the Lor
Henry de Leon, and Sir *Oliver Clyſſon*, with ſome other Noblemen
Count *Charles*'s Party, who were extremely concern'd at the late I
Succeſs, reſolved to recover the Town by the ſame Way it was taken
So drawing together about Twelve Thouſand Men, they on the ſud
den encamped before the Place; to which they gave ſo vigorous a
Attack, that prevailing by their Numbers over the Gariſon, they en
tred the Town by Force, and put all the *Engliſh* they could meet wit
to the Sword; the Lord *Robert* himſelf hardly eſcaping, got thro'
Poſtern to *Hennebond*, being grievouſly wounded in the Buttock; bu
the Air not agreeing with him there, he return'd into *England*, i
hopes to meet with better Remedies: Yet tho' he came alive to *Lon*
don, he died there ſoon after of his Wounds; or, as the *French* MS
Chronicle relates, of a Flux. His Death being as much regretted b
King *Edward*, as it gave Occaſion of Joy to the *French*, who looke
upon him, as one that had Sacrificed the Peace of his Country to hi
own private Reſentments. I ſhall now ſay ſomewhat of the *Scoti*
Affairs.

[3.] Id ib. The *Scotiſh* Nobility ſend into *France*, deſiring their King's Return, who lays hold of the Opportunity of the Truce to do it, and lands in *Scotland*.

[4.] Buch. l. 9.

Not [3.] long after, the *Scotiſh* Nobility, according to their lat
Engagement to King *Edward*, ſent Sir *Robert Veſci*, and Sir *Simo*
Fraiſer, with two other Knights, to King *David* into *France*, to deſir
His Return: But in the mean while, before their Commiſſioners coul
arrive there, King *David* had thought it moſt convenient for His *Af*
fairs, to lay hold on this Opportunity of the late Truce, to retur
home. Wherefore [4.] taking His leave of the *French* King, (wh
furniſhed Him with Men, Shipping, and all things neceſſary for Hi
Voyage) He left *France*, together with His Queen, (King *Edward*'
Siſter) and on the *Third* of *June*, landed at the Haven of *Innerber*
vey in *Scotland*, after near Nine Years *Abſence*, before His Subjec
heard any thing of His coming. But as ſoon as they knew of i
they came flocking in to Him, to congratulate His Return: And bein

arrived

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rrived at St. *John's-Town*, He was met by the Lord *Robert Stewart*, is *Vice-Roy*, and Others of the Nobility, who highly complain'd of e *Spoils* and *Devaſtations* the *Engliſh* had made, [4.] which the King ſured them He would revenge with all the ſpeed He could. [5.] In der to this, He forthwith raiſed a great Army, of which making the ord *Randolph* General, (the King Himſelf, for ſome private Reaſons, oing with him *Incognito*, and only as a Voluntier); then having with eſe Forces depopulated *Northumberland* for near Two *Months*, as far s the River *Tyne*, He returned home with a great deal of Plunder, and ithout receiving any conſiderable oppoſition; ſome time after the ing declaring Himſelf Commander in chief of the whole Army, arched in perſon into *England*; and tho the *Engliſh* Generals declin'd ghting (as the *Scotiſh* Hiſtorians ſuppoſe, tho falſly, that K. *Edward* as then ſtill in *France*) however they watched the Motions of the *Scots*, nd with a good Body of Horſe, not only hindred them from ſpoiling he Country, but killed five *Scotiſh* Knights, who had ſtraggled too far om the Army, putting to flight thoſe that came with them. Then ing *David*, that He might not ſpend His Time in vain, brought back is Forces, and muſtering them once more, made a Third Invaſion bout the end of *Autumn*, when the Weather proving very bad, by rea- on of the Great Rains that fell, it ſo raiſed the Rivers and Brooks, that t hindred His Men from going out to forage; ſo that contenting Him- elf with burning a few Caſtles in the Borders, He returned home with- ut doing any great matter. But not long after there was a Truce agreed n between the Two Nations, provided the King of *France* would allow f it; for it had been already concerted, that the *Scots* ſhould make no eace without that King's Privity and Conſent.

He is joyfully received by His Subjects.

[4.] *Froiſſ.* c. 79.

[5.] Id. ib. *Hect. Boeth.* L. 15.

He raiſes a great Army, and therewith invades *England* thrice in one Summer.

This is all that I can find related by the *Scotiſh* Hiſtorians, concerning three ſeveral Expeditions, which they relate their King to have made mmediately after His Return, and of which our *Engliſh* Writers are n a manner ſilent; yet * *Froiſſart* makes a more formidable Buſineſs of t, and ſuppoſes K. *David* to have made but one Invaſion into *England* his Year, but that a very terrible one; for that King having raiſed an Army of no leſs than Sixty Thouſand Foot, and Three Thouſand Horſe, with which He invaded *Northumberland*, ſpoiled all the Coun- ry, and beſieged *New-caſtle*; but that whilſt He lay there, the Lord *Nevil*, Governor of the Caſtle, ſent out about Three hundred Lances one Morning before Day to make an Aſſault upon the *Scotiſh* Camp, which was performed with ſo good Succeſs, that ſurprizing them in their Beds, they not only ſlew a great many of them, but alſo ſeizing upon the Earl of *Murrey*, one of their Generals, they carry'd him away Priſoner into the *Tower*: This Affront ſo enraged the King, and all that were with Him, that the next day they made a vigorous Aſſault upon it, but not being able to take it, [1.] His Council perſwaded Him to quit the Siege, and march to *Durham*, as a more eaſie Prey; which City our *Author* falſly ſuppoſes that King to have taken, plundered and burnt without any difficulty, and that He ſpoiled even the Shrine and Church of St. *Cuthbert* of all its Plate, Jewels and Ornaments; and that having put all the *Inhabitants* of whatſoever Age, Sex or Condition to the Sword, without ſparing the very *Monks* and *Clergy*, He with His Army returned home laden with Spoil; which, I doubt not, but is all a Miſtake of this *Author*, proceeding from Falſe *Information*, ſince I can-

* cap. 75. *Froiſſart*'s Relation of King *David*'s Invaſion very different from that of the *Scotiſh* Writers.

[1.] Id. c. 76. *Froiſſart*'s Miſtake about the *Scots* taking and burning of *Durham*.

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not find any thing like it either in the *Scotiſh*, or in any of our own H ſtorians, in Manuſcript, or Print, of that Time, who would not hav failed to have mentioned ſo Cruel and Sacrilegious an Action; yet pe haps this *Author* being a Foreigner, confounds this *Expedition* of Ki *David*'s with that he made about four Years after; when again inv ding *England*, He haraſſed and plundered the Biſhoprick of *Durba* tho without taking the City it ſelf: But I ſhall now give you the r of this Expedition, according as this *Author* relates it, tho what follo ſeems more probable.

[2.] Id. c. 77. The *Scots* are ſet upon in their Return by the Gariſon of *Werk Caſtle.*

[2] The *Scotiſh* Army being thus laden with Spoils, in their Retu homeward, paſſed by the Caſtle of *Werk* in *Northumberland*, whi belonged to the Earl of *Salisbury*, who was at that time a Priſoner *France*, but his Lady, the *Counteſs*, was then in it, together with Sir *Wi liam Montacute*, her Husband's Brother, who was Governor of it: Th Caſtle the *Scots* would have paſſed by, when the Governor obſervi them to march in ſight of it with a vaſt Train of Horſes and Carriag laden with Plunder, he reſolved to have a ſhare of it, and ſo makin a brisk Sally with about forty Horſe, fell upon the Rear of the *Scots* A my, and putting them to the rout, returned with no leſs than ſix ſco Horſes laden with Rich Plunder, which he carried into the Caſtl This ſo enraged the *Scots*, that in revenge they immediately began aſſault the Caſtle, but the Beſieged being encouraged by the Counte of *Salisbury*, Lady of the Caſtle, made ſo vigorous a Defence, that th *Scots* being beaten off with great loſs, were forced to retreat for th time; but King *David* reſolving to take it, commanded His Batte ing Engines to be raiſed againſt it, which when the Governor ſaw, b ing ſenſible that the Place could not long hold out without a ſpeed Relief, and not being able to perſuade any body in the Caſtle to ven ture through the *Scotiſh* Camp to give K. *Edward* notice of their da ger, and to beg His ſpeedy Succour, therefore the Governor himſe mounting a ſwift Horſe, ventured to do it, and paſſing by Night thr the Enemies Camp, met K. *Edward*, then upon His March near th Place; for ſo ſoon as He had heard of King *David*'s having enter'd *Eng land*, He had raiſed a great Army, with which He now approache near that of the *Scots*; which when they heard, not thinking it ſa for them to venture a Battel, being heavy laden with Plunder, the preſently raiſed the Siege, and early the next Morning paſſed the *Twee* with all their Forces, taking the direct way to the *Foreſt* of *Tedworth* there to wait K. *Edward*'s Motions, and ſee whether He would go back or invade *Scotland*.

Whereupon K. *David* lays ſiege to it.

King *Edward* having notice of it marches to its Relief, whereupon the *Scots* raiſe the Siege.

[3.] Id. c. 78. King *Edward* comes to *Werk Caſtle*, where He is met by the *Counteſs* of *Salisbury*.

The [3.] very ſame day the *Scots* marched off, K. *Edward* arrive with His Army at the Caſtle of *Werk*, where His coming was ver opportune and lucky, for as He went up to the Caſtle, He was met with out the Gate by the Counteſs of *Salisbury* her ſelf, who falling upo her Knees, gave the King her moſt humble Thanks for His Seaſonabl Relief; His Majeſty preſently took her up, and having ſaluted her ſhe treated Him and His Company very magnificently during on Night that He ſtay'd there: The Courtly Addreſs the King made to the Counteſs, who (tho then above thirty Years of Age) was ſtil ſufficiently beautiful, gave occaſion to *Froiſſart*, and after him, to other *Hiſtorians*, to ſuppoſe that K. *Edward* then fell in love with her,

although

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although there were no reaſonable Grounds for ſuch a Conjecture, as I ſhall ſhew further hereafter.

[4.] Id. c. 79. The K. takes His leave of the *Counteſs*, and perſues the *Scots*, who retreat into the *Foreſt* of *Tedworth*.

[4.] The King having taken His Leave of this Lady, put Himſelf at the Head of His Army, and perſued the *Scots* till He came to *Berwick*, from whence He marched forward within eight Miles of *Tedworth Foreſt*, where K. *David* was already enter'd with all His Forces, in confidence that none durſt follow Him thro' that almoſt impaſſible Deſart; for three Days together K. *Edward* lay near the Skirts of it, to ſee whether the *Scots* would come forth and give Him Battel; yet all this while there were divers Skirmiſhes between the Two Armies, and ſeveral were ſlain and taken interchangeably on both ſides, tho the greater ſhare of the Loſs fell to the *Scots*.

[5.] Id. ib. The Noblemen of both ſides endeavour a Truce, which is at laſt agreed to by the *Scotiſh* K. for a time; and the Conditions of it.

[5.] Notwithſtanding theſe ſmall Sallies and Rencounters of the *Scots* and *Engliſh*, during the ſpace of three Days, there were certain Noblemen, on both parts, that earneſtly labour'd to compoſe Matters for the preſent between the Two Kings; and their Treaty at laſt had ſuch good effect, that a Truce was agreed on for Two Years, provided the *French* King would give His Conſent to it; for K. *David* was ſo cloſely confederated with K. *Philip*, that He could admit of no Peace or Truce without His Leave, and therefore He could only for the preſent conſent that the Truce ſhould continue until the firſt Day of *May* following. It was alſo further agreed, That the Earl of *Murrey* ſhould be quitted of his Ranſom and Impriſonment, if the K. of *Scots* could ſo far prevail with the *French* K., as that the Earl of *Salisbury*, who was already at liberty, upon Parole, ſhould now be acquitted of all Obligations. This Truce the K. of *Scots* was by His Council earneſtly adviſed to make, that *Scotland* might thereby have a breathing-while to recover it ſelf, and that the Husbandmen might return again to the Plough, which was now almoſt wholly neglected; and K. *Edward*, for His part, agreed to it the more willingly, not only becauſe the Seaſon of the Year began to call for a Reſpit, but alſo, that He had ſeveral Armies at this time to maintain at a vaſt Charge in *Gaſcoign*, *Bretagn*, and other Places, beſides His other Expences; and ſurely there muſt have been at that time very great Reaſons which induced King *Edward* to that Temper, as not to take a ſevere Revenge upon the *Scots* for the Miſchief they had lately done in *England*.

The Reaſons why this Truce was ſo willingly conſented to on both ſides.

[1.] Id. ib. The Earl of *Salisbury* and Lord *Ufford* are exchanged for the Earl of *Murrey*.

[1.] Soon after this, K. *David* by His Ambaſſadors prevail'd upon the *French* K. to conſent to this Truce in the Form as it was agreed on; and alſo to releaſe the Earl of *Salisbury* and the Young Lord *Ufford*, Son to the Earl of *Suffolk*, in exchange for the Earl of *Murrey*, who had been long kept Priſoner; but they being two for one, the K of *France* had 3000 Pounds of them in Money to Boot.

This is the Account that *Froiſſart* gives us concerning K. *Edward*'s Expedition this Summer, which I cannot find mentioned by any other *Hiſtorian*, either *Scotiſh* or *Engliſh*, any more than the reſt of the *Actions* already related; ſo that I muſt ſtill doubt whether our *Author* hath not here plaid the part of a *Romancer*, in ſuppoſing K. *Edward* to have made this *Expedition*, that he might have a freſh Occaſion of mentioning the Courtſhip, which he all along (without any Juſt Grounds) ſuppoſes this *King* to have made to the *Counteſs* of *Salisbury*; and therefore I ſhall leave it to the Reader's Judgment what Credit to give to all this Relation: but we may give more to this *Author*'s Teſtimony concern-

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ing the *Affairs* of *Bretagn*, that were carry'd on by K. *Edward* in Perſon this Year.

[2.] *Froiſſ.* ib. The K. raiſes an Army to paſs over into *Bretagn.*

* Rot. Clauſ. 16 *Ed* 3. m. 28. dorſ.

The K. goes on board with His Army, and lands not far from *Vannes*, which he aſſaults, but without any effect.

* Ib. part 2. m. 23. dorſ.

[3.] *Froiſſ.* ib.

Whereupon He marches to *Nants*, which He beſieges without ſucceſs.

He removes to *Dinant*, which He takes by Storm.

For ſo ſoon as He received the News of the Bad Succeſs of His Forces in *Bretagne*, and not long after ſaw the Death of His Friend the Lord *Robert* of [2.] *Artois*; at which being highly grieved, He vowed to revenge it, and to this end raiſed a powerful Army, and appointed it by Proclamation to be ready to paſs with Him into *Bretagne* by *Midſummer* following; and * then wrote to *Pope Clement* the *Sixth* to put up *Prayers* to the *Almighty* for His *Happy Progreſs*, and that He Himſelf would alſo cauſe *Proceſſions* and other Pious Offices to be exercis'd in *England* for a *Bleſſing* upon His Forces, which at that time He intended to ſend over againſt *France*; all which being performed accordingly, the K. with His Forces went on Shipboard the 4th of *Octob.* at *Sandwich*, and landed at a Port not far from *Vannes*, near the very Place where the Lord *Robert* of *Artois* had come on Shore after his Fight at Sea; [3.] the King, after His Army were all landed, and a little refreſhed, inveſted the Town, and gave it a vigorous Attack, but without any great ſucceſs, for the Lord *Henry de Leon*, and Sir *Oliver Cliſſon*, with other Noblemen were in it, and it was now too well fortify'd (beſides the numerouſneſs of the Gariſon) to be eaſily taken; the King perceiving the Strength of the Place, and that His whole Army was not able to continue there for want of Forage, divided His Forces, and having left a ſufficient number to block up the Town, marched to *Nants*, where He heard Count *Charles* of *Blois* then was; reſolving, if he would not come out to give Him Battel, to beſiege Him in that place: but when the King had made divers Aſſaults upon the City, without any effect, and found He could not make Count *Charles* come out to fight Him, being weary of ſtaying longer there, He left a Body of Six hundred Men at Arms, and Two thouſand Archers to block it up, whilſt He with the reſt of His Forces marched away to *Dinant*, which not being ſo ſtrong as any of the other Places already mention'd, was after ſome reſiſtance taken by Storm, and all the Gariſon put to the Sword, (except the Governour) who had his Life ſaved for his extraordinary Valour.

[4.] Id c. 95.

The *French* making a Sally out of *Vannes*, are repulſed with loſs.

In [4.] the mean while the Siege of *Vannes* was carry'd on with better ſucceſs than could be expected, conſidering the ſmalneſs of the Forces that lay before it; for K. *Edward* with the beſt part of the *Engliſh* Army being now gone, the Beſieged grew ſo bold, that ſetting open their Gates, they made a brisk Sally upon the *Engliſh*, under the command of the Lord *de Leon*, and Sir *Oliver Cliſſon*; but were ſo warmly received by the Earl of *Warwick*, and Sir *Water Manny* and other Noblemen (who were then leading up their Forces to make an Attack upon the Town) that the *French* were driven back with conſiderable loſs, even to the Barriers of the Town; ſo that fearing the Enemy ſhould enter along with them, they preſently cloſed the Turn-Pikes upon thoſe that followed; but it happened very unluckily, for the Lord *de Leon* and Sir *Oliver Cliſſon*, who valiantly made good the Retreat, being with about forty Gentlemen more ſhut out, they were made Priſoners, upon which the Beſieged growing more wary, durſt make no more Sallies, yet the Place ſtill held out.

Whilſt [5.] K. *Edward*'s Forces were thus employ'd in carrying on three Sieges at once, there happened ſomewhat which put a ſtop to His further Succeſs; for when Count *Charles* of *Blois* perceived he ſhould be overpower'd by the great Forces that the K. had now brought over with Him, he ſolicited the K. of *France* by frequent Letters and Meſſages to ſend him a powerful Aſſiſtance with all the ſpeed he could; He thereupon ordered His Son, the Duke of *Normandy*, to raiſe a great Army for that purpoſe, who as ſoon as He could get His Forces in a readineſs, forthwith marched from the City of *Angiers* towards that of *Nants*; but upon his approach the *Engliſh* Commanders (by K. *Edward*'s Order) raiſed the Siege before that Place, and marched with thoſe Forces to *Vannes*, to which Siege the K. was then returned in perſon, and had ſo ſecurely intrenched Himſelf, that the *French* Army (tho far more numerous than His) could not force Him to a Battel but as He Himſelf pleaſed: for the Duke of *Normandy*, with Count *Charles*, and all the joint Forces having relieved *Nants*, were come before *Vannes*, and encamped in a large Meadow between the Rivers of *Claye* and *Vilaine*, and had made a great and deep *Trench* round about their Army.

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[5.] Id. c. 98. The *Count* of *Blois* ſolicits K. *Philip* for aſſiſtance, which is ſent under the command of the Duke of *Normandy*, who raiſes the Siege of *Nantz*, and then comes before *Vannes*.

[6.] Upon the News of their approach, K. *Edward* ordered that part of the Army commanded by the Earls of *Salisbury* and *Pembroke* to quit the Siege of *Rhennes*, and to come and reinforce Him, for He expected to have a Battel with the *French* at that time, and His Forces, both *Engliſh* and *Bretons* made up but about Two thouſand and five hundred Men of Arms, and Six thouſand Archers, and about Six thouſand others on foot, beſides thoſe who were left to keep the Navy, and others in Gariſon, and with the Counteſs in *Hennebond*; but theſe were all choſen Men under good Leaders, and were very ſtrongly entrenched in their Camp, which was not to be eaſily forced, (as I have already obſerved): Thus theſe two Armies lay facing one another for ſeveral days, without any Action, further than ſome light Skirmiſhes; for the *French* could not force the *Engliſh* to Battel, nor durſt they attempt them in their Camp; and K. *Edward* thought it not Wiſdom to leave His Intrenchments, and attack the Enemy at ſuch great diſadvantage as He knew the Aggreſſor muſt needs undergo; eſpecially ſince He muſt then leave the City on His Back to ſecond the Enemy: Nor did He give any more Aſſaults to the Place, becauſe of keeping His Men freſh and entire againſt the time of Battel, if it ſhould be offer'd, and which He then reſolved to accept.

[6.] Id. ib. The K. commands the Siege of *Rhennes* to be raiſed, and the Forces to come to Him, who ſtrongly entrenches Himſelf in His Camp, and lies ſtill, expecting what the *French* would do.

I will now, for the better underſtanding of what follows, here inſert ſomewhat of *Eccleſiaſtical Hiſtory*: *_Pope Benedict_ XII. a *Prelate* more affectionate to the exaltation of the *Roman* See, than that of His own particular Family, deceaſed in *April* this Year, leaving a great Treaſure to His Church, but little or nothing to His own Relations: He was ſucceeded by *Peter Roger*, ABp of *Roan*, by the Name of *Clement* VI. who took a quite contrary Courſe, and as He made no ſcruple to divert the Riches of that Church to His own Pride and Grandeur, ſo He alſo again introduced the *Nepotiſm*, to the great Prejudice and Scandal of it. I have nothing to add more upon this subject but that [illegible] King received an Acc[illegible] from the Cardinals at Avignon of this Popes election he immediately wrote him a congratulatory epistle upon his advancement to the papal See, farther recommending himself and his affairs to his holiness [illegible] lish'd in [illegible] p. 313.

* T. W. ad An. 1340, *ſed falſo.* Mezeray, *ad hunc Ann.*

But to return to the Affairs of War: Whilſt [1.] the Two Princes lay thus in their reſpective Quarters, conſidering what to do, Winter was pretty well advanced, and yet both Armies lay ſtill encamped juſt as they

[1.] Id. ib.

* Rot. Parl. 17 *Ed.* 3. n.8.

[2.] *Froiſſ.* ib. The Deſigns of the *French* againſt the *Engliſh Army*, yet both of them ſuffer much hardſhip.s

they did before: In the mean while the New * Pope *Clement* ſent Two
Cardinals, ***Peter*** of ***Præneſte***, and ***Annibald*** of ***Tuſculum*** to mediate
Peace between the Two Crowns, and they rode every day between a
both Parties to endeavour to bring it about; at firſt they met with great
Difficulties, for the [2.] ***French*** thought to keep the K. there, as it were
beſieged, till He ſhould even be forced to come forth, and give them
Battel, to His great Diſadvantage; and the K. had beſides ſome Appre-
henſions that the Enemy would adventure to break into His Camp, and
force Him to fight; or at leaſt, ſo weary Him out, that He ſhould be
able to lie there no longer: And indeed both *Armies* endured great
Hardſhips; for as the *French* ſuffered much by the Wet and Cold Wea-
ther, ſo on the other ſide, tho the *Engliſh* had made themſelves good
Huts againſt both thoſe Inconveniences, yet they were in great Streight
for Proviſions, not daring to go out into the *Country* to forage, but i
great and ſtrong Parties, for fear of the *French*, who commanded th
Country; and Prince *Lewis* of *Spain*, who had then a Fleet at Sea, ſ
narrowly watched the Coaſt, that little Proviſion could be brought t
them that way. And tho' one part of the K's Navy lay at *Breſt*, an
the other at *Hennebond*, however they did not go out to Sea at all thi
Winter, but for what Reaſons I am not able to determine; yet had hi
Fleet then commanded the Sea, (as it might have done) His Arm
had never been reduced to thoſe Streights as it was for want of Provi
ſions.

[3.] *Odoric. Rayn. ad hunc Ann.* A *Truce* is at laſt propoſed between the two Princes by the *Cardinal Legates*, which is at firſt proteſted againſt by King *Edward*.

[3.] Theſe Difficulties at laſt ſerved to prepare the Minds of bot
Princes to hearken to a Truce, and render'd them more inclinable t
accept of the Cardinal's Offers: At firſt they both conſented to a ſho
Truce for *Bretagne* only; but when the Cardinals urged, that the
ſhould appoint a time for a further Treaty, concerning a final Accom
modation between them before the *Pope*, here K. *Edward* proteſted, th
He would never allow the *Pope* ſuch an Abſolute Power as to determi
His Quarrel, unleſs a Peace might be had both honourable to Himſel
and profitable for His Allies: and then He would conſent to have t
Treaty about it brought before ***His Holineſs***, and then too He wou
ſubmit to ***Him*** only as an indifferent ***Arbitrator***, and not as a *Judg*
and if they would not yield to this, He would perſue His Quarrel t
the utmoſt. So careful was this K. (like as K. *Edward* His *Grandfath*
had been before) leſt the *Pope* ſhould improve this *Precedent* into
Right, of making Himſelf a ***Judge*** of all *Differences* and *Quarrels* th
might ariſe between theſe Princes.

The *Legates* at laſt obtain a *Truce* between *England* and *France* for three Years, which is ſworn to by K. *Edward* and by the Duke of *Normandy*.

However at laſt theſe *Cardinals* laboured ſo effectually, that they o
tain'd a *Truce* between ***England*** and ***France***, and their Allies, to hold f
Three Years; during which time, the whole *Controverſie* then depen
ing, was to be weighed, and impartially conſidered, and ſome equ
Method of *Peace* to be deviſed by the *Pope* (not as a *Judge*) but o
ly as a ***Friend*** to the ***Common Peace*** of ***Chriſtendom***; Some of the Chi
Articles of this *Truce* being agreed on, were ſworn to by K. *Edward*
His Own Name, and by the Duke of ***Normandy***, on the behalf of t
K. His *Father*: But ſince there was then a neceſſity for both Armies i
mediately to decamp, a Time was appointed in the beginning of *Janu*
ry following to treat more fully thereof, at *Maleſtroit* in *Bretagne*, whe
the *Plenipotentiaries* to be appointed by both Kings were to have
Meeting; and ſo there being a mutual Exchange made of ſome of t

Priſone

Priſoners taken during this War, as particularly the Lord *Oliver Cliſſon* was exchanged for the Lord *Stafford*; then the *Armies* broke up, and both *Princes* civilly took leave of each other.

[4.] Preſently after this *Agreement*, about *Chriſtmaſs* following, K. *Edward* went on Shipboard with His Forces, having the Counteſs of *Montford* in His Company; but in His Paſſage met with ſo violent a Storm, as drove His Fleet upon the Coaſt of *Spain*, whereby ſeveral of His Ships, with divers Perſons of Quality periſhed. The *Counteſs* with much ado landed in *Devonſhire*, but the *King* being kept at Sea above five Weeks by contrary Winds, landed on the ~~firſt~~ of *March* at *Weymouth*, and ſoon after came to *London*, where He was received with great Joy by His *Queen*, and all the *Nobility*, who had been in mighty concern what was become of Him. * ~~Then ſoon after He ſet forth a *Proclamation* to give *Publick Notice*~~ of the ~~*Truce* lately made in~~ *Bretagn*.

In [5.] the mean while certain *Commiſſioners* appointed by both Kings met at the *Priory* of St. *Mary Magdalen's* in *Maleſtroit*, a Town in *Bretagne*, where, by the Mediation of the *Cardinals* aforeſaid, the *Articles* of the *Truce* were reduced into theſe enſuing *Heads*; which I ſhall not give you as they are found in *Walſingham*, and ſome other *Writers*, for they are tedious and immethodical; but according as they are abridged by the Diligent *Du Cheſne*, who hath drawn up the whole and entire Senſe of them in this ſhort Form.

1. That out of Reverence to *Holy Church*, the Support of *Chriſtianity*, and Eaſe of the Subjects of both *Kings*, and for the *Honour* of the *Cardinals* then mediating *Peace* and *Concord* between Them, the Two *Kings* would ſend ſome of their Own *Blood*, with Others to the *Court* of *Rome*, to end all *Differences* and *Debates* before the *Pope*, having Power by His Conſent, with the Conſiſtory of *Cardinals*, to alledge and propound their Reaſons on both ſides; not that He ſhould end and decide it, or give *Sentence*, but only for the making a better *Peace* and *Treaty* by way of Compromiſe.

2. The *Treators* and *Ambaſſadors* to appear before the *Pope* by the Feaſt of St. *John Baptiſt* (or *Midſummer-day*) next coming, and that before *Chriſtmaſs* the *Treaty* ſhould be ended, if nothing happened that requir'd the further delay to it: But in caſe the *Treators* be not hindered by other Buſineſs, or that the *Pope* cannot by that time compoſe the Differences between the Two *Kings*, yet neverthleſs the *Truce* ſhall continue for Three Years after the Feaſt of St. *Michael* next following, between the *Kings* of *England* and *France*, the K of *Scots*, the Earl of *Haynault*, and all the *Allies* of the ſaid *Kings*; that is to ſay, the Dukes of *Brabant* and *Guelderland*, the Marqueſs of *Juliers*, Monſieur *John de Haynault*, and the People of *Flanders* in all their Lands and Seignioories.

3. That the K. of *Scots*, and Earl of *Haynault*, and other *Allies* of the ſaid *Kings* ſhould ſend their *Ambaſſadors* to the *Court* of *Rome*, by the Feaſt of St. *John*, with ſufficient Power to conſent to, and confirm the *Treaty* before the *Pope*, for what belongs to Them; but if they would not ſend, the *Treaty* was to proceed notwithſtanding.

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[4.] H. K. col. 2583. Froiſſ. c. 100. The K. goes on Shipboard, and in His Paſſage endures a violent Storm, and is kept at Sea above five Weeks.

* ~~Rot. Clauſ. 16 Ed. 3.~~ p. 1. ~~m. 31.~~

[5.] T. W. The *Truce* is fully concluded after the K's departure, with the *Articles* of it.

and [illegible] before the Kings arrival in England he ordered certain writs [illegible] sent to all the Clergy and great Officers [illegible] Ireland and Wales [illegible] to proclaim the [illegible] truce [illegible] in the Counties and districts [illegible] 17 Ed: 3. pt. 1. m. [illegible]

and immediately upon his arrival Sr. Robert Parning then Ld. Chancellor attended the King with the great seal [illegible] to him [illegible] the same time another great [illegible] which he had carried [illegible] with him into Britany [illegible] the Chancellor having received [illegible] it [illegible] the King [illegible] it was inclosed and sealed caused divers writs to be sealed [illegible] which being done he put it into the bag again and sealed it with his own seal [illegible] the King's [illegible] ing. Rot. Claus. 17 Ed: 3. m 23. d. Vid Rs. col. p 357.

4. That

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4. That the *Truce* ſhould be obſerved in *Bretagne* between the Tw *Kings* and their *Allies*, notwithſtanding they both pretend Right t the ſaid *Dutchy*.

5. The City of *Vannes* ſhould remain in the Hands of the *Cardinal* or of one of them, to be holden during the *Truce* in the Name of th *Pope*, and after the end of the *Truce*, they to diſpoſe of it as the pleaſed.

6. That the *Cardinals* ſhould labour diligently to find ſome way ho the *Flemings* might be abſolved from the *Pope's Cenſures* which the had incurred.

7. That the Earl of *Flanders* ſhould remain in his Earldom as Lord though not as a Sovereign, provided the People give their Conſen to it.

8. That both *Kings* ſhould endeavour without Fraud that their Subjects ſhould not make War upon each other in *Gaſcoigne*, nor in *Bretagne*, during the *Truce*, nor in any other Place; and in caſe they ſhould it ſhould cauſe no Rupture between the Princes.

9. That none who were under the *Obedience* of one *King*, before or at the Time when the *Truce* was made, ſhould put himſelf under th *Obedience* of the other during the *Truce*.

10. That nothing ſhould be given or promiſed, directly, or indirectly, to any Party to make War during the *Truce*.

11. That the *Truce* be kept and obſerved by Land and Sea, and ſworn to by other *Parties*, and ſpeedily publiſhed through both *Armies* and within fifteen Days in *Gaſcoigne*, *Bretagne*, and *Flanders*; and in *England* and *Scotland* within Forty.

The Reſidue of the *Articles* are the ſame with thoſe of the *Truce* mad at the Siege of *Tournay* the 25*th* of *September*, 1343; which being already expreſs'd, need not be again repeated.

This *Truce* was made in the *Priory* of St. *Mary Magdalen*, in the Town of *Maleſtroit*, and ſigned the 19*th* of *January*, A. D. 1343, according to *Avesbury*; as it ſhould be alſo by *Walſingham*, were he true to hi own Reckoning, in beginning the Year at *Chriſtmaſs*; but the *Treaty* it ſelf is alſo miſplaced in his Chronicle, and under *Anno D* 1341.

The manner of the *French* and *Engliſh* Commiſſioners taking an Oath on their Maſters behalf, that they ſhould obſerve the *Article* of the *Truce*.

And to theſe *Agreements* the Lord *Otho*, Duke of *Burgundy*, the Lor *Peter*, Duke of *Bourbon*, with the Earls of *Boulogne*, *Auxerre*, *Sancerre* *Joigny* and *Porcien*; the Lords *Milo de Nogheres*, and *Ingelram de Couc* were Witneſſes, who as *Commiſſioners* for *Philip* K. of *Franoe*, took a *Oath*, *Upon His Soul* (as the Form then was) that He ſhould obſerv it: And in like manner the Earls of *Darby*, *Northampton* and *Saliſbury*, with the Lords *Stafford*, *Burghwaſh*, *Cantilupe*, *Cobham*, *Maun* *Berkley*, and Dr. *John Ufford*, Arch-Deacon of *Ely*, did ſwear *On th Soul* of *Edward* K. of *England*, their Maſter, by laying their *Hands* upo the *Holy Goſpels*.

Theſe *Articles* of the *Truce* being ſolemnly confirm'd in the Manne abovementioned, the *Cardinals* cauſed a *Charter* thereof to be draw into the Form ſet down at large in our *Authors*, and to which all th ſaid Perſons ſet their *Hands* and *Seals* on the Day and Year above-written, in the preſence of the *Cardinals* themſelves, and many other Grea Lords and Gentlemen of both Nations.

I ſhall conclude this Year with the Affairs of *England*, which, ſince we were taken up with the War in *Bretagne*, could not well be mentioned ſooner.

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About three Months after the Concluſion of this Treaty, a * Parliament was held at *Weſtminſter*, *Fifteen* days after *Eaſter*, or the *Three and Twentieth* of *April*: As for the Cauſes of Summoning it, we need go no further than the Writ it ſelf; *viz. That it was to treat and adviſe with the Great Men and Commons, what was beſt to be done about the King's Affairs*, as alſo concerning the Truce lately made between Him and His Adverſary of *France*: And laſtly, about the good Government and Safety of His Realm and People.

* Rot Parl. 17 Ed. 3. n. 7, 8, 9.

A Parl. held at *Weſtminſter*, and to what Intents.

The Parliament being Aſſembled, the Chancellor ſent for Sir *Bartholomew Burgherſh* to come into the Houſe; and becauſe he had been with the King at the making of the late Truce, and knew beſt what had paſſed there, he was appointed to declare to the Parliament, upon what Occaſion it was concluded. Whereupon he gave them a brief Account, 'That after the King had begun the War with *France*, by Aſſent of the *Prelates*, *Great Men*, and *Commons*, to obtain His Rights and Inheritance there; He had divers times paſſed the Sea with His Army, and after His laſt going over, had taken ſeveral Towns, Caſtles, and Forts in *Bretagne*; but that whilſt He lay at the Siege of *Vannes*, He was deſired by the Pope, for the Honour of God and Holy Church, to accept of the Mediation of two Cardinals whom He ſhould ſend to Him, to mediate a Truce, until a Peace could be treated of: And then concluded, That the King, perceiving the Truce to be Honourable, and Advantageous for Him and His Allies, aſſented to it: That, during the Continuance thereof, a Treaty of Peace might be had, before the Pope, as a Mediator and Friend, but not as a Judge. Which Peace, if Good and Honourable, the King would accept of; if not, He would perſue His Quarrel. And Sir *Bartholomew* further ſaid, That becauſe the War was begun by the Common Advice of the *Prelates*, *Great Men*, and *Commons*, the King would not Treat of, or make Peace without the like Aſſent. Wherefore the Prelates and Great Men were charged to Aſſemble on *Thurſday* the *Firſt* of *May*, to treat, adviſe, and agree among themſelves, Whether the King ought to ſend any Envoys to the Court of *Rome*, to propound His Right before the Pope, or not? And in the ſame manner, the Knights of Counties, and *Commons*, were charged to Aſſemble in the Painted Chamber, to treat, and adviſe in like manner, and to report their Anſwer and Agreement, in full Parliament, at the ſame time.

Sir *Barth. Burgherſh* gives the Parliament a Relation of the Succeſs of the King's Affairs beyond Sea, and of the late Truce.

The Eſtates of Parliament are charged to give the King their beſt Advice in this Juncture.

On * which day, the Prelates and Great Men anſwered, their Advice was, That the Truce was Honourable, and Advantageous to the King and all His Friends; and that every Chriſtian ought to wiſh, that the War, which was ſo great and hurtful to all Chriſtians, might ſoon end in a Peace: Wherefore they agreed to the Truce; and that the King ſhould ſend Meſſengers to *Rome*, to lay before the Pope, as a Mediator and Friend, (but not as a Judge) His Rights and Demands, in order to a Treaty of Peace, according to the Form of the Truce. And then the Knights of Counties came in, and the Commons, and anſwered by Sir *William Truſſel*, in the *White Chamber*, (*i. e.* the preſent Court of Requeſts) who in the preſence of the King, Prelates, and Great Men, propoſed on behalf of the Knights

* Ibid.

The Prelates and Great Men approve the Truce, and adviſe the ſending Envoys to *Rome*, to lay the King's Demands before the Pope.

Which is alſo agreed to by the Commons

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‘and Commons, That they were fully agreed, the Truce ſhoul kept, to the end a Good and Honourable Peace might be made And further, the ſaid Commons prayed the King, to ſend expreſ Envoys, or Meſſengers, to treat of Peace, as aboveſaid; and in caſ He could have an Honourable and Advantageous Peace for Himſel and His Friends, that He would accept of it; but if not, the ſaid Commons declared, that they would aid and aſſiſt Him, and maintain Hi Quarrel with all their Power. With which Hearty and Loyal Anſwer, the King could not but be very well ſatisfied.

* Rot. Pat. 17 *Ed.* 3 m. 24. n 27. *Edward* the K's Eldeſt Son is created P. of *Wales* in this *Parl.* in which alſo the Statute of *Proviſors* was made.

† *Vid.* the Account of Laws at the end of this Reign.

I have no more to add concerning this Parliament, only that in th Beginning of it, * the King created His Eldeſt Son *Edward*, now i the *Thirteenth* Year of His Age, Prince of *Wales*; inveſting him b a Coronet and Ring of Gold. In this Parliament alſo, upon grea Complaints made by the Peers and Commons againſt the Pope's En croachment of beſtowing Eccleſiaſtical Benefices in *England*, by way o *Proviſion*, upon Strangers; and alſo by Impoſitions of *Tenths* and *Fir Fruits*: For Remedy of the ſaid *Abuſes*, that Notable Statute o *Proviſors* was then enacted; which you may find at large in the Printed Statute-Books; and † I have given you an *Abridgment* of it in another Place. But as for the Letters which were then written in th Name of the whole Parliament to the Pope, concerning this *Affair*, a alſo His *Anſwer* to King *Edward* about it, with His *Reply* to the ſame, ſince they are things of an Eccleſiaſtical Nature, I ſhall refer the Reader to the End of the Reign, where ſuch Church-*Affairs* as could no ſo well be inſerted into the Body of this Hiſtory, are particularly related by themſelves.

[1.] *Odor. Rayn. ad hunc Ann.* The K. writes to the *Pope*, deſiring the time for ſending His Commiſſioners to *Rome* might be prolong'd.

Preſently after this *Parliament*, King *Edward*, upon more matur Deliberation, wrote a [1.] Letter to the Pope, That, whereas by th *Articles* of the late Truce, He had agreed to ſend Commiſſioners t His Holineſs before *Midſummer* enſuing; He deſired the Term migh be prolonged until the *Eighth* of *September*; and that in the mea while His Holineſs would be pleaſed to write to the King of *France*, that the Earl of *Montfort* (who had been taken Priſoner in the lat War) might be ſet at Liberty; as alſo, that *David* King of *Scotlan* ſhould be admoniſhed to obſerve the Truce more ſtrictly than He ha done.

* Rot. Franc. 17 *Ed.* 3. m. 12. The K. iſſues out a Commiſſion to certain Nobles and Civilians to treat with the *French* Commiſſioners before the *Pope*; which is followed by a Second Commiſſion, but to no effect.

About the Beginning of this Summer, King *Edward* iſſued out a * Commiſſion, bearing date the *Twentieth* day of *May*, to *Hugh le Diſpenſer* Lord of *Glamorgan*, *Ralph* Lord *Stafford*, *William de Norwich* Dean of *Lincoln*, Sir *William Truſſel*, and *Andrew Ufford* a Civilian: Theſe had thereby *Authority* to treat in the preſence of the Pope (not as a Judge, but as a Friend and Private Perſon) and with the Commiſſioners that ſhould be appointed by *Philip* of *Valois*, concerning the King's Right to the Crown of *France*, and all other Dominions, Lands, &c. in the ſaid Kingdom, and about which any Controverſie or Difference might ariſe. Neither was this alone thought ſufficient; for about three Months after, a Second Commiſſion, bearing date the *Nineteenth* of *Auguſt*, was granted to *Henry* Earl of *Derby*, *Thomas* Earl of *Warwick*, *Robert* Earl of *Suffolk*, and to the Lords, *Hugh le Diſpenſer*, *de Nevil*, *de Burgherſh*, *le Grey de Ruthyn*, *de Cobham*, and *de Brodiſtan*; and to theſe Doctors of Law, *William de Norwich* Dean of *Lincoln*, *John de Ufford Archdeacon* of *Ely*, *Robert Herward Archdeacon*

Deacon of *Taunton*, and *Andrew de Vfford* : But yet that all theſe New Commiſſioners ever went over, I do not find, but rather the contrary; and as for theſe firſt mentioned, [2.] they in *September* following met thoſe that were ſent thither by the K. of *France*.

[2] Chron. *Franc. Ms.*

[3.] Bp *Stillingfleet's MS.* n. 8.

The *Anſwer* of the *Engliſh* Commiſſioners to that great Objection from the *Salick*-Law againſt the Succeſſion of Women to the *French Crown*.

And it may not be amiſs to give you ſome Account of this *Treaty* and *Negotiation*, what were the [3.] *Arguments* that were urged by the *Commiſſioners* of either *Party*: Firſt, Thoſe for the K. of *England* ſet forth their Maſter's *Right* to the *Crown* much after the ſame manner as had been done before, That He was the next *Heir-Male* to the late Deceaſed K. *Charles*; and further ſupported it with theſe following Reaſons, That if the *Salick* Law were ſtill objected, That not only *Females*, but thoſe deſcended from them, were thereby excluded from the Succeſſion; that Law can no ways affect the *Kingdom* of *France*, by theſe Words, *In terram Salicam Mulieres nè Succedant*: For that the *Salick* Land lies in *Germany* between the Rivers *Elbe* and *Sala*, the Country of the Antient *Francs*; and that which the *French* now call a Law, was but a wicked and unjuſt Uſurpation, a Cuſtom firſt of all introduced by *Clotaire* the *Firſt*, to the excluſion of His Nieces *Chrotherge* and *Chroteſinda*, Daughters of His Elder Brother *Childebert* the *Firſt*; and that this Law had not been ſince that Time obſerved in *France*, they proved by ſeveral Inſtances: As that K. *Pepin*, Father to *Charles* the *Great*, having depoſed K. *Childeric* the *Third*, (the laſt of the *Merovean* Race) claimed the *Crown* of *France* before Pope *Zachary*, as *Heir General* of that Family, being deſcended of *Blithildis*, Daughter of K. *Clotaire* the *Firſt*; Father of that *Hugh Capet*, who upon the Death of K. *Lewis* the V. uſurped the Crown (when claim'd by *Charles* Duke of *Lorain*, the *Heir-Male* of the Line of *Charles* the *Great*), and to make his *Title* good, pretended to come of the Lady *Lindigardis*, *Daughter* of *King Charles* the *Second*, ſirnamed *the Bald*, Grandſon to *Charles the Great*; and that K. *Lewis the Ninth*, who is now Sainted, could never be ſatisfied in *His* Conſcience that *He* had any *Right* to the Crown of *France*, until it was made out to *Him*, that Queen *Iſabelle*, or *Elizabeth*, *His Grandmother*, *Daughter* to *Baldwin* Earl of *Haynault*, was lineally deſcended from the Lady *Ermingardis*, *Daughter* and *Heir* to the aforeſaid *Charles*, Duke of *Lorain*; ſo that in the *Judgment* of this *Holy King*, the *Salick* Law was then in no force; and that *Scripture* might not be wanting, eſpecially before a Pope, they urged that *Text*, which had been already made uſe of on this Occaſion, *viz.* * *If a Man die, and have no Son, he ſhould cauſe his Inheritance to paſs to his Daughters.*

* *Numb.* c. 27. v. 8.

Their *Anſwer* to the Objection of the *French* Commiſſioners, concerning K. *Edward's* doing *Homage* to K. *Philip*.

And when the *French* Commiſſioners alſo urged, That K. *Edward* by doing *Homage* to the *King* their *Maſter*, as Lawful *King* of *France*, had already acknowledged *His Right*; to this it was anſwered, (beſides what hath been already mentioned in the K's *Letters* to the Pope, of *His* being then under *Age*, and doing it for fear of loſing the Dutchy of *Guienne*,) that it was a Rule in the *Civil Law*, *Ei qui alio Jure venit, quam eo quod amiſit, non nocet id, quod perdidit, Sed prodeſt id, quod habet*, &c. And beſides *He* had done *Homage* on Condition that *He* might have the ſaid Dutchy entirely reſtored to *Him* according to the *Articles*; which *King Philip* having never perform'd, the *Homage* was void.

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Their *Anſwer* to the *Objecti-on*, That no Women could transfer a Right to that *Crown* to any other.

Then the Commiſſioners for the K. of *France* further urged on th
behalf of their Maſter, theſe expreſs Words of the *Salick* Law, whic
they aſcribed to K. *Pharamond*, and would have to belong to the who
Kingdom of *France*; *Since no Woman had ever been admitted to the Thron*
much leſs can ſhe transfer her Right to another; for, *Nemo dat quod non h*
bet; alſo that *He* was a Stranger, and ſo not to be admitted to the G
vernment of that Realm, which long before refuſed *Charles* Duke
Lorain, upon that very *Account*, tho *He* was unqueſtionably the nex
Heir: To both theſe the *Engliſh Ambaſſadors* anſwered, by wholl
denying the *Legality* of thoſe *Actions*.

They laſtly urged the *Judgment* of the Twelve *Peers* of *France*, wh
had adjudged the *Crown* to be K. *Philip*'s, in whoſe Poſſeſſion it no
continued after a long and peaceable enjoyment, even with *King Ed*
ward's own *Acknowledgment* of it, as ſufficient Proof of *His* fai
Right.

Theſe *Arguments* being banded to and fro by the Civilians of bot
Parties, appeared ſo intricate to the Pope, that *He* would come to n
poſitive Reſolution in this *Matter*, but only offer'd certain *Equivalent*
to the *Engliſh* Commiſſioners for all their Maſter's Pretences and De
mands in *France*, which they would by no means accept of; ſo tha
all which could be then agreed on, was, That the Triennial Truc
already made ſhould continue without any violation to the end of th
Term.

*Cleopatra E. 2. f. 34.

Another Treaty held before the *Pope* by other Commiſſioners, but without any effect.

But it appears by a MS in the * *Cottonian Library*, that after thi
there was another long *Treaty* managed at the ſame Place before th
Pope and certain Cardinals, every day, from the 22*d* of *October* t
the 29th of *November* following, partly by ſome of the former Com
miſſioners, and partly by ſome new ones, (*viz.*) *William Bateman* Bp o
Norwich, *John Ufford* Dean of *Lincoln*, the Arch-Deacon of *Norwich*
Sir *Hugh Nevil*, and *Nicholas de Fliſco*: But when the Pope would hav
had them firſt to treat about what had been done againſt the Truce
and by whoſe means it had been broken, they would not enter upo
any ſuch *Matter*, till they were ſatisfy'd in their Maſter'
Demands concerning the Crown of *France*; and ſo this *Affair* conti
nu'd undetermin'd to the latter end of the next Year, when Ope
War broke out again between the Two Crowns; though the *Truce*
was looked upon by K. *Edward* to have been already violated by th
French King a few *Months* before, as will appear by the followin
Action.

K. *Edward* looks upon the Truce to be already violated, and why.

[4] *Froiſſ.* c. 100. *Mezeray. Ad hunc Ann*

Oliver Cliſſon, with other Noblemen of *Bretagne* are ſeiſed and put to death without any Tryal.

[5.] *Chron. Francoiſ. Civit. London. Ad hunc an.*

[4] *Oliver de Cliſſon*, a Nobleman of *Bretagne*, (who had lately fo
valiantly defended *Vannes* againſt the *Engliſh*, and been himſelf taken
Priſoner) with Ten or Twelve other Lords of the ſame *Countrey* and
Party, having accompany'd *Count Charles* of *Blois* to a great *Tournea-*
ment, that was then to be held by King *Philip* at *Paris*, they were all
on the ſudden, almoſt as ſoon as ever they were arrived, arreſted, which
[5.] was towards the latter end of *Auguſt*; and within a few Days af-
ter, without Tryal, or making any Defence for themſelves, they were
drawn through the City, and executed as Traytors, and their *Heads*
ſent into *Bretagne*, to be ſet over the *Gates* of *Nantes*, and other *Ci-*
ties.

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As for the Crime for which they ſuffer'd, *Froiſſart* ſays it was on ſuſpicion of their holding Intelligence with the *Engliſh*; but *Du Cheſne* nd other *French Hiſtorians* carry it higher, and ſay, That all of them, ſpecially *De Cliſſon*, held a private Correſpondence, and had made a ſecret League with K. *Edward*, under their Seals, contrary to the *Ninth Article* of the *Truce*; which was, *That None in the Obedience of ne King, at the Time of the ſaid Truce, ſhould put himſelf under the Alleiance of the other, whilſt it continued.* But what proof there was of this I do not find, only K. *Edward* in His next *Letter* to the *Pope*, as alſo n His *Declaration* ſubſequent thereunto, calls thoſe Noblemen that had been put to death in *Bretagne*, His *Adherents*. But *Mezeray* freely acknowledges, that this ſudden *Execution* of theſe Noblemen without any Legal Tryal, or Cognizance of the Cauſe, was a great aſtoniſhment to all the World, and was received with great *Indignation* by the Nobility, whoſe Blood did not uſe to be ſhed, unleſs it were in defence of their *Countrey*; and that the King was too ſevere in taking ſo cruel a Revenge on meer Suſpicions, which ſo alienated the Affections of the *Great Men*, not only of *Bretagne*, but *France* it ſelf, that they afterwards ſerved Him very ill when He had moſt occaſion for them.

Which highly incenſes the Nobility of *France* and *Bretagne*.

[1.] When *King Edward* had received the ſad News of the *Execution* of the Lord *Cliſſon*, and the other Noblemen abovementioned, He was ſo very much concern'd at it, that (though they had been lately His Enemies) looking upon it as an open Breach of the Truce, He was like to have treated the Lord *Henry de Leon*, who was then a Priſoner in *England*, in the ſame manner; but at the Interceſſion of the Earl of *Derby*, He gave him his Life and Liberty, on Condition that he ſhould go from Him to King *Philip*, and let Him know, *That the Truce having been broke by His late Murthers and Unjuſt Actions, He thereupon defy'd Him, and therefore reſolved to renew the War:* Which accordingly began again, not long after, both in *Guyenne* and *Bretagne*.

[1.] *Froiſſ.* ib.
K. *Edward* looks upon this Execution as a Breach of the *Truce*, and ſends the Lord *de Leon* to defie King *Philip*.

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Yet did not this *Accident* in *France* ſo take up the King's Mind, but that He ſpent the beginning of this Year in *Tourneaments* and other Martial Exerciſes; for I muſt here take notice, that the King being reſolved to renew the Memory of the Famous King *Arthur*, and His Knights of the *Round-Table*, [2.] had the laſt Year order'd a ſpacious Room of Wood to be erected at *Windſor-Caſtle*, no leſs than Two hundred Foot over, which He call'd the *Round-Table*, becauſe it was there He intended to treat all the *Knights* He not long after invited from Foreign *Parts*: Then on the Firſt of *January* this Year He began to hold His Feaſt of the *Round-Table* at *Windſor*, and alſo iſſued out *Letters* of Safe-conduct for all Foreign *Knights* and their Servants, who ſhould come to the Solemn *Tourneament* to be held there on the *Octaves* of St. *Hillary* (which fell that Year on the 19*th* of *January*) and to be continued till *Candlemaſs* following.

[2.] *T. W.*
The K. erects a ſpacious Room in *Windſor-Caſtle*, and there holds a ~~Tournament and~~ *Feaſt* of the Knights of the *Round-Table*.

At the Day appointed there was a great Appearance both of *Engliſh* and Foreign Knights and Noblemen, and the Solemnity began with a Sumptuous *Entertainment*, or *Supper*; and the Day following the *Juſts* or *Tourneaments* began, and were continued almoſt every Day during the King's *Letters* of Protection, and were perform'd in the preſence of the Queen and all the Ladies of the Court, who had Scaffolds erected

At which there is a great appearance both *Engliſh* of and Foreign Nobility.

on

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on purpoſe to behold thoſe Manly Exerciſes ; with which the King wa
ſo well pleaſed, that this firſt Building being erected ſuddenly wit
Timber, He about the beginning of *Auguſt* following cauſed Carpen
ters and Maſons to be hired, and Carriages to be impreſt, for a mor
durable Structure to be erected of the like Form, and for the ſame Ex
erciſe to be continued every Year.

The Miſtake of *Froiſſart* and *Polydore Vergil*, in aſcribing this Inſtitution of the Knights of the *Garter* to this Solemnity.

I cannot but here take notice, that to this Solemnity, which wa
held the beginning of this Year, both *Froiſſart* and *Polydore Vergil* d
erroneouſly aſcribe the Inſtitution of the Knights of the *Garter*, an
their Authority hath led many of our Modern Hiſtorians into the lik
Miſtake ; for this Order was not inſtituted till about five Years after
as I ſhall ſhew you, when I come to that Time. But I muſt here ob
ſerve by the way, that this Military Exerciſe of Tourneying or Til
ing (as it was afterwards called) though it was a little too boiſterous
and ſometimes fatal to the Performers, yet certainly nothing contribu
ted more to ſtrengthen the Bodies of our Young Nobility and Gentry
and to beget a Noble Emulation amongſt them, who ſhould acqui
themſelves beſt at theſe Manly Exerciſes ; by which means they wer
not only obliged to maintain a competent number of able Horſes fo
the Great Saddle, and fit for War, whenever there was occaſion ; bu
their Owners, in order to theſe Military Performances, were likewiſ
obliged to know how to ride and manage them, to be uſed to wear Ar
mor, and to handle the Sword and Spear; a much more noble, manly
and uſeful Expence, as well as Exerciſe, (ſince it enabled them to figh
for the defence of their Country) than to ſpend a great part of thei
Eſtates in ſlight Race-Horſes and Hunters, according to the Mode o
our more Polite, but leſs Warlike Age.

After theſe Solemnities I find nothing of moment to have happened
til the beginning of *June* following, when the King (according to
* a Writ of Summons dated the 20*th* of *April* before) † held a Parlia-
ment at *Weſtminſter* on *Munday* next after the *Octaves* of *Holy Trinity*,
or 7*th* of *June* : The next Day after their meeting the Names of the
Lords were read and examin'd before the King in Parliament, to ſee
who appear'd, and who fail'd, and the Names of thoſe who were not
come were given to the King in Writing.

* Rot. Clauſ. 18 *Ed*. 3. part. 1. m. 14. dorſ.
† Rot. Parl. 18 *Ed*. 3. n. 5.
The King holds a *Parl.* at *Weſtminſter*.

*On *Thurſday* following the Chancellor declared the Cauſes of the
Summons to be, concerning the late Truce made in *Bretagne*, and the
Breach thereof in Seven *Articles* ; and began his Speech thus ; *My
Lords, in the* Truce *lately made, agreed and confirm'd, amongſt other Ar-
ticles it was agreed* ;

* Ib. n. 6, 7.
The Chancellor declares the *Cauſes* of the *Parl.* to be about the Infraction of the Truce by the *French* K.; the *Articles* of which are there recited.

'That the Truce ſhould be kept in *Bretagne* between the Two Kings
'and their ſeveral Allies, notwithſtanding the *Right* they both claim'd
'in the ſaid *Dutchy*.

2. 'The *Second Article* he alſo repeated at length, which being the ſame
'with the *Ninth Article* of the Truce already mention'd, I need not re-
'cite.

3. 'The *Third* is, That there be no renewing of Injuries againſt each
'other, in prejudice of the Truce whilſt it continues.

4. 'Alſo that the ſaid Lords, their Adherents, Coadjutors and Al-
'lies, whatever they be, do remain in ſuch Poſſeſſion and ſuch Seiſin,
'as then they had of all Benefices, Lands and Poſſeſſions which they
'held, or had any ways enjoy'd during the Truce : The other Two, as
'not being much to the purpoſe, I paſs by.

7. 'But the Seventh was, That none of either *Party*, by any Gift or *Promiſe*, ſhould be wrought on directly or indirectly to make War during the Truce.

'Then the Chancellor proceeded to declare, How that ſeveral things had been done contrary to the ſaid *Articles*, as the King's Council have been inform'd by ſome *Perſons* of *Bretagne*.

* Ibid. The Breaches of ſeveral of theſe Articles ſet forth.

'* As firſt, That divers of the *Allies* of Him that calls Himſelf the King of *France*, have taken and impriſoned many Men at Arms, of the *Allies* of our King, and ſome they ſent into *France*, there to remain in Priſon during the *French* King's Pleaſure.

'Alſo the ſaid *Adverſary* hath cauſed many *Knights*, *Eſquires*, and other Perſons of *Bretagne*, (theſe, I ſuppoſe, were the Lord *Clyſſon*, and the other Gentlemen of *Bretagne* already mentioned) who were known to be in the *Legiance* of our King before the Truce made, (and were compriſed in it, and ought to have been protected by it) to be carried to *Paris*, and there put to death without the *Aſſent* or *Decree* of the Peers and Others of His *Council* in Parliament: And others He had cauſed to be murthered in their own Country, falſly and maliciouſly, againſt the ſaid Truce, and againſt His Oath. 'And that the ſaid *Adverſary* had ſent Men at Arms, and Foot, in great Numbers, into *Gaſcoigne* and *Bretagne*; who, after the Truce made, took Caſtles, Towns, and Fortreſſes, and ſeiſed the Lands and Eſtates of thoſe who were in Poſſeſſion, and under the Obedience of our King at the time of the Truce made: In which, amongſt other things, it is contain'd, *That no new Action ſhould be attempted, during the Truce.*

'And further the ſaid *Adverſary* endeavours, by all ways He can, to take and ſeiſe all the Lands and Poſſeſſions which our King had beyond Sea, and to procure His Allies in *Brabant*, *Flanders*, and *Almaign* or *Germany*, to leave Him; and are reſolved (as our King and Council have been certainly inform'd) to conquer *England*, and deſtroy the *Engliſh* Language, if a ſufficient Remedy be not applied to oppoſe His Malice. On the other ſide, the *Scots*, who are the ſaid *Adverſaries* Allies, have openly declared, That when He gives them notice, they will not obſerve or regard the Truce, but march into *England*, and do what Miſchief they can.

* Ibid. The K. thereupon deſires the ſpeedy *Advice* and *Aſſiſtance* of the Lords & Commons.

'* Wherefore the King prays, and charges the Prelates, Earls, Barons, and Commons, that, theſe things conſidered, they would give Him ſuch Advice and Aſſiſtance, as is neceſſary for the ſaving His and their own Rights and Honours.

'Which things being recited to the *Archbiſhops*, the *Prelates*, *Earls*, *Barons*, and others of the *Commons*, they pray, that they may deliberate till *Monday* next following.

* Ib. n. 8. Who deſire longer time to deliberate upon it.

And * from that *Monday*, becauſe they had not then fully declared, they deſired further reſpite till *Wedneſday*, being the Eve of St. *John Baptiſt*: Upon which day, the *Archbiſhop* and Ten other *Biſhops*, Five *Abbots*, Two *Priors*, Eight *Earls*, Six *Barons*, being all there named in the Record, and the *Commons* of the Realm Aſſembled in the *White-Chamber*, in the preſence of the King; and having regard to the great Miſchiefs and Dangers which may befal the King, and all His Subjects and *Allies*, if the Malice of His *Adverſary* be not ſtopped: And conſidering the heavy Charges, which the Great Men and Commons of

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They adviſe the K. to make an end of the War.

England had been at, and ſuffered, by reaſon of the War continuing ſo long, by falſe Truces and Sufferances; and ſeeing that an end of the War, or ſo good a Peace as ought to be, cannot be made without great Power and Force of Men; they thereſore pray the King, with one Accord, and every particular Perſon of the Great Men, for himſelf, that He would make a ſpeedy end of this War, either by Battel, or by a Convenient Peace, if it might be had.

Ib. n. 10. And not put off His Voyage beyond Sea for any Letters from the *Pope* or any other; after which the *Parl.* and *Conv.* grant the K. a great *Tax* for this War, but on certain Conditions.

And that when the King ſhould be ready to paſs beyond Sea, to take what God ſhould allot Him, upon the Iſſue of this *Affair*; He would not, for the Letters or Command of the Pope, or any other, lay aſide His Voyage, until He had made an end one way or other. The which Prayer the King fully granted. But becauſe all this could not be done without a Great and Agreable *Aid*, the *Archbiſhops*, *Biſhops*, *Prelates*, and *Procurators* of the Clergy of the Province of *Canterbury*, in Convocation, granted to the King a *Triennial Tenth*. Then the *Commons* granted to the King for the ſame Cauſe, *Two Fifteenths* o the Commonalty of the Land, and *Two Tenths* of the Cities and Burghs. Yet after that, the ſaid *Commons* granted another *Fifteenth* See the Conditions of theſe Grants in the Statutes at large, 18 *Ed.* translated exactly from the *French*, on this Roll, from N 14, to N. 23 which Statute was made at the Petition of the *Commons*, and is called in the *Todding* on the * Roll, the *Charter of the Commons*: Where i alſo the Statute or Charter of the Clergy, bearing date the *Eighth* o *July*, in the Eighteenth Year of His Reign, which gave them many Privileges in both theſe Statutes, that are now in a manner become obſolete. 'Tis ſaid, the Great Lay-men (that is, the Earls and other Noblemen of the Kingdom) having granted to paſs over and adventur themſelves with the King; they therefore are not found upon the Ro to be taxed.

* Rot. Parl. n. 23.

The Reſidue of this Year was ſpent in Tourneaments and othe Military Exerciſes, at *Dunſtable*, *Smithfield*, and eſpecially at *Windſor*, in Feaſtings, Revellings, Dancings, and all Sorts of Diverſion.

[3.] T. W. Ib. n 24. The *French* K. gives His Subjects Timber out of His Foreſts to build Ships.

Since *England* affords us nothing more conſiderable, we ſhall loo into *France*; where we find, [3.] King *Philip*, not long after the ſe ting up of His *Round-Table* at *Paris*, (which He did in the Beginnin of the Year, in Emulation to King *Edward*) made a very Politic Order, to encourage the *French* to build Ships, in hopes that thereb He might beat the *Engliſh* at Sea; and He gave His Subjects leave t cut down Timber for that purpoſe, *gratis*, in His own Foreſts.

[4.] *Mezeray in hunc Ann.* But impoſes the firſt *Gabelle* upon Salt, which proves very grievous to His Subjects.

But [4.] as this King granted ſome things that were very Beneficia to His Subjects, ſo He likewiſe laid greater Impoſts upon them tha any of His Predeceſſors had done before; which very much cool their Affections towards Him: For beſides the Extraordinary Taxe which His Subjects granted Him for His Wars, it ſeemed very grievou that He impoſed a *Gabelle* upon *Salt*: For which cauſe, King *Edwar* by way of Raillery, called Him, *The Inſtitutor of the Salique-La* This Impoſt, which makes the very Natural Beneſices of the Sun an Water Saleable, was the Invention of the *Jews*, as the Word *Gabell* denotes, which comes from the *Hebrew* Original.

Notwithſtanding King *Edward*'s Defiance of the *French* King, i ſeems, the Biſhop of *Norwich*, with the other Commiſſioners ſent th laſt Year to treat with thoſe of *France*, before the *Pope*, were not a

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* Rot. Franc. 18 *Ed.* 3. m. 2.

Other Commiſſioners ſent to the Pope, with the effect of that Negotiation.

yet return'd: For we find by * a Roll of this Year, that there were two other Commiſſioners added to the former; *viz. John de Thoreſby*, and Sir *Ralph Spigurnel* Knight; who appeared before the Pope on the *Five* and *Twentieth* of *November*, and then delivered to Him the K's Letters; who appointed the next day to give them Audience, about the Buſineſs for which they came. When they told the Pope, that they were ſent to Him upon two Accounts; firſt, For an Amendment of what had been attempted againſt the Truce; and, 2*ly*, That they might aſſiſt the other Commiſſioners in the Treaty. Then after two days Attendance, when they ſaw the *Pope* ſtill deferr'd, or elſe was not willing to return them a poſitive *Anſwer*; and alſo found by the King of *France*'s Commiſſioners, that King *Edward* ſhould never enjoy any thing in *France*, but under their Maſter's Subjection; they reſolved to treat no more, before they knew the King's Mind: Yet at laſt the *Pope* told them, He would ſend Sir *Hugh Nevill* to Him with Letters, and likewiſe Sir *Simon de Buſſy* to the King of *France*: And thus the Treaty for a time ſtood ſtill, until it was quite broke off about the end of *November*. When the King's Commiſſioners ſaw, that the *Pope* had created Prince *Lewis* of *Spain*, King of the * *Fortunate Iſlands* near *Affrica*, and that under the Pretence of Conquering them he began to raiſe Men in his own, and the *Pope*'s Name, over all *France* and *Italy*; they no longer doubted, but that all theſe Preparations were deſigned againſt *England*; wherefore they ſecretly left *Avignon*, and made all the haſte home they could; where they related theſe Matters to the King; and *Du Cheſne* himſelf confeſſes, that the Preparations were really intended againſt King *Edward*; tho', as being a *Frenchman*, he qualifies the matter, ſaying, it was only in order to reſiſt a New War, which was lately threatened by the Mouth of Sir *Henry de Leon*, as hath been already related.

The Treaty before the *Pope* at laſt quite broke off, and for what Reaſons.

* Suppoſed to be the *Canaries*. *Vid. Ferrar. Lex Geograph.*

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[4.] Froiſſ. c. 102.

The K. ſends Sir *Tho. Dagworth* into *Bretagne* with ſome Forces, to aſſiſt the *Counteſs* of *Montfort*.

Not long after the Beginning of this Year, the [4.] King ſent Sir *Thomas Dagworth* over into *Bretagne*, with *One Hundred* Men at Arms, and *Two Hundred* Archers, to reinforce the Counteſs of *Montfort*, becauſe He knew, the War between her and Count *Charles* of *Blois* would ſoon break out again. And the King having a little before received News out of *Gaſcoigne*, that His *Affairs* were but in a weak Condition in thoſe *Parts*, He thereupon reſolved not only to ſend ſufficient Forces to defend His Territories there, but which might alſo carry on the War vigorouſly againſt *France*, ſo ſoon as it ſhould be freſh declared. But that He might do nothing unfairly, * He iſſued out His Commiſſion to **William Bohun** Earl of *Northampton*, dated the *Four* and *Twentieth* of *April*; whereby He empowered him to carry a Defiance to *Philip* of *Valois*, *as a* Truce-breaker, *His Capital Enemy, and Unjuſt* Uſurper *of His Inheritance, the Kingdom of* France. Which *Defiance* being made, he was order'd to go with *John* Earl of *Montfort* into *Bretagne*, as the King of *England*'s Lieutenant-General, to defend that Dutchy againſt the Lord *Charles* of *Blois*, being alſo empowered to receive the Fealty and Homage of thoſe People in the King's Name, which was due to Him as Sovereign of *France*: A like *Power* having, Three Years before, been given him in the ſame *Parts*; all which he perform'd accordingly. Note, that at the ſame time [illegible] his commiſsion [illegible] Defiance he [illegible] two letters dated Apr 24, whereby he was constitute Capt. General, and Lieutenant of all the Kings [illegible] in France [illegible] but of the transactions there you will find more hereafter. Rot. Franc. [illegible]

vid. p. [illegible]

p. 449

* Rot. Franc. 19 *Ed.* 3. m. 24. P. 1.

The K. empowers the E. of *Northampton* to defy the *French* King, and then appoints Him Lieutenant-General of *Bretagne*.

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* Rot Rom. 19 *Ed.* 3. m. 2. Dorſ.

The K. juſtifies His Actions in a Letter to the *Pope.*

Preſently after this, * the King thought fit to juſtifie His late *Actions*, in a Letter to the *Pope*, the effect of which was; ‘That for the avoiding of the Dangers and Damages that might ariſe, by reaſon of the Wars between Himſelf and *Philip* of *Valois*, He had offer'd Him many Propoſals of *Peace*, that ſo He might apply Himſelf (as He much deſired) to the Service of His *Redeemer*, beyond Sea; but was always put off, and delay'd with fair Words and Treaties, without any effect, to His great Prejudice. Then after a Narrative of the Truce made before *Vannes*, He complains, that when He returned into *England*, and had left only a few Men in *Bretagne*, and ſent His Commiſſioners to treat before His Holineſs about a Peace, He received News which pierced His very Soul, *viz.* That certain Noblemen of *Bretagne*, were, by Command of *Philip*, taken at *Paris*, and unjuſtly put to death; and alſo complains of the Great Ravage, and Depopulation, made in *Bretagne*, *Gaſcoigne*, and other Places: That He endeavour'd by Crafty and Secret Treaties, to draw His *Allies* and Subjects from Him, and procured divers other things to be done againſt the Truce, by Sea and Land; therefore He (the King) thought it utterly broken and diſſolved by His *Adverſary* of *France*.

‘Then He proceeds further to complain, That ſince the Time of Treaty before His *Holineſs* was expired, and no Reaſonable Terms of *Peace* had been propos'd, nor the things done againſt the Truce reform'd or amended, but rather encreaſed and multiplied; altho' by His *Holineſs*'s Letters, the ſaid *Philip* had been often required to reform them; (not to ſay any thing of His Legate, who being ſent into *Bretagne*, to cauſe the Truce to be obſerved, yet took the contrary Part) He therefore thought Himſelf excus'd by God, *Holy Church*, and the *World*, if, ſeeing He could have no other Remedy in a Juſt Cauſe. He now declar'd the Truce diſſolved by *Philip*; and therefore defied Him, and again renewed the War, proteſting He would attempt nothing that might offend His *Holineſs*, or the *Apoſtolick See*; both which, He ſtill deſired to revere; or that might do injury to any one; but only with Moderation to defend Himſelf, and proſecute His Juſt Rights; aſſerting, that what He did was for want of other Remedy, and againſt His Will; offering *Peace*, whenever He might have a good one, by juſt means, and on equal Terms.

I ſhall here alſo ſubjoin the *Pope's Anſwer* to the King's *Letter*, tho' it was not ſent till ſome time after; that ſo the Reader may make a better Judgment concerning the Grounds King *Edward* had to renew the War, before the Time of the Truce was expired; for tho' the *Pope* would therein ſeem to act only as a *Mediator*, yet He plainly juſtifies the *Proceedings* of the King of *France*. The Letter being very long, I ſhall give you the effect of it in as narrow a Compaſs as I can.

* Rot.Rom.ib. The Subſtance of the Pope's *Anſwer* to it.

*It begins with the Obliging Appellation, of ‘*Beloved Son*; and then calls God to witneſs, who underſtands all Secrets, That He had faithfully endeavoured to procure a Peace between Him and the King of *France* without Partiality, and would not yet ſpare any Pains for the effecting it: And He goes on and tells Him, That thoſe who wrote His *Letters*, probably underſtood not the Truth of the Affair, for that there were ſome Things left out which cauſed Notable Errors: For it was agreed by the Truce, That there ſhould be ſome of the Royal

‘Blood

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Blood commiſſioned to treat on either ſide in His preſence; and tho' the King of *France* had ſent ſeveral of His Royal Blood, and many *Prelates* of great Authority (as had been agreed) with ſufficient Power, who were very ready to treat, yet He (the King of *England*) had ſent none ſuch; and therefore it ought to be conſidered, whether the King of *France*, or Himſelf were in fault, that the Peace did not proceed as it ought to have done.

‘Next He proceeds to juſtifie King *Philip*'s puniſhing thoſe Noblemen mention'd in the King's *Letter*, and upon which, He alledged, the Truce was broken; to which His *Holineſs* replies, That He had already wrote to Him, and alſo told His Commiſſioners, That King *Philip* in anſwer to the Invective *Letters* He had wrote to Him upon that Subject, affirmed, That thoſe Noblemen had manifeſtly violated the Truce, by committing Murthers, by burning and waſting the Countries, and doing other horrid Wickedneſſes in *Bretagne*, where they were taken and puniſhed according to Juſtice; and that the ſame perſons had owned they were not in confederacy with Him, but with *John* of *Bretagne*, Earl of *Montfort*, who had alſo deny'd, when at *Paris*, that he had any Confederacy with Him, *viz.* King *Edward*

Though, by the by, this ſeems but a meer Pretence, ſince it is certain, that the King had long before entred into a Confederacy with the *Counteſs* of *Montfort*, Wife to the ſaid Earl, on His behalf; and if it could not be made actually with himſelf, it was becauſe he was then a Cloſe Priſoner; but indeed he had done *Homage* to K. *Edward* before that time, upon condition of His aſſiſtance: And if this did not mount to a Confederacy, I leave the Reader to judge.

This I take notice of, that you may obſerve how eaſie the Pope was to believe any thing that would make for the *French* King's *Juſtification*, tho never ſo frivolous.

But to return to the *Letter* it ſelf: Then as to the King's *Complaints* of what had been done againſt the *Truce* in *Bretagne*, *Gaſcoigne*, and other Places, He anſwers; ‘That the King of *France* had likewiſe complained of divers Things done againſt the Form and Tenor of the *Truce* in the ſame Places, as alſo upon the Sea, having exhibited to Him divers *Articles* thereof; and that therefore He had directed *Letters* to them both about this *Matter*; to which the King of *France* anſwered, He would inviolably obſerve the *Truce*, and cauſe whatever had been done againſt it to be revoked, provided King *Edward* would do the like: And that having charged Him with giving aſſiſtance to *Charles* of *Blois*, as Duke of *Bretagne*, K. *Philip* had often wrote back, That He had never aſſiſted Him ſince the *Truce* with Men or Money, and His Son, the Duke of *Normandy*, had in His (the Pope's) preſence conſtantly affirmed the ſame.

‘And whereas He Himſelf had wrote effectually to *Charles* of *Blois* about the obſervation of the *Truce*, he thereupon came to Him, and in the preſence of the Cardinals that mediated the *Truce*, declared and affirmed, he never entred into the *Truce*, nor was ever required or asked to do it; and that by the Words of the *Truce* he could no ways be comprehended in it; of which he had given notice to His Majeſty's Commiſſioners before their departure from his Court.

But this was likewiſe a *Pretence* of *Count Charles*; for tho he is not particularly named in the *Articles*, yet it was without doubt intended he ſhould be comprized in them, as appears by the *Fourth Article*, *viz.* That the foreſaid *Truce* ſhould be kept in *Bretagne* between the ſaid Ks, and their Adherents, ſince both Parties claim a *Right* to that Dukedom: From whence it appears, that both the *Pretenders* were looked upon as *Adherents* to one of theſe Kings, or elſe this Clauſe ſignified nothing. So much I thought fit to remark by the by.

The *Pope* offers again to conſider the *Complaints* made on both ſides.

Then His Holineſs ſets forth, ‘That He thought it moſt expedient for the avoiding of Scandal, and for other Cauſes, to conſider the *Complaints* made on both ſides, which were long, many, and intricate, according to a *Method* to be propounded, and conſented to by both *Parties*, concerning the *Revocation*, of what had been done againſt the Truce, with which He had acquainted His Commiſſioners, and to the ſame purpoſe wrote to them both; to which the King of *France* had returned His *Letters* of *Conſent*, according to His Propoſition, ſealed with His Seal, readily and freely, without any limitation of Time; but that He, (*viz.* King *Edward*) prefixed ſo ſhort a Time, as nothing could be undertaken in that Buſineſs.

‘Then He proceeds to juſtifie the late Proceedings of His *Legate* in *Bretagne*, as not being *partial* to either *Party*; and that as much as in Juſtice He could, He had been more favourable to the King's ſide than to the Other, as *Count Charles* of **Blois** had by **Letters** and *Meſſages* grievouſly complain'd to Him; yet however, He had now upon Complaint of His Friends recalled Him, and if any undue Practices were proved againſt Him, He ſhould further correct Him. After theſe *Anſwers* He puts the King in Mind, that againſt the Tenor of the *Truce* He had ſeized upon the City of ***Vannes***, and expelled thoſe who were to keep it by direction of the Cardinals and Mediators in the Name of Him and the *Roman* Church, during the Truce; who were to diſpoſe of it afterwards as they ſhould think fit; of all which He ſaid nothing in His laſt *Letters*.

The *Pope* enjoins the K. to obſerve the *Truce*, and put the *City* of *Vannes* into the Hands of the Legates.

‘Then He goes on with a long and tedious Diſcourſe, telling Him how God had fitted Him with many *Endowments* to proſecute His Cauſe againſt the Enemies of the *Chriſtian Faith*; after which He earneſtly perſwades Him to undertake the *Holy War*, and calmly to conſider, whether the violation of the *Truce* ought to be imputed to the King of *France*, or rather to Himſelf? withal requeſting and exhorting Him in the Lord, and enjoining Him by virtue of the *Oath* He had made, to obſerve the Truce; to reſtore the City of *Vannes* into the hands of the Cardinal-Legates, in the ſame Condition it was when He expelled thoſe they had appointed to keep it in the Name of *Him* and the *Church*, during the whole time of the *Truce*, as is therein expreſſed; and to return to the obſervation of the *Truce*, which was to laſt until *Michaelmaſs* next coming, and a Year afterwards; and to omit His Warlike Preparations and Inſults, promiſing to prevail with the King of *France* to do the like.

That the King would ſend ſome freſh *Commiſſioners* to Him, and offers Himſelf to be a *Mediator*.

Laſtly, ‘He concludes with Prayers and Exhortations, That He would renew the Treaty of Peace, and to ſend ſome able and experienced Commiſſioners with full Power to treat of it; and promiſes, that having God only before His Eyes, He will promote it without Partia-

‘lity,

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'lity, to the Praiſe of His Name, and the Honour and Profit of both Par'ties: And would induce the King of *France* to do the ſame. The Day of the *Date* and *Month* of this *Bull* are not legible, but the *Year*, being the *Fourth* of *His Pontificate*, falls out this very *Year*, which was the 19*th* of this King's Reign.

[4.] *Chron. Ad. Mur. MS.* Rot. Franc: 9. Ed 3 p. 1. m. 10

[4.] Yet He did not think this ſufficient to make the Juſtice of His Cauſe known to the World, therefore not long after He publiſhed a large *Declaration* containing the Subſtance of what He had already wrote to the Pope, giving a *Particular Relation* of all the *Proceedings* that had been before *His Holineſs*; as alſo of the late *Actions* of the *French* King, concerning his breach of the last Truce. This *dated* at *Weſtminſter* the 14*th* of *June*, in the 19*th Year* of His Reign over *England*, and over *France* the *6th.*

I find nothing ~~further~~ elsewhere noteing to have happened before the Kings goeing again beyond Sea but of John the young Duke of Bretagne [illegible] on Wednesday in Whitson week perform[illegible] his Homage to [illegible] the [illegible] Dutchy as rightful King of France as appears by Rot. Claus: 19 Ed 3 p. 1. m. 14. d. vid: Rs. p. 452.

[1.] T. W. *Froiſſ.* c 103, 104.

* Call'd by this *Author Quentfort*, but erroneouſly.

The K. ſends the Earl of *Arundel* His *Lieutenant* into *Gaſcoigne*, attended by ſome other Earls with great Force.

K. *Edward* was now reſolved to leave off the Combats of the Pen, and return to thoſe of the Sword, which alone could do His Buſineſs, and to this end [1.] He ſent the Earl of *Arundel*, His *Lieutenant*, into *Gaſcoigne*, accompany'd by the Earls of *Pembroke* and **Oxford*, with 300 *Knights* and *Eſquires*, 2000 *Archers*, and 1000 Men at Arms, who taking Shipping at *Southampton*, landed at *Bayonne*, and after a ſhort ſtay there, they went to *Bourdeaux*, when they had refreſhed themſelves there a few days, they marched into the *French* Territories as far as the Town of *Bergerac*, where the *French* that lay in Gariſon ſeeing the *Engliſh* that came before it were much fewer in number than they expected, they ventur'd to ſally out upon them before they could come over the Bridges, and paſs the River *Dardogne*, on which the Town is ſeated; but they being moſt of them Countrey-Peaſants, and but ill arm'd, could not ſtand before the *Engliſh*, who were old experienced Soldiers; but running away toward the Town, the *Engliſh* follow'd them Pall-Mall, and had enter'd it with them, had they not immediately ſhut to the *Gates*, ſo that they then only took the Suburbs; but when the Earl ſaw that the Town was too ſtrong to be taken on that ſide, he ſent for about ſixty ſmall Ships, and ſome Barques from *Bourdeaux*, with which his Soldiers landed on that ſide next the River, which was not walled, but only fortify'd with a *Palliſado*, great part of which was preſently beaten down by the *Engliſh*; but it being now late at Night, the Gariſon deſired a *Truce* till the next Morning; before which time (finding the Place not tenable) they marched off with Bag and Baggage to *La Reole*, a ſtrong Town about eleven Leagues off, upon the River *Garrone*; then the next Morning, the Townſmen being thus deſerted, ſurrender'd the Place, upon condition of having their Lives and Goods ſaved, which the Earl graciouſly granted them; and ſo delivering him the Keys of the Town, they ſwore to him *Fealty* on the behalf of the King of *England*.

The *Engliſh* rout the *French* at *Bergerac*, which not being tenable, is deſerted by the Gariſon.

[2.] Id. c. 105.

The Earl marches forward, and takes ſeveral *Caſtles* and ſtrong places.

Then [2.] the Earl having ſtay'd here two days to reſt His Men, and on the third marched forward into the *Countrey*, and poſſeſſing themſelves of certain Caſtles in their way, took the Towns of *Beaumont*, *Le Lac* and *Monagaret*, the firſt of them by Storm, and the two latter on Conditions, as he did likewiſe the *Town* of *Bounal*. They paſſed by the *City* of *Pierregont*, being too ſtrong for their ſmall Forces to compaſs, and marched forward to attack the Caſtle of *Peligreu* not far off, when the Night following, there ſally'd out of the *City* laſt mentioned about Two hundred Spear-men, and falling upon the *Engliſh* Camp, ſlew and hurt many, and carry'd away the Earl of *Oxford* Priſoner into the

Town;

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The *Engliſh* are ſurprized by the *French* in their *Camp*, and the Earl of *Oxford* is taken Priſoner, but exchanged.

Town; however, the *Engliſh* ſtill beſieged the Caſtle of *Peligreu*, which proving too ſtrong to be taken, the Earl thought beſt to come to Terms with the *Count* of *Perigord*, upon condition, That the Earl of *Oxford*, with three *Knights* more, ſhould be exchang'd for as many *French* Noblemen, and that there ſhould be a *Truce* obſerved for the ſpace of Three Years, ſo that neither the *French* nor *Engliſh* ſhould make any War upon each other in thoſe Parts, during that Time.

[3] Id. ib.

The Earl having taken ſeveral other *Caſtles* and *Towns*, returns to *Bourdeaux* in triumph.

The Earl [3.] decamping from thence, turn'd into the Territory of *Tholouſe*, and beſieged a ſtrong Caſtle called *Auberoche*, belonging to the A Bp of that *City*, which being ſummon'd to ſurrender, they yielded the Place, ſince they ſaw the *Count* of *Laille*, who commanded in thoſe parts, was not able to bring ſufficient Force for their Relief. And here the Earl thought beſt to return back towards *Bourdeaux*, and in his way home he ſate down before a fine *Town* call'd *Libourn*, within nine Leagues of *Bourdeaux*, and having ſummon'd it, the *Inhabitants*, fearing to come to extremity, ſurrendered the *Town*, and ſwore *Homage* to the King of *England*: Then the Earl having left Sir *Frank van Halle* Governour of *Auberoche* with a ſtrong Gariſon, he return'd to *Bourdeaux* with the reſt of his Forces, where he was met by the *Citizens* in a Solemn Proceſſion, as having much enlarged the *Engliſh*-Territories: But though it was now about the end of *July*, and *Winter* far off, yet the Earl conſidering it was in vain to take in more places, unleſs he had Men ſufficient to gariſon them, his Forces having been very much diminiſhed in the late *Expedition*, reſolved to do no more this Campaign, but to keep thoſe places he had already taken.

[4.] Id. c. 107.

The *Count La de Laille* muſters up an Army, and beſieges *Auberoche*.

Yet [4.] this he was not long able to do, for the *Count de Laille*, who was ſtill at *La Reole*, when he underſtood that the Earl of *Derby* lay at *Bourdeaux*, without any appearance of taking the Field again that Year, wrote immediately to the Earl of *Perigord*, the *Viſcount* of *Carmain*, the Earls of *Comminges* and *Bruniquel*, and divers other Lords of *Gaſcoigne*, who held with *France*, that they ſhould all inſtantly join their Forces, and meet him by ſuch a day before *Auberoche*; which being put in execution accordingly, they laid vigorous ſiege to the Place before the *Engliſh* were aware of it; and the *French* ſo ſhook the Walls, and beat down the Roofs of the Towers with great Stones from their Engines of Battery, that the Beſieged were forced to repoſe themſelves in *Vaults* and *Cellars*, ſo that they were almoſt reduced to the laſt extremity. When the Earl of *Derby* received notice by a Spy of the deſperate Condition of the Place, he was much concerned for it, as alſo for his Friends that were in it, and therefore reſolved to undergo any Danger, ſo he might ſave them; in order to which he made up a ſmall flying *Party* of about 300 Lancers, and 600 Archers, but they were not ſtrong enough to encounter the *French* Army, (which was between 10 and 12000 Men); wherefore to reinforce thoſe few Forces, he had ſent to the Earl of *Pembroke*, who was then Governor of *Bergerac*, to meet him at *Libourn*, with what Men he could draw out of that Gariſon; but he not coming at the Time appointed, the Earl of *Derb* would not any longer defer his Deſign, leſt the Enemy ſhould get *Intelligence* of his March, which he ſtill perſued with that ſecrecy and expedition, that being attended by the Earl of *Oxford*, Sir *Wate* *Manny*, and ſeveral other Gentlemen, they came upon the *French* Camp i

Which is reliev'd by the Earl of *Derby* with no great Forces, and the *French Army* routed.

in the Cloſe of the Evening, when they were at Supper, and falling in among the *Gaſcoigners*, and killing all that came in their way; it ſo alarm'd the whole *Army*, that they knew not which way to turn themſelves In the mean while the *Engliſh* Archers, who ſtayed without the Camp, ſhot furiouſly, and ſlew many of thoſe that came out of it, and endeavour'd to rally; and at the ſame time the Men at *Arms* who were within, eaſily overcame thoſe that they found unarmed and diſorder'd in the Camp; ſo that in ſhort, the Earl of *Laille* himſelf, being firſt grievouſly wounded, was taken Priſoner in his own Tent, and the Earl of *Perigord*; but the Lord *Duras*, and divers other Officers of Note, were ſlain upon the *Place*.

The Earl of *Laille* taken *Priſoner*, and many Nobles and Officers ſlain.

But for all this, the other Half of the *French* Army remain'd as yet entire and undiſturbed: And now the Earl of *Cominges*, the Viſcount of *Carmain*, with the reſt of the Noblemen that were with them, who lay encamped with a Moiety of the Army on the other ſide the Caſtle, having had ſufficient notice of the Enemies Approach, were riſen, and drawn out into the Field in order of Battel. When the *Engliſh*, by this time, being fluſhed with their Victory, which they were now afraid to loſe, drew up again in good Order, and placing the Archers in the Wing, briskly Charged the Enemy; who made alſo a Vigorous Defence. But whilſt the Succeſs yet remained doubtful, Sir *Frank Van Halle*, with the Gariſon from within the Town, turned the Scale: For having notice, by the Noiſe of the Trumpets and Shouts of their Victorious Countrymen, what was doing without, they boldly ſallied upon the Backs of their Enemies with a Terrible Outcry, and fully perfected their Defeat; and reſolving to be revenged for what they had ſuffer'd, gave them no Quarter: So that in this Action, above *Seven Thouſand* of the *French* were Slain, and a great many taken Priſoners; among the latter, were Nine Earls and Viſcounts, of Lords and Knights Two Hundred, and of Eſquires and other Soldiers ſo many, that every *Engliſhman* had two or three Priſoners; the reſt were ſaved by the Darkneſs of the Night. This Victory is as great an Inſtance of what a few Courageous Men may do, by taking their Advantage over a more numerous Enemy, as any can be ſhewn in Hiſtory, and is owned as ſuch by the *French* Hiſtorians themſelves.

The other part of the *French Army* is alſo put to flight, by the Sallying of the Gariſon out of the *Town*.

Seven Thouſand *French* are ſlain, and a great many Noblemen and others taken *Priſoners*.

The [5.] *Engliſh* dealt very kindly with their Priſoners, and ſuffered many of them to go, upon their Oath to return with Money for their Ranſoms, or to render their Bodies by ſuch a day at *Bergerac*, or *Bourdeaux*. The Fight being ended, all the *Engliſh* entred into *Auberoche*, and there the Earl of *Derby* treated the *French* Earls, and other Noblemen, his Priſoners, at Supper. This Victory was obtain'd on St. *Lawrence*'s Day, or 10*th* of *Auguſt* at Night, 1345, or as *Froiſſ.* reckons 1344 but herein he is miſtaken, as I ſhall ſhew by and by. About the ſame time, the Earl, like a Pious General, gave Orders, that Publick and Private Thankſgiving ſhould be return'd to God; becauſe, by his immediate Hand of Providence, a Thouſand of them had overcome near Twelve Thouſand of the Enemy, and had ſeaſonably relieved this Town, and ſaved their Friends, who in all likelihood would otherwiſe have been loſt.

[5.] Id. ib. The *Engliſh* ſet free their *Priſoners* for eaſie Ranſoms; and the General returns ſolemn Thanks to God for their Victory.

The Earl of *Pembroke* arrives after the Fight, and is at firſt diſſatisfied, but alters his mind upon this great Succeſs.

The next Morning after the Fight, arrived the long expected E of *Pembroke*, with Three Hundred Men at Arms, and Four Thouſand *Archers*, and ſeemed diſpleaſed that the Buſineſs was over before he came: But upon the Earl of *Derby*'s Excuſe, that they had waited for him as long as they durſt, without loſing an Opportunity, which could only then be laid hold on; he reſted ſatisfied, the great Succeſs of this Undertaking anſwering indeed all the Objections that could be made againſt it; as on the other ſide, had it proved otherwiſe, it would have been thought a very Raſh Action.

After this, the Earl of *Derby* made Sir *Alexander Chaumont*, a Va liant Knight of *Gaſcoigne*, Governor of the Gariſon; and having tar ried ſome time in *Auberoche*, during which the *French* Battering En gines were brought into the Town, and their Camp ſpoiled, he depart ed the next Morning with the Earl of *Pembroke*, and his own Forces for *Bourdeaux*.

[1.] Mr. *Barns*'s Hiſt. p. 305. *Froiſſ.* miſtake in making two Expeditions of one.

*P. 315.

I cannot but here take notice, [1.] that the Learned Writer of the Life of King *Edward*, being miſled by *Froiſſart*, contrary to all our Hiſtorians, places theſe *Actions* of the Earl of *Derby* under the laſt Year, and only ſuppoſes what follows to have been performed under this; making two Expeditions of that which was really but one, a any Body may obſerve, that will but compare what he ſays in hi * 23*d*. Chapter, concerning the Earl's going over again into F this Year, with the *Account* he gives of it in the foregoing C And he will find it to be one and the ſame Expedition, by the Ti the Earl began this, as alſo from the Place he went on Shipboard, a well as that where he landed; and both what was paſt and what fol low'd to have been perform'd in one and the ſame Campaign, as al the Hiſtorians, both *French* and *Engliſh*, (except *Froiſſart*) do agre But to return to our Hiſtory.

[2.] *Froiſſ.* c. 108. The E. makes another Incurſion into the *French Territories* and takes ſeveral *Towns* & *Caſtles*.

After [2.] the Earl of *Derby* had reſted his Men, and ſtrengthene his Army with freſh Recruits, he was reſolved to lay hold on this Op portunity (when the *French* had no *Army* in thoſe Parts) to mak another Incurſion into their Territories, and, if poſſible, to lay Sieg to the ſtrong Town of *la Reole* already mentioned. And t this end, leaving *Bourdeaux* about the end of *Auguſt*, he marched t *Bergerac*, where joining Forces with the Earl of *Pembroke*, making i all Two Thouſand Men at *Arms*, and Three Thouſand Croſs-bows o Horſeback, he marched to the *French* Frontiers, and took the Caſtl of St. *Baſil*, and from thence advanced to a ſtrong Place called *Roch millon*; which, tho' he knew it to be very well fortified and mann'd yet he reſolved to aſſault: But finding a vigorous Reſiſtance, h cauſed the Ditches to be fill'd with Faggots, and the Walls to be un dermined by his Pioneers, whilſt his *Archers* ſhot ſo thick upon tho within, that they ſcarce durſt ſhow themſelves on the Walls; ſo tha a large Breach being made, the *Engliſh* enter'd the Town and Caſtl and put all to the Sword, except thoſe whom, being fled to the Church and there imploring his Mercy, the Earl pardon'd.

[3.] Id. ib. The *Town* of *Montſegur* agrees to ſurrender, if not reliev'd by a time prefixt, and gives Hoſtages to perform it.

Then [3] leaving a Gariſon in this Place, he march'd forward and laid cloſe Siege to the Town of *Montſegur*, which proving to ſtrong to be eaſily taken by Force, and the Earl not thinking it wort his while to ſtay till he could reduce it, accepted of the Offer made hi by the Governor of the Gariſon and Townſmen, That if they wer

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not relieved within the Space of a Month, they would quietly ſurrender the Place into his Hands: And for the true Performance thereof, Twelve of the Richeſt Burgeſſes were ſent Hoſtages to *Bourdeaux*. From thence the Earl went on, and ſat down before the ſtrong Caſtle of *Aguillion* in *Agenois*; where as ſoon as he arrived, and had ſummoned it, the Governor ſurrender'd, on condition of marching out with Bag and Baggage. But when he came to *Thoulouſe*, the *French* hanged him for a Coward, for ſo eaſily giving up this Important Fortreſs; which being ſeated on the Point where two Rivers met, was counted one of the Strongeſt Places in *Europe*.

The Earl lays Siege to the ſtrong Caſtle of *Aguillion*, which, upon Summons, is ſurrender'd, but the Governor is hang'd by the *French* for a Coward.

[5.] Then the Earl having taken the Town of Mont *Segurr* by Aſſault, came before the Town of *la Reole*, being the Place for which he chiefly deſigned this Expedition; when having laid cloſe Siege to it, and made ſeveral Aſſaults againſt it with Engines upon Wheels, which being built three Stories high, each Stage containing One Hundred Archers; which, when the Ditches were fill'd up, were drawn cloſe to the Walls, and under the Covert of theſe *Pioneers*, made a great Breach, Whereupon the Inhabitants ſurrender'd the Town, on condition of having their Lives and Goods preſerved; but the Gariſon retired to the Caſtle, which being very ſtrong, held out, and not likely to be taken by Aſſault, they were forced to do it by Mineing; which ſucceeded ſo well, that after it had held out near Eleven Weeks, the Miners were at laſt got under the *Baſe-Court*, but [1.] could not undermine the *Great Tower* or *Dungeon*, becauſe it ſtood upou a Rock. When the Governor perceived the Caſtle was thus undermined, and the Walls only ſupported by Props, he deſired a Parly; where he offer'd to ſurrender the Place, provided he and his Men might march out with their Arms and Horſes; Which being at length granted by the Earl, the Place was ſurrender'd accordingly; and thus the ſtrong Town and Caſtle of *la Reole* was again reduced to the *Engliſh* Obedience, after it had been in Poſſeſſion of the *French* above Twenty Years; when it was taken by Count *Charles* of *Valois*, Father to the preſent K. *Philip*.

[5.] Id. ib. c. 110.
He then beſieges *la Reole*, which is alſo ſurrender'd.

[1.] Id. c. 112.
The Gariſon retires to the Caſtle, which is alſo yielded on reaſonable Conditions.

[2.] After the Earl of *Derby* had reſted himſelf and his Men, ſome few days at this Place, and given Orders for the Repair of the Breaches; he marched on to *Montpezat*, which not being very well mann'd, the Caſtle was ſoon taken by Aſſault, tho' many *Engliſh* Archers were there ſlain. Here the Earl leaving a ſmall Gariſon, went on to a ſtrong Town called *Maulrou*, which he not being able to take by Storm, compaſſed with this Stratagem; *viz.* The Earl ſeemed to raiſe the Siege, and left a Party in the Rear of his Army, under the Command of the Earl of *Oxford*, as it were, lying behind to entice the Beſieged to Sally out upon them; but had already order'd Sir *Walter Manny* with a ſtrong Detachment, to lie in Ambuſh not far from the Town, in a Vally among the *Olive-Trees* and *Vineyards*. So upon the Earl's marching off, the Townſmen ſeeing ſome of his Men lag behind, ſallied out upon them; who flying on purpoſe till they were paſt the Place of the Ambuſcade, they turned again upon the Perſuers with great Fury: And at the ſame time Sir *Walter Manny*, with his Men, ſallied out from among the *Vines* upon their Backs; and ſome of the ſame Party, with thoſe that lay there, ran ſtrait into the Town, where finding the Gates open againſt the Return of their Companions, they ſurprized them, and kept their Poſt until the coming up of the reſt,

[2.] Id. c. 113.
The Earl goes on, and takes divers other Towns and Caſtles.

And particularly *Maulrou*, by Stratagem.

who had now diſpatched or taken Priſoners all that had ſallied out upon them: Whereupon the Town preſently yielded to the Earl of *Derby*, who generouſly preſerved it from being plunder'd. Thus was this ſtrong Place won by much the ſame Stratagem, as we find in *Scripture* the City of *Ai* was taken by *Joſhua*.

[2.] Id. c. 113, 114. He takes in other Places, and comes before *Angouleſme* which the Citizens promiſe, if not relieved by ſuch a time.

[2.] From thence he marched to *Ville-Franche*, which together with the Caſtle was taken by Aſſault. Then having poſſeſſed himſelf of *Miramont*, and another Town called *Thonnins*, and the Caſtle of *Damoſſen* by Surrender, he came before the Great City of *Angouleſme*, and vowed he would not ſtir from thence, until he had it yielded to him: Whereupon the Citizens being terrified with his late Succeſs, deſired a Month's Reſpite, within which time if they were not ſuccour'd by the King of *France*, with a Force ſufficient, to keep the Field, they then engaged to Surrender the Town to him, and for the Performance of this, they ſent Four and Twenty of their Principal Burgeſſes, Hoſtages to *Bourdeaux*.

[3.] Id. ib. He beſieges *Blaye* without any Succeſs.

But *Angouleſme* is ſurrender'd to him.

The Earl returns to *Bourdeaux*, & there winters.

[4.] Gaguin. Villani. l. 12. c. 46.

Upon [3.] this Compoſition, the Earl raiſed the Siege, and marched to *Blaves*, or *Blaye*, where was a ſtrong Gariſon held by two valiant Commanders; who, upon the Earl's Summons, anſwered, *They would yield to no man.* Wherefore he laid a cloſe Siege to the Place; which he not being able to take by Aſſault, reſolved to do it by Famine: And whilſt he blocked up the Town, ſent a Detachment to take in ſome Neighbouring Places of leſs Conſequence, ſuch as *Mortaigne* in *Xantoigne*, near the Sea-ſide; where his Forces being repulſed, as well as at ſome others, they return'd to the Camp before *Blaye*, which ſtill held out. But by this time the Month being expired, the Earl of *Derby* remembring his Agreement with the City of *Angouleſme*, ſent thither his two Mareſchals, to whom the Citizens willingly ſurrender'd, and ſwore Allegiance to the King of *England*; whereupon their Hoſtages were reſtored, and the City indemnified. Then the Earl having appointed for Governor thereof the Lord *Norwich*, a valiant Commander, Winter now being far advanced, and ſeeing the ſtout Reſiſtance at *Blaye*, and the ſmall Importance of the Place, the Earl reſolved to ſpare his Men for better Service, and to raiſe the Siege, till a more commodious Seaſon: So he diſlodged, and repaſſing the River *Garrone*, went back to *Bourdeaux*, where he diſtributed his Men into Winter-Quarters. And thus [4.] the Earl of *Derby* having recovered moſt of the Places that had been taken from the Crown of *England*, kept them in Poſſeſſion till the Beginning of the next Year; when *John* Duke of *Normandy* marching with a Great *Army* into thoſe Parts, recovered moſt of them again, as you will find hereafter. And indeed he had endeavour'd it this *Autumn*, could he have preſently raiſed a Force ſufficient to oppoſe the Earl of *Derby*, then in the full Career of Succeſs. For King *Philip* had before ſent his Son, Duke *John*, with a Conſiderable Force, to put a ſtop to the Earl of *Derby*; but when he came near the Confines of *Gaſcoign*, he heard ſuch ſtrange Reports of the great Strength of the *Engliſh*, that he retired without doing any thing; at which the King his Father was very much diſpleaſed.

[5] *Froiſſ.* c. 116. The Ruin of *Jacob Van Artefeld*, and on what account.

But in the mean while, the King's *Affairs* in *Flanders* did not proceed ſo much to his *Advantage* as they had done in *France*: For there happened a Memorable *Accident* which for ſome time put a ſtop to His Deſigns in thoſe Parts. It fell out thus: [5.] *Jac. Van Artefeld* (whom we have

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ſo often mentioned) having now form'd a Project (for the raiſing of his Family, and the ſecuring his Intereſt in *Gaunt*) utterly to diſinherit the Earl of *Flanders* of that Country, and to put the Government of it into the hands of the King of *England*, upon Condition He would beſtow it upon Prince *Edward* His Son, with the Title of Duke; and the King being made acquainted with it, ſo far aſſured Himſelf of Succeſs, that leaving His Son the Lord *Lionel* Lieutenant of the Kingdom in His abſence, He took Shipping at *Sandwich* ~~about *Midſummer*~~, accompany'd by His Son the Prince, and the Earl of *Warwick*, with divers other Lords, and x passing over to *Sluice*, lay at Anchor in the Harbor, and there kept Open Houſe on Board, many of His Friends of *Flanders* coming thither to viſit and pay their Reſpects to Him; where having one day entertain'd the Conſuls of moſt of the Chief Towns in *Flanders*, [1.] *Jacob Van Artefeld* (as was before agreed) made them a Plauſible Speech, 'extolling the King of *England*'s Power, either to protect his Friends, or puniſh his Enemies; he likewiſe ſet forth the great Good Will which He had all along expreſs'd to His Allies of the *Lower Germany*, and that the Prince of *Wales*, His Son, would no way fall ſhort of his Father's Vertues, but rather promiſed, if God gave him Life, to equal all His Noble Qualities; but as for their own Lord *Lewis*, he was unmindful of the Welfare of his People, had confederated with *Philip* their Mortal Enemy, and had himſelf made War againſt them, and done unto them many great Injuries; wherefore unleſs they judged it fit to requite their Well-willers with Neglect, and to yield their Enemies all Service and Friendſhip, he muſt needs adviſe them, either to make the Earl of *Flanders* do his *Homage* unto King *Edward*, to whom, as to the Rightful King of *France*, 'twas only due; or if through his Obſtinacy, they could not prevail with him herein, then wholly to caſt off the hateful Yoke of a Tyrannical and ſtubborn Lord, and ſubmit to the Mild and Equal Government of King *Edward* and His Son, who would advance the Earldom of *Flanders* into a Dukedom, and make them flouriſh above all other People in Trade and Proſperity.

K. *Edward* goes over to *Flanders*, on hopes of making His Son, the Prince, Earl thereof, which *Jacob* does all he can to promote.

x on the 3d day of July

[1.] *Mezeray, ad hunc Ann.* His Speech to the Conſuls of the chief *Towns* on the K's behalf.

This [2.] Speech was ſo far from being well receiv'd by the Conſuls there preſent, that they inwardly reſented the Propoſal; yet not daring to give a poſitive Denyal, they adjourned the further Debate for the preſent, by returning in general, That the *Matter* propoſed to them being of very great importance, they could ſay nothing to it at preſent, before they had propoſed it to their reſpective Cities and Towns, and if the Major and Wiſer part would agree, they ſhould do ſo too, and ſo promiſed within a Month's time to come again to His Majeſty with their final *Anſwer*. Then the King and *Jacob* urged them to make a more ſpeedy Return, but when they could obtain no other Reply from them, they were diſmiſſed; but *Jacob* ſtaid behind with the King, ſtill making Him believe that he would bring this Deſign to a good Effect; but he was deceived, and the King too, who now found He had gone too far already in this Affair, and was afraid of the Succeſs, eſpecially leſt His Friend ſhould ſuffer for his Kindneſs; [3.] wherefore He offered him a Guard of 500 *Welſhmen*, commanded by Sir *John Matravers*; which tho' accepted by *Jacob Van Artefeld*, becauſe he feared one *Gerard Deniſe*, Dean of the Weavers; yet he was ſo ſecure, that having brought the Citizens of *Bruges* and *Ypres* to his Opinion, he return'd

[2.] *Froiſſ. ib.* His Speech is not well received by them.

The King being afraid of the Succeſs, offers *Jacob* a Guard.

[3.] *Jac. Meyer, Chron. Fland.*

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He returns to *Gaunt* with not half h sGuard whereupon his Enemies cabal againſt him.

turn'd back to *Gaunt* with not half his Guard to attend him; but b fore he came thither, the Council of the Town, who had been wi King *Edward*, had not fail'd to repreſent the *Contents* of *Jacob*'s Spee to the Citizens ſufficiently to his diſadvantage: Beſides which, his nemies alſo gave out, That he had for divers Years converted t whole Revenues of the Province to his own Uſe, and had amaſſed t gether a great Treaſure in order to be tranſported for *England*, whe he intended to make his Settlement.

And raiſe the *Mob* upon him.

In ſhort, theſe *Reports* (whether true or falſe) ſo far incenſed t Populacy againſt him, that riſing up the ſame Day in a Body, they a ſaulted his Houſe, and had immediately broke into it, had it not bee defended by his Guard; but when *Jacob* ſaw the whole Town was in manner drawn thither, he came to a Window, and from thence ma them a Pathetical Speech, excuſing himſelf, and utterly denying wha ever was laid to his Charge; but when he ſaw that nothing would p cifie them, but that he muſt immediately come down and deliver hi ſelf into their hands, he went from the Window, and thought to ma his eſcape by a Back-door, and take Sanctuary in a Church adjoini to his Houſe; but before he could do ſo, the Rabble was already bro into it, and one of them meeting him, (whoſe Father he had cauſed be hanged) clove his Head with an Ax, ſo that he fell down dead the place.

He endeavours to eſcape to *Church*, but is kill'd before he could get out.

This was the Fate of *Jacob Van Artefeld*, who by his Cunning Bol neſs, and fair ſmooth *Tongue*, had for near ſeven Years bore the chi Sway in *Flanders*; and by his Unfortunate End ſhews the unſtab Condition of thoſe Popular Men, who owing their Riſe to the Favo of the Common People, have no ſurer Foundation than that to depe upon: For the Many-headed Beaſt, the *Multitude*, as they are often e ſily gain'd by a few Plauſible Speeches or Actions, ſo they are as eaſi loſt by Feigned Suggeſtions, or Falſe Surmiſes. Nor did he peri alone, for ten of the Principal Perſons of his Adherents and Coun (among whom were a Nephew and Brother of his) were murthered a the ſame time.

Ten of his chief Adherents periſh with him.

[3.] Id. ib.
K. *Edward* is highly incenſed at the News of his Death, and returns into *England*.

where he landed at Sandwich on the 26th of July (having been absent not a whole month)

[3.] King *Edward*, who ſtill lay at *Sluiſe*, expecting an Anſwer fro the *Flemiſh* Deputies, upon the News of this Murther, immediately r turn'd for *England*, vowing a ſevere Revenge upon thoſe who had an hand in this Action: And indeed ſeveral of the Chief *Towns* in *Flande* were ſo ſenſible of the King's Diſpleaſure, that they reſolved to ſend *De puties* to appeaſe Him; and not long after thoſe of *Bruges*, *Ypres*, *Cour tray*, &c. ſent to the King, deſiring His ſafe Conduct, to come over an excuſe themſelves about that *Matter*, which He yielded to when H *Fit of Paſſion* was over.

Several *Deputies* from the chief Towns in *Flanders* come over to excuſe themſelves, and appeaſe His Diſpleaſure.

Then about *Michaelmaſs* certain *Deputies* of the beſt Note came fro all the Chief *Towns* of *Flanders* (except *Gaunt*) into *England*, and aft ſome time they were introduced into the King's Preſence at *Weſtminſte* where they humbly excuſed themſelves of being any way acceſſary t the Death of *Jacob Van Artefeld*, and ſwore ſolemnly, that they kne nothing of it till it was done; and that if they had, he was the Ma whom to the beſt of their Powers they would have defended, and tha they were all extremely concern'd for His Loſs: They added fu ther, That the *Gauntois* themſelves, who had done this Barbarou Act, ſhould make ſatisfaction for it. And they told the Kin an

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and His Council, That although he was dead, yet the King of *England* was not at all ſunk in the Love and Fidelity of the Good People of *Flanders*, as He ſhould find in all things, except what pertain'd to the Inheritance of that Earldom; which they ſaid, The *Flemings* were reſolved by no means to preſume to diſpoſe of from the Right Heirs. Theſe and the like Proteſtations ſomewhat pacify'd the King's Diſpleaſure, ſo that ſoon after, the League between *England* and *Flanders* was renew'd, and the Death of *Van Artefeld* quite forgotten.

They promiſe him all Fidelity except the diſinheriting their Earl; whereupon the *League* is again renew'd with them.

But before we quit this Subject, I cannot but obſerve, that it was one of the Raſheſt and moſt Inconſiderate Actions of this King's Reign, to believe the Falſe Aſſurances of one Single Man, concerning His Son's being declar'd Earl of *Flanders*, ſo far, as to make a Voyage thither on purpoſe, before He was aſſured of the Reſolutions of the chief Cities and Towns of that Countrey.

[4.] Nor was this the only Misfortune K. *Edw.* receiv'd, for not long after, *John* Earl of *Haynault*, &c. the King's Nephew, having been victorious this Summer over the City of *Utrech*, and being reſolved to carry on his Succeſs, ſail'd from *Dort* about the end of *September*, with a great Fleet and Army to reduce the Rebellious *Friſons* to their Obedience; but landing too precipitately near *Staverin*, he was ſet upon by them, before the reſt of his Men could come in to his Aſſiſtance, and being unknown, was there unfortunately ſlain about the beginning of *October*, together with his Nephew *William* Marqueſs of *Juliers*, a Valiant Young Prince, and a great Friend to King *Edward*.

[4] Id. c. 117. The Unfortunate End of *John* Earl of *Haynault*.

The [5.] Lord *John* of *Haynault*, Uncle to the Earl, was not then with him, but being tranſported with Rage at the News, he would preſently have gone away to revenge his Death, had he not been hindered by his Servants, who refuſed to obey him, and ſo carry'd him back againſt his Will: But not long after, this Lord was perſuaded by one of his chief Counſellors to leave K. *Edward*, and go over to the K. of *France*'s Intereſt, upon a Suggeſtion, that K. *Edward* would not now continue to pay him the Penſions which he had hitherto receiv'd out of *England*; which the *French* King hearing of, ſent *Envoys* to treat with him, and coming to an Agreement, He made him one of His Chief Council, and alſo beſtow'd upon him as much, or more Revenues in *France*, than he had ever enjoy'd in *England*.

[5.] Id. ib. c. 118. The Ld *John* his Uncle would have gone to revenge his Death, but was hindered by his Servants, ſome of whom perſwade him over to the K. of *France*'s Intereſt, who makes him one of His chief Counſellors.

[1.] But to make ſome amends for theſe Loſſes, not long before the Lord *Godfrey de Harcourt* (Brother to the Earl of that Name) came over to K. *Edward*; he had been once as intimate with K. *Philip* of *France* as any Lord of His Realm, but upon occaſion of a Quarrel between his Brother and a Marſhal of *France* (which was fomented by Partakers on both ſides) he ſo greatly diſpleaſed K. *Philip*, that could He have got him into His Hands, perhaps he might have found no better Uſage than the Lord *Cliſſon*, and the reſt abovementioned; but he receiving timely notice from his Friends, withdrew into *Brabant* to the Duke his Couſin, by whom (when all his Lands were ſeized on by K. *Philip*) he was adviſed to go into *England*, and profer his Service to the King, which was graciouſly received; and he made uſe of him in his following Wars, to the great prejudice of *France*, as you will find hereafter.

[1] Ib. c. 115. The Lord *Godfrey de Harcourt* falls out with K. *Philip*, and on what occaſion.

The Ld *Harcourt* withdraws into *Brabant*, and from thence goes over into *England*.

I had

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The Earl of *Bretagne* being deliver'd out of Priſon, goes over to K. *Ed.* to ſollicit His further aſſiſtance, who thereupon ſends him back with conſiderable Forces under the command of the Earl of *Northampton.*

[2.] *H. K.* col. 2585.

The Earl takes *Dinant*, but being ſeized with a Fevour, ſhortly after deceaſes.

I had omitted to mention, that about the latter end of the laſt Year *John* Earl of *Montfort* (according to the *Articles* of the late *Truce*) was delivered out of Priſon at *Paris*, yet upon Condition that he ſhould not go into *Bretagne*, nor intermeddle with the Affairs of that Countrey; notwithſtanding which, not long after he had thus obtain'd ſuch a Conditional Liberty, he went over into *England* to ſolicit K. *Edward*'s further Aſſiſtance on his behalf; who about Midſummer this Year, ſent over with him a conſiderable Force under the command of *William Bohun*, Earl of *Northampton*, with whom were join'd *John* Earl of *Oxford*, *Hugh* Lord *Spencer*, and divers other Noblemen; each of them carrying over a great many Men at Arms, and Archers. With theſe Forces *Count Montfort* took and ſacked *Dinant*, and laid ſiege to *Quimperle*, where being ſuddenly taken with a Burning Fevour, he died about the end of *September* at *Quimpercocorentin*, leaving his Pretenſions to the conduct of his Gallant Lady, and his Young Son *John*; who many years after having ſlain *Charles* of **Blois** in Battel, obtained, together with the Dukedom, the **N**oble Sir-name of *Valiant*: However, after the Death of this Earl, the greateſt part of *Bretagne* was for ſome time in the hands of *Charles* of *Blois*; for now moſt of the *Engliſh* Soldiers were gone into *Gaſcoigne* to ſerve the Earl of *Derby*, except Sir *Thomas Dagworth*, and thoſe who before were formerly ſent to the aſſiſtance of the *Counteſs* of *Montfort*.

[3.] *Tho. de la More* cited by *Stow*, p. 239. *Ad Ann.* 1344

the Kings General in Bretagne

The Earl of *Northampton* fights Count *Charles* of *Blois*, and puts his Forces to the rout near *Morlaix*.

Count *Charles* eſcapes by flight, the *Engliſh* obtain a Bloody Victory.

Yet the *Engliſh* **Army did not break up 'till Winter;** [3.] for the Earl of *Northampton* hearing that the Lord *Charles* of *Blois* preſuming on the Death of *John* of *Montfort*, was come to *Morlaix* with a great Power, intending to over-run the Countrey; he marched with all his Forces to meet him, and in the Campaign-ground near *Morlaix*, the two Armies of *Count Charles*, and the *Earl* of *Northampton* drew up, and joined Battel with equal Courage; and at this time it is ſaid, that the two Generals encounter'd each other in a Single Combat, which was renewed no leſs than three times that Day, with *Sword* and *Target*, after the manner of that Age; until Count *Charles* ſeeing his Men begin to fly, was obliged alſo to ſet Spurs to his *Horſe*, and abandon the Field, leaving the Victory to the *Engliſh*; yet they paid dearly for it, having loſt almoſt as many in the *Fight* as the Enemy: But this Days Succeſs proved of more importance, for the Earl of *Northampton* having now no more Enemies to obſtruct his Progreſs, [4.] he preſently marched on, and laid ſiege to a ſtrong Fortreſs in *Bretagne*, called *La Roche-Derien*, which was ſurrendered upon Condition, That the Gariſon and Inhabitants ſhould march out with their Goods and Baggage: But the next Year it was retaken by the contrary Party, 'till *Thomas Dagworth* took it from them again, as will be further ſhewn hereafter. When the Earl of *Northampton* and the other Lords that were with him had ſetled the Affairs in *Bretagne*, and had put the Places they had won into the hands of Experienced Commanders, with ſufficient Gariſons, Winter being now pretty well advanced, they returned into *England*; of the Affairs of which it is time to give you ſome Account.

The Earl marches forward, and reduces the ſtrong Caſtle of *Roche Derien*.

[4.] *Hiſt. de Bret. L. v.* c 23.

[5.] *T. W.*

* *Charleolum* in Lib. *ſed falſo pro* Carleronum.

This *Autumn* [5.] the *Scots* by the Inſtigation of the *French* King, notwithſtanding the late *Truce*, enter'd *England* by *Weſtmorland*, and paſſing over the *River Ulles*, burnt *Penreth* and * *Carleton*, and many other little *Towns* and *Villages* thereabouts; but *John Kirkeby*, Bp of *Carliſle*, *Anno Dom.* MCCCXL V

ſle, with the Lord *Thomas Lucy*, and Sir *Robert Ogle*, having muſter-d up a ſmall Body of Choſen Men, tho they were not ſtrong enough o encounter them in the Field, they perſued them at a diſtance in their March, and ſo terrify'd them in the Night with Falſe Alarms, by the Noiſe of Horns and Trumpets, that the *Scots* could neither take reſt for ear, nor ſend out their Foragers to ſeek Proviſions. And now the ords *Piercy* and *Nevill* on the one part, and the Men of *Lancaſhire* on he other (being come up) had reſolved, together with the Biſhop and hoſe of *Carliſle*, to fall upon the *Scots*, who would then be in a manner uite encloſed by the *Engliſh*: When Sir *Alexander Straghan*, one of heir Chief Commanders, being compelled through neceſſity to ſeek ome Forage for the *Scotiſh* Army, and going forth for that purpoſe ith ſome of their choiſeſt Troops, was met with by the Bp of *Carliſle* he Ld *Lucy*, and Sir *Robert Ogle*; which laſt meeting with Sir *Alexan-der* himſelf, and ſpurring his Horſe againſt him, run him through the Body with a *Spear*, tho the Aſſailant himſelf could not eſcape being angerouſly wounded in the Side: In this Rencounter the Martial Bp lſo was diſmounted, and in danger of being made a Priſoner; but having valiantly recover'd his Saddle, he gave ſuch freſh Courage to his Men, that moſt of the *Scots* of that Party were either ſlain or taken; hereupon the reſt of their Army being inform'd of the two other rong Detachments of *Engliſh* that were coming upon them, and that (beſides their late Loſs) they wanted Victuals, they thereupon fled way, without getting any thing but the Ill Reputation of *Truce-reakers.*

The *Scots* enter *Weſtmerland* and burn ſeveral *Towns.*

The *Scots* under Sir *Alexander* are encounter'd by the Bp of *Carliſle*, &c. where Sir *Alex.* is kill'd and his Forces routed.

Whereupon the reſt of their Army fly into *Scotland.*

This Loſs diſpoſed King *David* of *Scotland* to admit of a freſh *Truce*, hich preſently enſued hereupon; and the Lord *Lucy*, with the Bi-hop aforeſaid, and Others, were by K. *Edward* joined in *Commiſſion* to e the ſame duly obſerved: The ſaid Lord being likewiſe conituted Sheriff of *Cumberland*, and Governor of the Caſtle at *Car-iſle.*

King *David* makes a new Truce with K. *Edward.*

I have nothing more to add concerning the *Affairs* of *England*; ut that the King was all this Winter buſied in making great Preparaions by Sea and Land for a Voyage into *Gaſcoigne*, the next Spring, n order to aſſiſt the Earl of *Derby*, and to repel the Duke of *Norman-y* from thence, who was daily expected in thoſe Parts with a great rmy; of which we ſhall ſpeak further under the next Year. In the ean while, we ſhall conclude this with an Account of the Deceaſe f ſome Great and Remarkable Perſons both in Church and State. 5] The firſt of theſe, was, *Henry Plantagenet* Earl of *Lancaſter*, ommonly called, (from his wry Neck) *Au tort Col*; a Prince of reat Probity and Honour. He died not long after his Son the Earl f *Derby*'s Departure beyond Sea, and being buried at *Leiceſter*, the ing and both the Queens were preſent at his Funeral, to ſhew their eſpect to ſo near a Relation.

Who makes great Preparations for a Voyage into *Gaſcoigne.*

[5.] *H. K. Col.* 2585.

The Deceaſe of *Henry* E. of *Lancaſter.*

Toward the End of *April* alſo, this Year, [1.] deceaſed that worhy Prelate, *Richard d'Angerville*, Biſhop of *Durham*, who had been he King's *Tutor*. He was Learned above the Age in which he lived; nd what time he could ſpare from the weighty *Affairs* of State, he ither ſpent in Prayer, or elſe in Conference with his Chaplains, or ther Learned Men that came to viſit him; and what remain'd, he eſtow'd upon Books, with which his Study was ſo well furniſhed,

that

[1.] *Godwin de Preſul. Angl.* p. 662.

As alſo of *Richard d'Angerville* Biſhop of *Durham*, with his Character.

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that it was thought he had more than all the Biſhops of *England* beſid I mention this Man as an Inſtance, that even in this Martial Age, th were ſome of the greateſt of the Clergy that had a paſſionate Love Letters.

[2.] Id. p. 233. As alſo of *Adam d' Orleton* Bp of *Wincheſter*.

And in *July* died another Prelate, tho' of a much different Cha ćter; *viz.* [2.] *Adam de Orleton*, Biſhop of *Wincheſter*: Who, whi he was Biſhop of *Hereford*, (as we have already mention'd in t Reign) had a great hand in the Murther of *Edward* the *Second*; y in the Beginning of this King's Reign, having been tranſlated fr *Hereford* to *Worceſter*, he was at the Deſire of the *French* King, no tranſlated by the Pope from that See to *Wincheſter*: Whereat K. E*ward* was ſo diſpleaſed, that He ſeiſed his Temporalties for a whil and we find him the Year following obliged to make uſe of all Cunning, to anſwer an [3.] *Appeal*, that was brought againſt hi (tho' not in the King's Name) to prove him guilty of *Felony*, & Conſiſting of theſe following *Arricles*.

[3.] *Vid. ad finem decem Scriptor.* Col. 2763 An Account of the *Appeal* brought againſt him for diyers Matters done in the latter part of *Ed.* II Reign.

'That he commanded, and moſt ſacrilegiouſly cauſed violent Han 'to be laid on the King, Chancellor, *Robert Baldock* Biſhop of *N*'*wich*, &c.

Item, 'That in the City of *Oxford*, in the Month of *Novemb* 'he falſly and maliciouſly preached and taught, and more than on 'aſſerted, *That the Lord* Edward, *of Famous Memory, was a T*'*rant*, &c.

Item, 'That by his falſe and ſubtle Inſinuations, he ſtruck ſuch 'Fear into the Queen-Mother, then at *Wallingford*, that She durſt 'go to Her Husband, the aforeſaid King, by occaſion whereof t 'Uſe of Matrimony between them was render'd ineffećtual.

His Anſwer to it, upon which he is acquitted.

All which he anſwered, if not truly, yet ſo plauſibly, that concludes his Accuſer guilty of Perjury, in Swearing falſly to the *A*ticles above-mentioned. But who this *Appellant* was, we do not fin only it is certain, that this *Appeal* came to nothing; as did alſo a fo mer Accuſation of *Treaſon*, brought againſt him in Parliament, in t late King's Reign, when the Archbiſhop and Biſhops took him from t *Lay-Tribunal*, as hath been already related. But let his Crimes ha been never ſo Black, it is certain, he eſcaped all other Puniſhments this Life, except being blind ſeveral Years before his Death: So th (if guilty) he had a ſufficient time to repent, as I hope he did.

He is ſucceeded by *W. Edington* who was firſt Prelate of the Garter.

z altho he was nominated to ye Bishoprick by the Popes Bull of Provisi

I have no more to ſay concerning *Eccleſiaſtical Affairs*, only that was ſucceeded by *William Edington*, a Chaplain and Favourite of Ki *Edward* z: and when the *Order of the Garter* was inſtituted, not lo after, he became the firſt Prelate of it; which Honour continues his Succeſſors down to this day.

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An Account of the Duke of *Normandy*'s Expedition into *Gaſcoigne*. [4.] *Froiſſ.* c. 119. He is join'd by the Duke of *Burgundy* & ſeveral other Noblemsn of *France*.

This Year begins with the *Duke* of *Normandy*'s long-expećted E pedition into *Gaſcoigne*; for which he had, by the Order of the Ki his Father, been making great Preparations ever ſince the laſt *Autum* and great part of this Winter, when finding himſelf not ſtrong enoug to encounter the *Engliſh*, he had gone home to reinforce his Army, hath been already related; and a little before *Chriſtmaſs*, there ha come to him, according to [4.] K. *Philip*'s Orders, the Duke of *Bu gundy*, with the Earls of *Artois*, *Boloigne*, and *Bourbon*, and man other Earls and Noblemen of *France*; who with the Recruits that wer taken in by the way, made up an Army of near a Hundred Thouſan

Me

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Men. With which, in the Beginning of *January*, the Duke of *Normandy* took his March from *Tholouſe*, to that Part of the Country which the *Engliſh* had conquer'd the Year before. Where the firſt thing that ſtood in their way, was, the Caſtle of *Miramount*, which they took by Aſſault; and marching alſo to *Ville-Franche*, did the like to that Place.

With which he takes in ſeveral Places.

When [5.] the Earl of *Lancaſter* heard that the *French* had enter'd the *Engliſh* Territories, not expecting the Duke of *Normandy* would have taken the Field ſo ſoon, and he not having Forces ſufficient to reſiſt ſo great an Army, did all that lay in his Power to act defenſively, and to ſecure what he had won, by ordering the Earl of *Pembroke*, and Sir *Walter Manny*, with ſeveral other Knights and Perſons of Quality, to the number of Forty, to take along with them Three Hundred Men at Arms, and a proportionable Number of Archers, and with all ſpeed to go to the Reinforcement of the Gariſon in the Caſtle of *Aiguillon*, to maintain that Fortreſs: For tho' the Duke of *Normandy* had paſſed by without attempting it, yet he would not have it loſt by any means. Theſe went thither accordingly, and there found an Hundred and Twenty Luſty Soldiers, whom the Earl had left there the laſt Year. Theſe being all got together, immediately applied themſelves to fetch in Proviſions from all Parts, that ſo they might be able to hold out a long Siege, as you will find they did ſome time after.

[5.] Id ib. The Earl of *Lancaſter* is fain, for want of ſufficient Forces, only to be upon the Defenſive, and ſends a ſtrong Gariſon to the Caſtle of *Aiguillon*.

In the [1.] mean while, the Duke of *Normandy* laid cloſe Siege to the City of *Angouleſme*; which, notwithſtanding the Weakneſs of the Gariſon, and Largeneſs of the Place, made a Defence beyond Expectation; until at laſt finding their Proviſions begin to fail, and that there was no holding out much longer, the Lord* *Norwich*, the Governor, had no way left to quit the Place with Safety, but by making uſe of this Stratagem. The day before our *Lady's Purification*, he deſired a Parly with the Duke in Perſon; who, at his Requeſt, coming up near the Walls, the Governor told him, he had only one Favour to beg of him, which was for the Honour of the *Bleſſed Virgin*, That he would grant him a Truce for the next day. The Duke deſiring to know, whether he would then ſurrender the City, or not? He reply'd, as to that he was not yet reſolved; but that this Favour would render him much more inclinable to do it. Upon which, the Generous Prince granted his Requeſt. But the Crafty Governor laying hold of this Opportunity, order'd his Men to truſs up their Baggage, and be ready to march with him the next morning betimes; which they did accordingly. But as they came to the *French* Out-Guards, they were juſt going to fall upon them, when the Lord *John* of *Norwich* advancing at the Head of his Men, ſaid thus: 'Pray, Gentlemen, uſe no Violence, for we have had a Truce granted laſt Night by the Duke himſelf, for this Day, as you all know; and during that time, we may go where we pleaſe. The Duke being acquainted herewith, anſwered, *Let them go whither they will, for tho' they have over-reached me, yet I will not break my Word*: Whereupon they had leave to march thro' the Army to the Caſtle of *Aiguillon*, where they reinforced that Gariſon, which was very ſtrong before.

[1.] Id. ib. The Duke of *Normandy* lays Siege to *Angouleſme*.

* *Froiſſart* calls him Sir *John Norwich*, but erroneouſly.

Whereupon the Governor obtains a *Truce* till the next day, with its effect.

The Duke refuſes to hinder them, & why.

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The great Honour of Duke *John* in this Action.

[2] *Mezeray ad Ann.* 1364.

I am the more particular in relating this Action, becauſe ſuch Inſtances of the *French* Honour in this kind, are not very Common, either in our own, or former Ages. But of this Prince it is peculiarly noted, [2.] that when he was King, he was Author of that Noble Saying, *That if Faith and Truth were baniſhed from Mankind, they ought to be found in the Mouths of Kings and Princes.* And, I ſuppoſe, it was upon the Governor's knowing the Duke's Temper, that he now ran this Riſque; tho' the worſt that could befal them, was, to have been made Priſoners of War; which might have happened, had they held out a day or two longer.

[3] Id. ib.

The Duke enters *Angouleſme* and marching from thence, takes in ſeveral *Towns* & *Caſtles.*

[3.] Then the Duke, after the Departure of the *Engliſh*, marched quietly into the City, and having left ſufficient Forces to keep it, went back, and laid Siege to the Caſtle of *Damaſſon*, Which being taken by Aſſault, they put the Gariſon to the Sword. Then paſſing the River *Garrone*, he came before *Tonneins*; which, after a ſhort Siege, ſurrender'd upon Conditions. From thence he went to *Port St. Mary*, lying on the ſame River; where the *Engliſh* being about Two Hundred in Number, endeavoured to defend the Place, but were all put to the Sword. When this was done, he march'd forward, and laid Siege to the Caſtle of *Aiguillon*, ſeated on the Confluence of the *Lort*, and *Garrone*.

[4] *Froiſſ.* c. 121. Villani l. 12. c. 60.

He beſieges the Caſtle of *Aiguillon*, which laſts ſeveral Months.

And is at laſt forced to raiſe the Siege.

At [4.] this Place, the Duke having inveſted it with his whole Army, began a Formal Siege, which laſted ſeveral Months: For beſides the Natural Strength of it, there were in the Gariſon Four Hundred Lords and Gentlemen, and about Four Thouſand Men of all Sorts, moſt of whom were old experienced Soldiers. So that this Siege was one of the moſt remarkable in that Age; as well for the briſk Aſſaults of the *French*, as vigorous Sallies of the *Engliſh*, which they commonly made with great Advantage: But, ſince to relate all the Particulars of it would be tedious, and not very inſtructive to the Reader, I ſhall ſay no more, than that the *French* Aſſaulted the Place thrice a day for a Week together; ſo that after all the Efforts they could make by Engines of Battery, and other Warlike Machines, the Duke was at laſt forced to raiſe the Siege, to go and aſſiſt his Father, after the Battle of *Creſſy*, as you will find preſently; tho' at his Sitting down before it, he had made a Solemn Oath never to raiſe the Siege, till he had the Place in his Poſſeſſion.

[5] Ib.

The Duke of *Lancaſter* not being ſtrong enough to encounter the *French*, hinders them from Proviſions, and tires them out.

The [5.] Duke of *Lancaſter* was not idle in the mean time; for tho' he had not a ſufficient Army to raiſe the Siege, yet he had divers conſiderable Succeſſes over ſome Parties of the *French*, who were ſent to take in other Places, whom either he, or ſome of his Captains happened to meet with: Inſomuch that the Duke of *Normandy* was ſo pent in by the Earl and his Gariſons, that he durſt never ſend out any Parties for Forage, but in very conſiderable Numbers; whereby he was not without great Difficulties, to get in ſufficient Proviſions for the Army, for fear of the Earl of *Lancaſter*, who ſo well watched his Advantages, that the Beſiegers were at laſt quite tired out.

Upon the News of the Duke of *Normandy*'s Succeſs, the King prepares to go to *Gaſcoigne*.

But it is time now to return to the *Affairs* of *England*. King *Edward* having received full information from His Lieutenant the Earl of *Lancaſter*, of the *Duke* of *Normandy*'s Deſcent into *Guienne*, and of his Succeſs in thoſe Parts; He thereupon reſolved to go over in Perſon, to defend His Territories, and reſcue ſo many Gallant Subjects who were cloſely beſieged in the Caſtle above-mentioned.

[1.] *Addit. Ad. de Muremuthe*, cited by *Hollingſhed*. Vol. 3. p. 369.
The King holds a great Council, and what was done in it.

In order to this Great Expedition, the King held it neceſſary, firſt to ſettle and reform what was amiſs in His own Kingdom: And to this end, in *Lent*, [1]He held a Great Council of the Biſhops and Peers, at *Weſtminſter*; where, by their Advice, He took into His own Hands all the Profits, Revenues, and Emoluments, which the Cardinals of the *French Faction*, and other Foreign Clergymen, held within the Realm. For He thought it not reaſonable, that thoſe who favour'd the Pope, (a *Frenchman* by Birth) and the *French* King, ſhould enjoy any ſuch Promotion or Advantage in His Kingdom.

Id. ib.
* See this Ordinance printed in *Raſtal's Stat.* 15 *Edw.* but it is a miſtake, for by the Pat. Roll. of 20 *Ed.* 3. m. 12. dorſ. It appears to be made in the 20th of this King, and moſt likely in this Council.
The Form of the Oath for the King's Juſtices then appointed.

I ſuppoſe likewiſe, that therein it was * ordain'd, That all His Juſtices throughout His Dominions, ſhould renounce, and utterly forbear taking any Penſions, Fees, or any Sort of Gratuities, from any one; (which before they were wont to receive, both of Lords Spiritual and Temporal, and Others) that ſo their Hands being clear from all Corruption, Juſtice might be by them more uprightly and impartially adminiſtred. For this Worthy Prince then thought He might expect a Bleſſing upon His Cauſe, when He took care that His Subjects might have Righteous Judgments in His Courts: And then it was that that Form of Oath was drawn up for all Juſtices to take, tho' in our Printed Books of Statutes it is miſplaced in the *Eighteenth* Year of this Reign.

Id. ib.
He alſo remedies the *Abuſes* of the Purveyors for His Houſhold.

And in this Council, the King, to ſatisfie His Subjects, that had made great Complaints againſt the *Purveyors* for his Houſhold; who, under Colour of their Commiſſions, took up all manner of *Proviſions* without ready Money, or ever paying for them: Wherefore he now cauſed a ſtrict Enquiry to be made into their ſaid Miſdemeanors; and ſome of the moſt Notorious Offenders were hang'd, and others condemned to pay great Fines, whereby that Grievance was redreſſed, and others of the King's Officers were made at leaſt more Wary, if not more Honeſt for the future.

[2.] Id. ib.
The King makes His Son *Lionel* Lieutenant of the Kingdom, during His abſence.
[3.] *Froiſſ.* c. 121.
His Speech to his Officers and Soldiers before He went on board.

[2.]The King having thus quieted the Minds of His Subjects, He left His Son, the Lord *Lionel*, Lieutenant of the Kingdom during His Abſence, appointing the Archbiſhop of *Canterbury*, with an able Council, to aſſiſt him; [3.] and then taking His leave of the Queen, He went to *Southampton*, accompany'd by His Son the Prince of *Wales*, together with moſt of the chief Earls and Barons of *England*, beſides many Knights and Gentlemen of the beſt Quality, who were by their Tenures bound to attend Him, as did alſo a great many old Officers and Commanders; to all whom, a little before He went on board, He made a ſhort Speech, which was communicated to the whole Army; 'Therein ſetting forth His Title to the Crown of *France*, and the Juſtice of His Arms; deſiring them upon their landing to behave themſelves like Men, ſince He reſolved to ſend back His Fleet ſo ſoon as He ſhould arrive in *France*, but if any Man's Heart failed him, he might ſtay in *England* with His good leave: To which they anſwered with one Conſent, That they were all ready to follow Him where He pleaſed, were it to Death it ſelf.

[4.] Id. ib. T. W. *Ad hunc Ann.*
The K. goes on board with all His *Army*, and reſolves to land at *Bourdeaux* or *Bayonne*.

[4.] Then the King ordered His Forces, conſiſting of about Four thouſand Men at Arms, Ten thouſand Archers, and of *Welſh* Footmen Twelve thouſand, and Six thouſand *Iriſhmen*, to go on board His Fleet, which conſiſted of above Two hundred Sail of Ships, beſides Tranſport-Veſſels, which might amount to about Eight hundred more.

The King Himſelf, on the 4*th* of *July*, at His taking Shipping, reſolved to land at *Bayonne*, or *Bourdeaux*, in order to raiſe the Siege of *Aiguillon*; but God was pleaſed to order it otherwiſe, for on the 3d Day when they were now very near the Coaſt of *France*, there aroſe a contrary Wind, which drove them back upon the Coaſt of *Cornwall*, but without any further damage, where they were forced to lay about ſix days at Anchor; during which time the King took a different reſolution; for [5] *Godfrey de Harecourt* abovementioned, (who attended Him in this Expedition, and was now much truſted by Him) made uſe of this Occaſion to perſuade Him from ſailing to *Gaſcoigne*, but rather to make for *Normandy*, as being more ſafe and honourable And for His Encouragement he further remonſtrated to Him, that i He would land in that Countrey, which He very well knew (as having been a Conſiderable Man in it,) he would find an eaſie Shore for Him ſince the Common People were wholly unwarlike; and as for the Noblemen and Gentlemen, they were with the Duke of *Normandy* in *Guienne*; beſides all which, He ſhould find many rich Towns unfortify'd, by whoſe Plunder, not only His Soldiers, but He Himſelf might be much the better, and deſired Him to put confidence in him as to thi Matter, ſince none had more reaſon to underſtand it than himſelf.

[5.] *Mezeray ad hunc Ann.* The Ld *Harcourt* perſuades King *Edward* to land in *Normandy*, and for what Reaſon.

[1.] *Froiſſ.* ib. Which is agreed to and thereupon He lands at *La Hogue*, and takes 30 *French* Veſſels.

[2.] *H. K.* col. 2585.

[3.] *Froiſſ.* c 122. The K leaping aſhore, His Noſe guſhes out a bleeding, at which He is not diſcouraged.

[1] Theſe Remonſtrances and Perſuaſions ſeem'd ſo reaſonable t the King and the Great Men that were with Him, that He alter'd Hi firſt Reſolution, and order'd His Pilots to make all the Sail they coul for *Normandy*, which Courſe the Wind immediately favouring, the Kin with all His Fleet arrived on the 11th of *July* at the Haven of *La Hogu* St. *Waſt*, (a Place ſo well known of late, that I need ſay no more of it) [2] in this Port the King found thirty great Ships and Gallies, whic were every one taken; and then endeavouring firſt of all to land, H [3.] leap'd on the Shore with ſuch a violence, that by a ſudden ſtrain ing, the Blood guſhed out of His Noſe; whereat His Lords diſcourage at ſuch an ill-boding *Omen*, deſired Him to re-enter His Ship, and no to land that Day; but the King briskly reply'd, *That it was rather Sign, the* **Land** *deſired to have Him.*

This I mention, that you may obſerve the Vanity of thoſe Thing they call Good or Evil *Omens*, ſince they bear a different Co ſtruction, and alſo have a different Effect from what is commonly e pected.

[4] *Chron MS. in Bib. Ben Col. Cantab.* The Ld *Harecourt* does *Homage* to the King for His Lands in *Normandy*.

[5] Id. ib. *Chron. Eveſ.* The K. knights the Prince and ſeveral other young Noblemen.

The [4] King being thus landed, the Lord *Godfrey de Harecourt* di his *Homage* to Him, profeſſing to hold his Lands and Poſſeſſions i *Normandy* of Him, as Rightful King of *France*. The ſame Day the Ki removed and encamped on a Hill near the Shore, from whence H made a Dreadful Appearance over all the Country: And here He pr ſently [5.] knighted His Eldeſt Son the Prince of *Wales* (then juſt Si teen Years and a Month old); and together with him, ſeveral you Noblemen, as *William Montacute* Earl of *Salisbury*, *Roger* Lord Mo *timer*, and divers others.

S

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So ſoon as the *French* King had received the News of *King Edward*'s being landed in *Normandy*, He was very much ſurprized, for He expected it would have been in *Gaſcoigne*; wherefore not having an Army then ready to march, all He could do at preſent, was, to ſend Orders to the Governors of *Caën* and other Places, to make as vigorous a defence as they could. And indeed *King Edward*'s landing there at this time proved very fortunate to *England*; for the *French* King had deſigned, ſo ſoon as *King Edward* ſhould have begun to invade His Territories in the *South* of *France*, to raiſe a great Army to be tranſported into *England*; and in order to this had got a great many Ships, and expected more from *Genoa* for that purpoſe, when *King Edward*'s arrival ſo near *Paris* quite fruſtrated thoſe Deſigns.

Upon the News of the K's landing K. *Philip* is very much ſurprized, and ſends orders to His Governors to make a vigorous defence.

The *King* [1.] having burnt the Town of *La Hogue*, order'd the Earl of *Huntington*, His Admiral, with part of the Fleet, and a hundred Men at Arms, and Four hundred Archers to cruiſe along the Sea-Coaſt, and to follow the Courſe of the Land Army; as for the reſt of this Navy, He had ſent it back into *England*: And His Land-Forces were divided into three Bodies, which took three ſeveral Routs, the *King* Himſelf marching in the midſt, whilſt that on the Right-hand towards the Sea, was led by the Earl of *Warwick*; and the Lord *Harecourt* commanded another Battalion on the Left-hand further into the Country, becauſe he beſt underſtood all the Ways and Avenues into it; theſe three Bodies amounting to Thirty thouſand Men, were order'd to meet every Night, and encamp together in one place: Thus they march'd forward burning and ſpoiling the Country as they went, until they came to * *Barfleur*, which was firſt plunder'd by the Soldiers, and then burnt by the Seamen, after the King's Departure; as they did likewiſe many great Ships in that Harbour; From thence the Earl of *Warwick* with his Party marched to *Cherburgh*, which He alſo took and plundered, excepting the Caſtle, which could not be then reduced, and thence return'd back on the Left-hand to *Valognes*, which they took, plunder'd, and ſet on fire: They did the ſame afterwards to *Monteburgh*, and all the Towns in thoſe Parts, from whence they got much Rich Plunder: Then they came to a conſiderable Town called *Carenton*, which tho' a ſtrong place, and well mann'd, yet the Townſmen againſt the Will of the Gariſon, ſurrender'd, upon Condition to have only their Lives ſav'd; but the Soldiers retiring to the Caſtle, within two Days after delivered it on Condition to march out with their Baggage.

[1.] *Froiſſ.* c. 122. The K. burns *La Hogue*, and marches from thence with His *Army* in three Battalions.

They take *Barfleur*, with ſeveral other Towns.

* In the printed *Copies* it is *Harfleur*, which is an Error.

[2.] Whilſt theſe things were perform'd by the Earl of *Warwick*'s Battalion along the Sea-Coaſt, that which was commanded by the Lord *Harecourt* made no leſs Devaſtations up in the Country, where as Marſhal of the Army, he marching often ſix or ſeven Leagues from the *King*, his Men found no Place able to reſiſt them; for the People being wholly unwarlike, fled away for fear, to *Caën* and other Neighbouring Places of ſtrength, leaving moſt of their Goods and Proviſions behind 'em, of which the Army found more than ſufficient, beſides a great deal of Rich Plunder.

[2.] Id. ib. The Lord *Harecourt* deſtroys the Inland Countrsie.

[3.] The Country being thus clear'd as far as the *North Point* of *Normandy*, the *King* marched *Eaſtward*, directly towards St. *Loo*, being the fartheſt Port of the *Lower-Normandy*; but when He was come to this Place, He found the Town was already taken by a Detachment which

[3.] Id. c. 123. The King marches to St. *Loo*, which is taken, and then burns ſeveral other Towns.

[4] *Chron. MS. in Bib. Ben.* And then comes before *Caën*, which He ſummons to ſurrender, tho in vain, and the *Meſſenger* that brought it is impriſoned.

[5.] *Froiſſ.* ib. c. 124, The Conſtable of *France* making a ſally with the Townſmen of *Caen*, are ſhamefully put to flight.

The Earl of *Warwick* with the *Engliſh* under his command enter the Town with the Enemy.

which had been ſent thither before, and the Men were ſent Priſoners, on board the Fleet. From hence the *King* (having firſt burnt the Towns *Torigny*, *Cormolin*, *Fontenay*, and *Cheſne*) marched directly back again toward the Great City of *Caën*, and [4.] ſitting down before it, He ſent a Fryar to the Biſhop of *Bayëux*, and the Earl of *Ewe*, Conſtable of *France*, and the Earl of *Tankerville*, to exhort them to deliver up the City without Blood-ſhed; but inſtead of this the Biſhop ordered the Meſſenger to be put in Priſon, and tore the *King*'s Letter in pieces. The Conſtable's Reſolution at firſt was to act only on the Defenſive, but being encouraged by the Towns-men, who were very numerous, and made a ſhew of ſufficient [5.] Courage, he reſolved to ſally out upon the Enemy the next day, on which (being the 20*th* of *July*) *King Edward* reſolved to make an Aſſault upon the City, when the Conſtable being follow'd by the Towns-men, and aſſiſted by the Gariſon, marched out to encounter the *Engliſh*, but when they ſaw the dreadful appearance of ſo many Armed Men, and tall Archers, who were ready to let fly, their Hearts began to fail them, and having ſcarce endured the firſt Brunt, for all that the Conſtable could ſay or do, they quite abandoned both him and their Honour, and fled with all the ſpeed they could toward the Town, the *Engliſh* eagerly following them at the Heels: Here it was that the *Archers* finding ſome reſiſtance at the Bridge, and the King fearing they might ſuffer by the *Frenchmen* at *Arms*, ſent the Earl of *Warwick* with more Men to aſſiſt the *Archers*, who ſo well acquitted himſelf, that he not only won the Gate of the Bridge, but beating down all that ſtood before him, entred the Town *Pall-Mall* together with the Enemy: When the Conſtable and the Earl of *Tankerville* ſaw how things went, curſing the Cowardize of the Towns-men, and their own Credulity, they betook themſelves to a Tower at the Bridge-foot, which they enter'd with certain Captains and Men of Quality.

[1.] *Villani* l. 12. c. 63. The *Town* is taken, and a great ſlaughter made of the *French*, whereupon the *Conſtable* and Earl of *Tankerville* yield themſelves Priſoners.

In the mean while the *Engliſh*, who had now poſſeſſed themſelves of the Town, were killing all they met, for as yet they gave no Quarter; and it happened very ill for the *French*, that the Tide in the River *Seyne* being now out, their Enemies could come in upon them either on Horſe-back or on Foot; ſo that there was a Cruel Slaughter made, no [1.] leſs than Five Thouſand being kill'd in this Action; whereupon the Conſtable and the Earl of *Tankerville* finding the Place they were in not tenable, reſolved to yield to Mercy; and eſpying an *Engliſh* Lord, one Sir *Thomas Holland*, whom they knew, marching down the Street, with five or ſix Knights in his Company, they called out to him, and coming down from the Tower, yielded themſelve his Priſoners. Then this Lord ſuppoſing the Town wholly maſtered mounted his Horſe, and rode about the Streets, where he ſaved many Lives, and preſerved ſeveral young Ladies and Nuns from Violation for now the Common Soldiers were grown outrageous, becauſe thoſ of the Town, who were got on the Tops of Houſes, flung down Tiles Stones, &c. wherewith they broke their Skulls, and did much miſchief which not only made them more cruel, but provoked alſo the King himſelf; who hearing at Night that above five hundred of his Me were killed, or grievouſly maim'd by that means, was about to hav given Orders to put all the Citizens to the Sword, and reduce the Cit to Aſhes; but He was ſoon diverted from it by the Lord *de Harecourt*

wh

ho ſhewed him the Ill Conſequences of ſo Cruel a Procedure: And hereupon, having received from Him milder Orders, rode early the ext Morning with his Banner diſplay'd before him, from Street to treet, and by an Herald commanded aloud in the King's Name, That o man ſhould preſume to ſet fire to any Houſe, to kill any Perſon, or o violate any Woman whatſoever. The Townſ-men hearing this Proclamation, freely admitted the *Engliſh* into their Houſes, and gave hem good Entertainment: And yet for all this there were ſeveral Rapes and Murthers committed in the Town; and the Spoil was beſtowed on the Soldiers; except Gold, Silver, and Precious Stones, nd the beſt Wares in the Merchants-Houſes and Shops, as Fine Cloath, Silks, and Linnen; of which vaſt Quantities were not long after conveyed into *England* for the King's Uſe, as were alſo all the Nobility, Gentry, and Citizens, who were there taken Priſoners.

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The reſt of the Citizens receive mercy, yet the Plunder of the *Town* is given to the Common Soldiers.

[2.] The King having ſtay'd three days at *Caën*, departed thence, and n His March went thro' the *Biſhopricks* of *Liſieux* and *Eureux*, having, mong others, taken and ſacked a good Town call'd *Louviers*, where He found a vaſt Quantity of Riches and Merchandiſe: He took alſo *Liſieux* it ſelf, a Notable City in *Normandy* abounding with Wealth, which His Soldiers plunder'd. * From thence He granted Letters of Safe-Conduct to *Anibald* Cardinal of *Tuſculum*, and *Stephen* Cardinal of St. *John* and St. *Paul*, who were ſent from the Pope to mediate a Peace: And theſe ſoon after came to the King, being then at *Gaillon*, which Place He had newly taken. And [3.] 'twas there they repreſented to Him, That they were ſent from His Holineſs to endeavour an Accord between Him and the King of *France*, deſiring Him to remit the whole Matter to the Pious Deciſion of the Pope. But King *Edward*, who could put no longer Truſt in Him, would not hear of any ſuch Accord; but preſently broke off all Treaty with the Legates, becauſe it appeared, That the Pope was much more favourable to the King of *France*, than to Him, or His Cauſe: Yet foraſmuch as one of them had been rifled by ſome *Engliſh* Soldiers, King *Edward* not only cauſed what was their own to be reſtored, but gave them ſomewhat over and above, to make them amends; and ſo they returned to *Paris*.

[2.] *Mezeray. Froiſſ.* c. 125.

The K takes and plunders *Louviers* and *Liſieux*.

* Rot. Norm. 20 *Ed* 3. m. 21. *Odoric. Raynold. ad hunc Ann.*

The King grants Safe-Conduct to two Cardinals ſent by the *Pope* to mediate a *Peace*.

[3.] *Villani* l. 12. c. 63.

But the Treaty with them is preſently broke off, and for what *Cauſe*.

In the [4.] mean time, King *Edward*, by ſeveral Parties He ſent out, over-ran the Country far and near, burning and deſtroying all that came in their way, except it were ſome Caſtle or Place too ſtrong to be taken without a long and formal Siege, which He then could not well afford Men or Leiſure, ſince He daily expected the *French* King's coming up to give Him Battel. And for this reaſon He left *Rouën* on His left Hand, or elſe, (as others ſuppoſe) thro' the interceſſion of the Lord *Harecourt*, whoſe Brother, the Earl of the ſame Name, was Governor there with a ſtrong Gariſon: tho' ſome ſay, that the King of *France* Himſelf, with Part of His Army, ſtill marched not far from the *Engliſh* on the other ſide of the *Seyne*, watching the King of *England*'s Motions all along until He came to *Poiſſy*; as appears by the Letters of the King's Chaplain, which we ſhall produce hereafter. Wherefore the King returned from thence to *Pont del Arche* on the *Seyne*, which He took and deſtroyed, as alſo all the Country about *Rouën*: The like He did to *Vernon*, and ſent out a Detachment from thence, which took and burnt the Town of *Giſors*,

[4] *Froiſſ.* ib.

The King over-runs and ſpoils all the adjacent *Country* in his March.

but

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He comes to *Poiſſy*, and from thence ſends K. *Philip* a Letter of Defiance.

[5.] Chron. Adam. Mur.

The King declines *Paris*, and marches into the *Country* of *Ponthieu*.

but would not ſtay to attempt the Caſtle, for the Reaſons before al
ledged. In the mean while the King marched by the *Seyne* to *Mant*
and *Meulan,* both which He paſſed by, as He alſo did the ſtrong Ca
ſtle of *Rouleboiſe*, but all along the River He found the Bridges broke
down, as He did alſo at *Poiſſy*: From which Place the King though
fit to ſend King *Philip* (who was now return'd to *Blois*) a [5.] Lette
of Defiance, to fight Him under the Walls of the *Louvre*, if H
would come out to Him there. But to this He received no An
ſwer till ſome time after. The King ſtayed Five days at *Poiſſy*, unti
He had repaired the Bridge that was broken down, and there paſſe
the *Seyne* on the *Sixteenth* of *Auguſt*, and defeated ſeveral ſtrong Pa
ties of the *French*, who came to hinder His Paſſage over: Yet did H
not think it fit to approach nearer *Paris*, being apprehenſive He migh
be encloſed between the *Oyſe* and the *Seyne*, but turn'd aſide towar
His own Country of *Ponthieu*; and ſtaying to repair the Bridges tha
were every where broke down to hinder His Paſſage, He had thereb
more time to plunder and ravage the Country, and to burn moſt of th
good Towns and Villages He paſſed through; the Smoke of which wa
ſeen as far as *Paris* it ſelf, to the great Conſternation of the Inhabitant

[1] *Froiſſ.* c. 124. King *Philip* ſummons all the Princes His *Confederates* to come to His Aſſiſtance.

But declines a Battel.

And leaves *Paris*, reſolving to fight King *Edward*.

[2.] Id. c. 125.

King *Edward's* men burn *Pontois*, and the Lord *Harcourt's* rout the Townſmen of *Amiens*.

We ſhall now ſpeak of the Actions of the *French* King; [1] wh
upon the News of King *Edward's* being Landed, immediatel
muſter'd up all the Forces He could, and ſent for the Lor
John of *Haynault*, who came to Him with all the Gentry of th
Country; the King alſo ſent for the King of *Bohemia*, and His So
the Lord *Charles*, with the Duke of *Lorain*, and other Princes an
Lords of *Flanders*, and other Parts of the *Low Countries*, with the
whole Forces, but chiefly out of the *Nobleſs* of *France*, which amoun
ed to a vaſt Number: He made up a Great Army, yet did then nothin
with it but attended and watched King *Edward's* Motions; who bein
now upon His Approach to *Paris*, He was ſtung with indignation
ſee His Country on fire under His Noſe, and was reſolved to put
Stop to it. But being diſſuaded by ſome of His Councellors from c
ming to a Battel, he had hitherto only followed Him at a diſtance, an
obſerved His Motions, watching for an Opportunity to attack Him
Advantage. Yet at laſt King *Philip* conſidering the Greatneſs of H
own Army, took freſh Courage, and reſolved to give Him Batt
Wherefore leaving *Paris* under a ſufficient Guard, He again march
out, and took the Field; and going to St. *Dennis*, was there attend
by *Charles* King Elect of the *Romans*, and His Father the King of B
hemia, with all the reſt of the Princes His Confederates; all whoſe Fo
ces, together with thoſe of the *French* King, made up an Army
above an Hundred Thouſand Men. With theſe He reſolved to overta
King *Edward*, and fight Him before He paſſed the River *Seyne*; [2
Who in the mean while marched in Hoſtile manner thro' *Veuxin Fra*
çois into *Beauvois*, burning and deſtroying all before Him. But
His way thither, He paſſed by the Town of *Pontois*, which the Rea
Guard of the Army took and burnt, Three Hundred *Frenchmen*
Arms being there ſlain. The next day, the Lord *Godfrey Harcour*
and the Earl of *Suffolk*, marching on with *Five Hundred* Men at *Arm*
and *Thirteen Hundred* Archers, met with a great Number of t
Townſmen of *Amiens*, who, at King *Philip's* Command, were goin
to *Paris*, to help defend that City: Upon whom the *Engliſh* imme
diatel

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diately falling, tho' they defended themſelves valiantly, (being headed by Good Commanders, and exceeding their Enemies in number) yet were at laſt routed, and *Twelve Hundred* of them ſlain upon the Spot, beſides a great many taken with all their Carriages and Amunition.

It is to be noted, that on the ſecond Day after King *Edward* had paſſed the *Seyne*, being then at *Abbeville*, within three Leagues of *Beauvois*, He there received Letters from King *Philip*, ſignifying, that He would give Him battel either on the *Thurſday*, *Saturday*, *Sunday*, or *Monday* following, which K. *Edward* ſhould pleaſe to chuſe, on condition He would in the mean while forbear deſtroying the Country: To which the King immediately ſent Him an Anſwer in Writing, that begins with no other Title than bare Sir *Philip* of *Valois*; and then reciting the Subſtance of the *French* King's Letter, 'Wherein He offers to fight Him with his whole Power, between St. *Germains de Prez*, and *Valgerart de la Paris*; the King again aſſerts His Right to the Crown of *France*, which was unjuſtly uſurped from Him, and that He was now come over to recover it by a Battel, which He was willing to have given Him before now, had He not cauſed the Bridges to be broken down, ſo that He could not approach Him until He came to *Poiſſy*; where having cauſed the Bridge to be repaired, He had for Three days waited His coming, but in vain, for He had not appeared: And ſhould *Philip* decline Fighting now, He (*viz.* King *Edward*) was marched further into His own Realm, to comfort and aſſiſt His Friends, and chaſtiſe thoſe that *Philip* called His Subjects; whom if He deſired to ſpare, He ſhould find Him ready to receive Him in the Field, and to encounter Him by the Help of God; and which He earneſtly deſired, ſince *Philip* would not offer any other Way of ending this Difference between them: Yet that He ſhould not be directed by Him to accept of any Day, or Place, of Battel, upon His Conditions. Dated at *Abbeville*, the *Seventeenth* of *Auguſt*, in the *Seventh* Year of His Reign over *France*, and over *England* the *Twentieth*.

King *Philip* writes to King *Edward*, offering Him Battel, which He accepts.

Then [3.] King *Edward* paſſing by the City of *Beauvois*, which He would not ſtay to beſiege, ſtill went on towards the *Somme*, the Bridges of which were all broken, and all the Fords and Paſſes ſo ſtrongly guarded, that it was impoſſible to paſs them without imminent Hazard and Danger. For King *Philip*'s Deſign was to encloſe *Edward* between the Two Rivers above-mentioned, that ſo He might either famiſh His Army for want of Proviſions, or elſe force Him to a Battel, to His great Diſadvantage; ſo that the King ſtill marched near the River, and (looking for a Paſſage over it) burnt divers ſmall Towns in His way: But when He came to the Town of *Oyſmount*, He there held a Council of War, and examining certain Priſoners, whether they knew ever a Safe Ford below *Abbeville*; one of them, [4.] *viz.* a Yeoman's Son of *Normandy*, called * *Gobin Agace*, inform'd the King, That he knew of a Ford about Four Leagues off, where, at Low Water, not only the King Himſelf and His Army, but alſo all His Carriages might ſafely paſs over; for the Bottom of it was hard and firm with Chalk, Stones, and Pebbles, (whence it is called *Blanchette aque*, or the *White Water*:) And further engaged to conduct Him thither in Four or Five Hours time. At which the

[3.] *Froiſſart* c. 125. 126.

King *Edward* marches on towards the *Somme*, looking for a Paſſage over it.

[4.] *Gaguin. Du Cheſne ad hunc Ann.*

* The King is inform'd of a *Paſs* below *Abbeville*, called *Blanchette aque*.

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King being very well pleaſed, not only promiſed the Fellow his Liberty but an Hundred Nobles for his Pains if he perform'd as much as he ſai Then the King diſperſed Orders thro' his Camp, that every one ſhoul be ready to march upon Sound of Trumpet.

[5.] Id. c. 127.

The *Paſs* is guarded by a *French* Detachment.

But however, He did not find this Paſſage ſo eaſie as He expected for about two days before, [5.] King *Philip*, who underſtood th Country well, and doubted that ſome or other, either out of hopes o fear, would inform King *Edward* of that Ford; for the greater Secu rity of it, order'd Sir *Godemar du Fay* a *Norman* Baron, to go from *A miens*, and defend *Blanchetteaque* with a Thouſand Men at Arms, an Six Thouſand Foot, together with ſome *Genoueſe* Croſs Bows. Upo which, this Lord went, and lay at *Crotoy*, not far from thence, to b there ready at hand; and he had ſuch Aſſiſtance from *Arras*, *Monſtr vil*, and other Places, that his Complement was now Twelve Thou ſand. But King *Edward*, after He came near this Paſs, took but litt Reſt that Evening; and about Midnight He aroſe, commanded th Trumpets to be Sounded, and all things to be ready for a March abo Break of Day. So He left *Oyſement*, and marched on by the Guidanc of *Gobin Agace*; and by Sun-riſe they came to *Blanchetteaque*, (ne *Saigneville*) a Place below *Abbeville*, where the *Somme* ſpreading ſelf more largely in Breadth, proves leſs Rapid and more Shallow tha elſewhere: Yet here it is not paſſable, but when the Tide is out.

Yet the King marches on & reſolves to paſs over.

[1.] Id. ib.

The *French* Commander reſolves to defend it againſt King *Edward*.

Who enters the Ford with His Army, & beats the *French* from the oppoſite Shore.

At [1.] their coming thither, they found it near High Water, that they were forced to ſtay until the Ebb, before they would ventu to paſs over. During which time, Sir *Godemar*, upon notice of th King's *Arrival*, made haſte thither from *Crotoy*, and ranging his Me upon the declining Bank of the River, reſolved to defend the Pa againſt the *Engliſh*. However, King *Edward* being no way diſcour ged, when it was near Low Water, commanded His Mareſchals to en ter the Ford, and Himſelf looking back on His Men, and crying ou aloud, *They that love me, let them follow me*; plunged in after then the whole *Army* following in good Order. Upon this, the *Frenchm* at *Arms* on the other ſide, together with the Croſs-Bows, went alſo i to the Water; and there the Gentlemen of *Artois* and *Picardy* beh ved themſelves with much Reſolution; and being back'd by the *G noueſe* Croſs-Bows, gave the *Engliſh* no ſmall *Annoyance*. But King *E ward*'s *Archers* ſhot with ſuch Fury againſt them, that they were force to retire from the Men of *Arms*, and, after an obſtinate Diſput were alſo beaten back by the *Engliſh*, and ſo they won the Shore; an ſtill as they landed began to draw up in Order. When Sir *Godemar d Fay* ſaw how ſtrangely his Men gave back, and that the Landing of th Enemy could be no longer hinder'd, he preſently fled, and left th Field, with the Chief of his Horſe; ſome whereof recover'd *Abb ville*, others St. *Ricquier*, but moſt of the Foot were cut off, wi above Two Thouſand Men at *Arms*, beſides thoſe that were taken Pr ſoners. Nor did the *Engliſh* eſcape wholly without Loſs: For befo the Rear could get quite over, the *Van-Couriers* of the King of *Boh mia*, and the Lord *John* of *Haynault*, came upon them, and kill ſome of them before they could gain the Ford, and took ſome Ho ſes and a few Carriages.

And many of the *French* Foot are cut off. *Holingſh*. p. 932. H.K. Col. 2587.

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When [2.] K. *Edward* with His Army had eſcaped this great Hazard, He return'd Thanks to God; and then calling for the young Fellow that had guided Him over, not only paid him the hundred *Nobles* He had promiſed him, but gave him a good Horſe beſides to carry him home. The King was informed there was a great Town call'd *Noyelle ſur la Mer* not far off, but underſtanding that it belonged to the *Counteſs* of *Aumale*, who was Siſter to His late Friend the Lord *Robert* of *Artois*, He would do no harm to that Place, but turned another way, whilſt His Marſhals took and burnt *Crotoy*, in the Harbour of which they found a good Booty of *Veſſels* laden with Wines.

[2.] Id ib. The King being got over ſafe, returns *Thanks* to God, and very well rewards the man that had ſhew'd Him the Paſſage.

But [3.] it is time to return to the *French* King, who had marched from *Airaynes* in perſuit of King *Edward*, and expected to find Him encloſed between the River of *Somme* and His own Army; but when He heard how the Paſſage was won, and the Lord *Godemar du Fay* defeated, He cry'd out, *That He was betray'd*; for He thought it impoſſible that twelve thouſand Men, ſo well poſted as they were, ſhould not be able to defend that Paſs againſt all the World, if they had done as they ought to do: But that was not now to be remedy'd, whereof He immediately follow'd the *Engliſh* by the Banks of the River (on the other ſide of which K. *Edward* and His Army lay) and tho He had in His Company an Army of above an Hundred thouſand Men, yet [4] K. *Edward* offer'd Him free Paſſage over the *Ford*, provided He would come the next Tide and chuſe a place fit for Battel.

[3] Id. ib. K *Philip* being inform'd that K. *Edward* had paſſed the River, is highly diſpleaſed, and follows Him as faſt as He can.

[4] *De la More* cited, *ad hunc An.*

But [1.] K. *Philip* thought it beſt for Him to retire back to *Abbeville*, as the moſt convenient Place where He might paſs the River, whilſt K. *Edward* in the mean time was marching up further about three Leagues into *Ponthieu*, till He came to the Foreſt of *Creſſy*, near the Town of the ſame Name, which ſtands on the River *Maye*, between *Abbeville* and *Heſdin*; the *King* finding here a convenient Country for two Armies to draw up in, and conjecturing rightly, that His Enemy being reſolved to give Him Battel, would follow Him whereever He went, ſaid to His Lords, *That He would ſtay here till He had looked the Enemy in the Face, and recover'd this Province, which was the Inheritance of* Queen Eleanor *His Grand-Mother*; concluding with His own *Motto*, *God defend my Right*: And becauſe He had not above a fourth part of the Army that K. *Philip* then brought into the Field, He commanded His Marſhals to chuſe a piece of Ground, the beſt they could for His advantage, which being done, and having ſent out His Scouts (who yet could give Him no account of the approach of the *French*,) He there ſtrongly encamped Himſelf and all His Forces.

[1] *Froiſſ.* Ib: Yet returns to *Abbeville*, and there paſſes the River.

King *Edward* encamps in a convenient place near *Creſſy*, and there waits the coming of the *French*.

We [2.] will now ſpeak of K. *Philip*, who ſpent the ſame Day at *Abbeville*, on which K *Edward* encamped near *Creſſy*; and when the Duke of *Savoy*, who had been long expected, was come to the *French* Camp with a thouſand Men at Arms, the next Day about Sunriſe K. *Philip* marched from thence, and paſſing the Bridge of *Abbeville* with all His Army, advanced towards the Place where K. *Edward* was encamped; and when He approached ſomewhat near the *Engliſh*, He gave orders for His Army to be put in Battel Array, and the Foot to advance firſt. But it ſeems His Commands were not well obſerved; for [3.] *Froiſſart* relates from ſome that had been at this Battel, That there being a great multitude of Nobility, each of them ſtriving to go firſt, thereby to ſhew his forwardneſs as well as Quality;

[2.] Id. ib King *Philip* paſſes the River at *Abbeville*, and advances toward K. *Edward*, and puts His Army in Battel array, but with great diſorder.

[3.] *Froiſſ.* c. 129.

Anno Dom. MCCCXLVI.

Four Gentlemen ſent to view the *Engliſh Army*, with their *Account* of it; and one of them adviſes the King not to fight that day.

none can imagine what ill Order and want of Conduct there was in the drawing up of this *French* Army: However, the King ſent out four Gentlemen; to wit, he that was commonly call'd the Monk of *Baſcle*, (but was indeed a ſtout Knight) and the Lord of *Noyers*, with two others, to take a view of the *Engliſh*, and give Him an Account what poſture they were in: Theſe Gentlemen being return'd in a little time from doing what they were commanded, the firſt of them (who had been an old Soldier belonging to the King of *Bohemia*) ſpoke for the other three, and gave the King this *Account*, *viz.* That the Enemy were drawn up in three Battalions, and waited for His coming; and therefore (with ſubmiſſion to better Judgment) his Advice was, That ſince it was now late in the Afternoon, it was better to let His Men reſt in the Place where they were, and not hazard a Battel that Day, when His Men were weary and out of order, for before they could all come up, it would be too late to engage with the *Engliſh*, who were freſh and newly come out of their Camp; which Advice the King at firſt ſo well approved of, that He commanded the Marſhals to give Order for the whole *Army* to ſtop and march no farther; but in this His Orders were not obey'd, for the *Captains* and *Soldiers* in the Rear, either not receiving, or not liking thoſe *Orders*, ſtill preſſed forward, and that ſo haſtily upon thoſe who were before, that they were again forced to renew their March, tho in great diſorder; and indeed the *French* Commanders preſumed ſo much upon their Numbers, that looking upon the day as their own, they thought it long before they began the Battel; and thus they advanced until they came within ſight of the *Engliſh* Army; of which it is now high time to ſpeak.

Which the K. approves, but His *Orders* are diſobey'd.

[2.] *Froiſſ.* c. 128.

King *Edward* draws up His *Army* in three Battalions, and by whom they were commanded.

King [2.] *Edward* having ſpent part of the Night in His *Prayers* to God for Good Succeſs, roſe early in the *Morning*, and having heard *Maſs*, and communicated together with the Prince His Son, and moſt of the Lords and Gentlemen that attended Him, He then drew up His Army into three Battalions, the firſt of which was led by Prince *Edward* His Son, who tho' but little more than ſixteen Years of age, yet was of Strength and Courage above his Years: With him were joined for Council and Aſſiſtance *Thomas Beauchamp* Earl of *Warwick*, the Earl of *Oxford* (whom our *Author* ſtill calls *Quenfort* by miſtake) the Lord *Geoffrey Harecourt*, with divers other Perſons of Quality, amounting in all to the number of Eight hundred Men of *Arms*, Two thouſand *Archers*, and One thouſand *Light Armed Welſhmen*. The Second Battalion was headed by the Earl of *Arundel* and *Northampton*, the Lord *Ros*, with many other Lords and Knights, whoſe Names would be tedious to relate, the whole Body being to the number of Eight hundred *Men of Arms*, and Twelve hundred *Archers*. The Third and laſt Battalion was headed by the King himſelf, accompany'd by *John* Lord *Moubray*, the Lord *Roger Mortimer*, with others, in all to the number of Seven hundred *Men of Arms*, and Two thouſand *Archers*, the whole *Army* making up in all about Thirty thouſand effective Soldiers.

[3.] Id. ib.

The K. puts His *Army* in order, and encourages 'em to fight, who wait the coming up of the *French*.

Then the *King*, having *knighted* Fifty young *Noblemen* and *Gentlemen* for their encouragement in *Arms*, and ſet His whole *Army* in ſuch order as if they were preſently to fight, [3.] mounted on a little White Nag, and riding between two of His *Marſhals* from Rank to Rank of each *Troop* and *Company*, He not only ſaw that all things were in good order, but exhorted every Man that Day to defend and maintain *His Right* and *Honour*; and this He did by ſuch obliging Words, that even the moſt faint hearted of them were ſufficiently encouraged. Then (it being about *Nine* in the *Morning*) the *King* commanded them all to go to Breakfaſt, which being ſoon diſpatched, each Man return'd again to his Place, where ſitting down on the Graſs, they lay ready ſome Hours, expecting the coming up of the Enemy, and when they beheld them approaching nearer to them, they preſently ſtarted up on their Feet, and prepared themſelves for Battel.

The [4] *Prince's Battalion* led the Van, and he had placed his *Archers* in the Front, who were drawn up in a thin oblong Square like a Wedge, that they might not be encompaſſed by their more numerous Enemies, and behind them ſtood the *Prince* himſelf, at the head of the Main Body of *Men at Arms*, having the *Battalion* that was led by the Earls of *Arundel* and *Northampton* for the Left Wing, whilſt the *King* Himſelf, with Twelve thouſand Men were drawn up on the Right Hand, ſomewhat farther off, on the ſide of a Hill, who were to ſerve as the *Forlorn* in caſe of extremity, and the Carriages were placed within a ſtrong *Trench* caſt up for that purpoſe.

[4] Id. c. 130. The manner of drawing up the *Engliſh Army*.

Then [5.] *King Philip* approaching near the *Engliſh Army*, commanded His *Genoueſe Croſs-Bows*, who were about Fifteen thouſand, to begin the Fight with their *Arrows*, which they did, tho with ſome Reluctance, as being ſo much tired by their long March, that they rather deſired to lye down and reſt them, ſo that their Volley of *Arrows* did little Execution; and juſt before the *Army* engaged there fell a ſharp Thunder-ſhower which ſo wet their *Bow-ſtrings*, that they could not ſend their *Arrows* home: Upon this the *Engliſh Archers*, whoſe *Bows* were kept cover'd in their Caſes, ſtept forward, and diſcharged ſuch a Shower of *Arrows* among the *Genoueſes*, as put them into that Diſorder, that flinging away their *Bows*, they retreated without making any more Volleys, but ran back upon that Body of *Horſe* where the King himſelf was; at which He was ſo incenſed, that *He* ſaid aloud, *Kill theſe Cowardly Raſcals, for they do but hinder us*; ſo that there aroſe a great Confuſion between the *Horſe*, ſtriving to go forward, and theſe *Croſs-bows* who ſought how to retire out of danger, the *Engliſh Archers* at the ſame time diſcharging freſh Flights of *Arrows*, where the Preſs and Confuſion was greateſt; inſomuch that the *Genoueſe* being trodden down by their own Party, as well as ſhot in the Backs by the *Engliſh*, were the occaſion that many of the *French* Nobleſs who ſtumbled over them, fell down Horſe and Man, and they were ſo far from being able to riſe, that they were the cauſe of others falling over them: Then immediately certain *Welſh* and *Corniſh* Footmen ran in among the *French* Gentlemen, and with long Knives cut the *Throats* of thoſe that lay on the Ground, of what Quality ſoever they were; for none that Day gave any Quarter on either ſide. In the mean while the Earl of *Alençon*, the Earl of *Flanders*, the Earl of *Blois*, the Duke of *Lorain*, and the *Dauphin* of *Vienne*, having at laſt got clear of the *Genoueſe*, coaſted round about with their own Troops, and came (tho not without much loſs) on the right ſide of the *Engliſh* Battalion where Prince *Edward* was, with whom they fell to handy-Strokes, and ſtoutly engagd with His *Men at Arms*; and tho the *Prince* with His Battalions were drawn up behind the *Archers*, ready to receive the *Charge*

[5] Id. ib. King *Philip* commands His *Genoueſe Croſs-Bows* to begin the Fight by diſcharging their *Arrows*, which they do but with ſmall execution, and are clearly put to flight by the *Engliſh Army*.

The *Croſs-Bows* being routed, bring a great confuſion among the *French* Horſe.

Who being overthrown, their Riders have their Throats cut by the *Engliſh* Foot.

of

Prince *Edward* and the *Engliſh* that were with Him are very hard put to it by the *French*, whereupon he ſends to the King for Succours but He refuſes them.

of the *French*, yet they were all of them very hard put to it; for certain freſh Squadrons of *French* and *German Horſe* ruſhing forward with great fury, and forcing the *Engliſh-Archers* to give way, fell in upon the *Prince* and his *Men at Arms* with great violence: hereupon the Second *Battalion*, commanded by the Earls of *Arundel* and *Northampton* came in to his aſſiſtance, who had elſe perhaps been overpower'd; however thinking themſelves in ſome danger, the Earls preſently ſent away a Knight to King *Edward* (who ſtanding with His *Battalion* on a *Hill* not far off, obſerved all the manner of the *Fight*) to deſire Him to come down ſpeedily to ſuccour His Son, as being then very hardly beſet; the *King* demanded of the *Meſſenger*, Whether he were ſlain or hurt? the Meſſenger anſwer *No*, but was like to be overpower'd; *Well* then, ſaid the *King*, *return and tell them who ſent you, that ſo long as my Son is alive, they ſend no more to me, whatever happen, for I will have the Honour of this Day to be his*: This *Anſwer* being brough back to the Prince and his Chief Commanders, they were the more encouraged thereby, being diſpleaſed with themſelves that they ſhould trouble the King with ſo mean a *Meſſage*; but by this time the Squadrons that ſet upon the *Prince* were utterly broken and routed, and many ſlain by him and his brave Aſſiſtants, inſomuch that he fully anſwered, if not exceeded the *King* his *Father*'s Expectation; for before they ha done, the Earls of *Alencon*, *Flanders* and *Blois*, with the Duke of *Savoy*, tho they behaved themſelves valiantly, yet being encloſed between the *Engliſh* and the *Welſh*, were there ſlain, with many othe *Knights* and *Squires* that attended them.

At laſt he routs the *French* Squadrons that had attacked him, and divers Princes and Lords are there ſlain.

[1.] Id. ib.

The *Prince* being follow'd by divers *Engliſh* Noblemen, falls upon the main Body of the *French* Army, and forces the Emperor Elect to quit the Field, His Father King of *Bohemia* being there ſlain.

[2.] *Gi. Villani* L. 12. c. 66.

And now the *Prince* and his Men, being throughly inflamed wit this *Succeſs*, and aſſiſted by the Forces of the Earls of *Arundel* an *Northampton*, [1.] began to march forward againſt the Main Body o the *French* Army, which ſtill continued to make a vigorous defence and the *Marqueſs Charles*, Emperor Elect, received the Prince wit great Courage, until His Men being ſlain round about Him, and Himſelf wounded in two or three places, [2.] He thought it beſt, tho wit ſome difficulty, to quit the Field, without ſtaying to ſee what was become of His Father, the *King* of *Bohemia*; who, tho He had alread loſt an Eye, and was almoſt blind with *Age*, reſolved not to diſgrac His former Victories by an *Ignoble Flight*: but making the Gentleme about Him lead Him up to the Enemy, and having order'd His *Horſe'* *Bridle* to be ty'd to thoſe that were next Him, as the reſt of them did t thoſe of their Companions, they fought ſo deſperately, that they wer all ſlain upon the Place, their *Horſes* being ty'd together, and thei Dead Bodies were found the next Day ſurrounding that of their Maſter's; then were the *Arms* of that Valiant *King* (being Three *Oſtric* *Feathers*,) taken by the *Prince* of *Wales*, and afterwards uſed as hi *Device*, and have ever ſince been born by his Succeſſors the *Princes* o *Wales*.

How the three *Oſtrich-Feathers* come to be the *Arms* of the Prince of *Wales*.

The King of *Majorca* alſo kill'd.

[3.] Chron. *Ad. Mur. H.K. Gi. Villani.* ib.

At the ſame time alſo fell *James King* of *Majorca* by the hands of th Earl of *Northampton*, if we may beleive the [3.] *Authors* of tho Times, who are cited in the *Margin*, beſide the Teſtimony of *Enea* *Sylvius*, that was afterwards *Pope* by the Name of *Pius* II.; tho ſom relate, that this Prince was afterwards ſlain in a Battel by his Adverſar the *King* of *Arragon*; or, as others, That He was by Him ſtarved to deat in Priſon.

In the meanwhile, [4.] King *Philip* did not fail to perform the Part not only of a Couragious General, but alſo of a Brave and Gallant Soldier: For rallying again the Flower of His Nobility and Men at *Arms*, He enter'd the Hotteſt of the Battel, and not being known, was ſo hem'd in among the *Engliſh*, that His Horſe being killed, He was remounted by thoſe about Him; and being again diſmounted, and wounded in the Neck and Thigh, had been there either ſlain, or taken Priſoner, had He not been mounted the Third time by the Lord *John* of *Haynault*; who, at the ſame time taking the King's Horſe by the Bridle, obliged Him, partly by Perſuaſions, and partly by Force, to quit the Field: After whoſe Departure, little Reſiſtance was made, except by the Earls of *Flanders*, *Auxerre*, *St. Paul*, and ſome *Germans*; who notwithſtanding were all at laſt ſlain, and their Men utterly defeated.

[4.] Id. ib. King *Philip* acquits Himſelf not only like a General, but a Gallant-Soldier; yet is at laſt forced to retreat.

Thus [5.] the Battel endured from Four a Clock in the Afternoon till two Hours within Night; and, if we reckon the ſeveral Efforts that ſome Scattering Troops made by fits, till Two the next Morning: Where, on the *French* Part, were ſlain, Two Kings, *John* King of *Bohemia*, and *James* King of *Majorca*; and of Princes, *Charles* Earl of *Alencon*, King *Philip*'s Brother, *Guy* Earl of *Blois*, *Lewis* Earl of *Flanders*, *Ralph* Duke of *Lorain*, Nephew to the King of *France*, *James* Son of *Humbert*, *Dauphin* of *Vienne*, and many others of the Chief Nobility of *France*, *Bohemia*, and *Germany*: Beſides theſe, there fell Four and Twenty Bannerets, Twelve Hundred Knights, Fifteen Hundred Gentlemen, and of Men at Arms and Eſquires on Horeſeback, Four Thouſand, but of the Commons of *France* above Thirty Thouſand more.

[5.] *Mezeray ad hunc Ann.* How many hours the Fight laſted. *H. K.* The Names of the *Kings*, *Princes*, *&c.* that were there ſlain.

On the *Engliſh* ſide, I cannot ſay particularly how many were ſlain, unleſs we ſhould believe what * *Knyghton* relates, when he ſays, That there fell but one Eſquire before the Fight, and three Knights in the Battel; which ſeems almoſt incredible. But ſince neither the *French*, *Engliſh*, nor any other Writers, are more particular in this Point, it is thus far certain, That none of the *Engliſh* Nobility, nor many Common Soldiers, fell that day; which is to be looked upon as a Remarkable Inſtance of Divine Favour to King *Edward*'s Arms. This Great Battel was fought on the *Twenty Fourth* of *Auguſt*, being the Feſtival of St. *Bartholomew*.

* *Ad hunc An.* The ſmall Number of the *Engliſh* that then fell almoſt incredible.

Before I quit this Subject, I cannot but obſerve, that * *Mezeray* attributes the Chief Cauſe of the Loſs of this Battel, to Want of Courage in the *Genoueſe* Croſs-Bows; who fail'd to acquit themſelves as they ought in the Beginning of the Battel; as alſo, that ſome of the *French* Grandees being willing to ſee their King a little humbled, rather made a Shew of Fighting, than doing it in good earneſt, and quickly withdrew themſelves out of the Field: To both which he alſo adds, That King *Edward* brought into this Battel Four or Five Pieces of Cannon, which did no ſmall Execution, and caſt a ſtrange Terror and Confuſion among the *French*: For this, ſays he, was the firſt time that ever thoſe Thund'ring Engines were ſeen in the Wars of *Europe*.

* *Ad hunc An.* The Chief Cauſes to which Hiſtorians attribute this Defeat.

As for the two former of theſe Cauſes, I will not contradict him, but for the laſt, I muſt make bold to queſtion his Authority; unleſs he had cited ſome other Teſtimony for it; all our own Writers, as well as the

Foreign ones of that Age, making no mention of it: tho' I grant, that theſe fatal Engines were invented in *Germany*, about Six or Seven Years before. But to return to our Hiſtory.

[1.] *Froiſſ.* c. 130.
King *Philip* retreats but with 60 Perſons to the Caſtle of *Braye*, where He is received with great conſternation, and goes from thence to *Amiens*.

[1.] King *Philip* having retired, as we have already ſhewn, by the Favour of the Night, with not above Sixty Perſons in His Company, (of whom about Five were Barons) rode away as faſt as He could, till coming to the Caſtle of *Braye*, about two Leagues *Northward* from the Place of Battel, found the Caſtle-Gates ſhut; wherefore He called for the Captain of the Watch, who coming to the Walls, demanded, who it was? The King reply'd, Open the Gates quickly, *for I am the Fortune of* France: But whether He meant the Good or Evil *Fortune*, I will not determine. So ſoon as the Governor knew the King was there, he preſently cauſed the Gates to be open'd, where He was received by the Tears of His Subjects, lamenting His Misfortune, whom He encouraged as well as He could. But He ſtayed here no longer than to refreſh Himſelf, and [2.] going from thence about Midnight, came to *Amiens* before Morning: Where He bitterly exclaim'd againſt Sir *Godemar du Fay*, who had let King *Edward* paſs over at the Ford above-mentioned; ſaying, he was a Traytor, and the Chief Occaſion of his late Defeat; and was like to have order'd him to be hang'd, but the Lord *John* of *Haynault* moderated His Reſentments, telling Him in few Words, *How could it lie in Sir* Godemar'*s Power to reſiſt the whole Force of the King of* England, *when all the Flower of* France *could not prevail againſt Him.* This Truth mitigated the King's Diſpleaſure; who ſoon after return'd to *Paris*, to conſider of His Weighty Affairs, in ſo ſad a Conjuncture.

[2.] Id. c. 134
And had executed Sir *Godemar du Fay*, had not the Lord *John* of *Haynault* prevented it.

[3.] Id. c. 131.
What was done after the Battel.

But [3] we ſhall now look back to the Place of Battel, and ſee what hath been doing there in the mean while. All that *Saturday*-Night after the Battel, the *Engliſh* never broke their Ranks to take any Priſoners whatſoever; for knowing how numerous the Enemy was, and that there were two or three freſh Bodies near thoſe Parts, they never offer'd to follow the Chace, but ſtood ready upon their Guard; and if one ſays true, they had need enough to do ſo: [4.] ſome of the *French* Troops rallying upon them ſeveral times that Night, though they were ſtill repulſed with Loſs. And certainly this Day King *Edward* ſhew'd Himſelf a moſt Experienc'd Commander; For He order'd the Greater Part of His Army, eſpecially the Battalion in which He Himſelf was, to keep the Field, and ſtand to their Arms all Night; tho' it is ſcarce to be believed, that the *French*, after ſo abſolute a Defeat, with the Flight of their King, and the Death of ſo many of the Principal Leaders, could have the Courage to make any freſh Attacque on their Enemies; and that too in the Night, when all things are doubtful even to a Conqueror. Yet indeed the Earl of St. *Paul* had ſtill preſerved ſeveral entire Troops, and had done more Execution, if in his laſt Attempt he had not been ſlain; however, far the Greater Part of the *French* Army eſcaped, tho' in ſmall ſcatter'd Parties: yet

[4.] *H. K.* col. 2588.
The Death of the Earl of St. *Paul*.

ſome, by the Darkneſs of the Night, fell among the *Engliſh*, where they found no better Uſage than they would have done in the Battel.

[5] *Froiſſ.* ib. The Prince cauſes Fires & Torches to be lighted, and is met by the King His Father; with what paſſed between them.

When [5.] Prince *Edward* received no more Diſturbance from the Enemy, and was now aſſured of the Victory, He gave Orders for Fires to be made, and Torches to be lighted up round about the Field, to diſpel the Darkneſs. At which time, the King His Father being come down from the Hill, where He had ſtood in His Armour all the time of the Battel, advanced to the Prince, (who ran to meet Him) and having embraced and kiſſed Him, ſpoke to this effect:

'*Dear Son, God Almighty give you Grace to go on as you 'have begun: You are my beſt Son, and have this day acquitted your ſelf moſt nobly, and truly deſerve that Crown 'for which We have fought.*

To this the Prince made no other Reply, but by a Submiſſive Bow almoſt to the Ground.

[1.] Id. ib. The whole Army return publick Thanks to God,

[1.] That Night was ſpent by the whole Army in Publick rejoycing for their Good Succeſs, but they made no manner of Boaſting. For it was the King's Expreſs Command, That none ſhould inſult, nor make any vain Bragging Songs or Ballads; but all moſt humbly to give Thanks to Almighty God, for his Infinite Goodneſs and Mercy to them.

The Field of Battel conſecrated for the Burial of the Dead.

The next day, for the ſake of the Dead, the Pious King cauſed the Place of Battel to be Conſecrated, for the Decent Sepulture both of His Enemies and Friends; and ordered, That the Wounded ſhould be taken up, and carefully dreſſed and look'd after; and to the meaner ſort, when recovered, He gave Money, and ſent them away.

[2.] Id. ib. The King ſends out a Party to ſcour the Field, who fall upon a great Number of *French* belonging to ſeveral *Towns*, & deſtroy moſt of them.

[2.] The next Morning, being *Sunday*, there was ſuch a Miſt, that a Man could hardly ſee before him: But however, King *Edward* and His Mareſchals ſent out Five Hundred Spears, and Two Thouſand Archers on Horſeback, to ſcour the Fields, and to ſee whether any of the *French* were again rallyed. Now it happen'd, that a great Number of the Inhabitants of *Abbeville* and *St. Requier* in *Ponthieu*, with the Commons of *Rouën* and *Beauvois*, had early that Morning come into the Field, not knowing of the late Loſs; and ſome ſay, the *Engliſh* had ſet up the *French* Colours, which they had taken in the Fight, whereby thoſe poor *Frenchmen* being deceived, came up to join them, as if they had been their Friends; but the *Engliſh* ſoon made them know their Error, and fell upon them ſo furiouſly, that they quickly put them to flight, and chaſed them, and ſlew in the Ways and among the Hedges more than Seven Thouſand Men; nor had one of them eſcaped, if the Day had been clear.

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The *Engliſh* encounter another *Party* led by the *Abp* of *Rouën*, and put them to the Sword.

[3] Vid. *Wil. North-burgh's* Letter, cited in *Fox Acts* and *Mon.* pag. 504.

The *Engliſh* had ſcarce wiped their Swords, and recover'd their Order, when they met with another Occaſion to beſtir themſelves; for now they were to encounter a more Formidable Number of their Enemies, conducted by two *Great Men* the Archbiſhop of *Rouën*, and the Grand Pryor of *France*: Theſe alſo being ignorant of the late *Overthrow*, had only heard that *King Philip* intended not to fight till the *Sunday*, and thereſore thought then would be time enough to come thither to His Aſſiſtance; upon theſe (the Day beginning now to clear) [3.] the *Engliſh*, under the leading of the Earls of *Arundel*, *Northampton*, and *Suffolk* fell with that Courage, that after an obſtinate Reſiſtance they gain'd a Compleat Conqueſt, having ſlain the two Commanders, with moſt of their Men upon the ſpot: Beſides theſe, they met with many of the *French*, who had ſtray'd in the Dark, and not well knowing where they were, had lain in the open Fields; but their Reſpite was not long, for now they were all (a many as were ſo met with) put to the Sword without any Quarter, whereby it was thought, that of the Commons and Foot-Men of the *Cities* and Neighbouring *Town* of *France*, there fell now near four times as many as were ſlain th Day before in the Battel.

The Reaſon why the *Engliſh* gave no Quarter.

[4.] Sir *Tho. de la More* cited, by *Stow*. pag. 242.

But perhaps this may be thought a great piece of Cruelty to ki and deſtroy ſo many Thouſand Men without giving an Quarter. To this it may be reply'd, That the *Engliſh-Arm* being but few in compariſon of the *French*, durſt not encumber themſelves with Priſoners, and had no place near whe they could beſtow them; and [4.] beſides, the *Engliſh* we well inform'd, That the *French King* being aſſur'd of th Victory, and reſolved that His Men ſhould ſatiate themſelv with the Slaughter of their Enemies, had ordered them give no Quarter to any, but *King Edward* Himſelf, and th Prince His Son; and ſo the *Engliſh* did but deal with th *French*, as they muſt have been dealt with themſelves had they bee overcome.

[5.] *Froiſſ.* c. 131. The King finding no more Enemies left to encounter, orders the burial of the Slain, whom being ſtripped, He orders the Booty to be given the Soldiers.

The [5.] ſame *Sunday* about *Noon*, as the *King* came fro hearing *Maſs*, the Captains of this Flying Party, whom t *King* had ſent out for that purpoſe, return'd and ſhew'd wh they had done, and how they had ſucceeded, and aſſur Him that there was no more appearance of any Enemy in t Field: Then the *King* ordered the Lord *Reginald Cobham*, a Sir *Richard Stafford*, Brother to the Lord *Stafford*, with th *Heralds*, to go and ſearch the Fields, and view the Numb and Quality of the Slain, (for in thoſe Days every Noblem and Gentleman of Note wore a Surcoat of his *Arms* over *Armour*, to diſtinguiſh him according to his Quality), th having viſited the Bodies of the Slain, when they had tak a full and exact Account of them, certain Men, who w

there

thereto appointed by the *King*, ſtripped the Dead Bodies, taking the Money, and what elſe was moſt valuable from them, but all this with ſo much decency, that they left ſufficient Apparel to cover their Nakedneſs. That Booty the *King* cauſed to be equally diſtributed among His Soldiers; and the Lord *Cobham*, and Sir *Richard* being returned from viſiting the Dead, after Supper they gave the *King* a Juſt Account how many of the Enemy were ſlain (*viz.*) Eleven *Princes*, Eighteen *Bannerets*, Twelve hundred *Knights*, and more than Thirty Thouſand of the Common Soldiers.

The whole number of the Slain in this Battel.

King Edward [1.] kept the Field all *Sunday Night*, and on *Monday Morning* prepared to march from thence; but firſt by *Proclamation He* granted a *Truce* to all the *Towns* thereabouts for three Days, That ſo the Countrey People might be encouraged to come and ſearch the *Fields*, and bury their *Dead*; but as for the Bodies of the *Kings* and *Princes*, *He* cauſed them to be taken up decently, and convey'd with ſolemn Pomp to *Monſtrevil*, where they were all depoſited in the *Abbey Church*, the *King Himſelf*, and the Chief of the *Nobility* attending in *Mourning* at their *Funerals*; eſpecially bewailing the Loſs of that Gallant Old Prince, the *King* of *Bohemia*: his Body the *King* not long after cauſ'd to be convey'd to the Marqueſs *His Son*, who order'd it to be bury'd at *Luxemburgh* among *His* Anceſtors.

[1.] Id. ib. The *King* cauſes the Bodies of the *Kings* and *Princes* to be buried at the *Abbey* of *Monſtrevil*, Himſelf attending at their Funerals. *Villani* l. 12. c. 66.

While [2.] the *King* lay thus at *Monſtrevil*, *His Marſhals* made an Excurſion towards *Heſdin*, and burnt *Vauban* and *Seram*; but they let the Caſtle alone, becauſe it required ſome time to take it, and that Night they lodged by the River of *Canche* near *Heſdin*. The [3] next day the whole Army began to march forward towards *Bologne*, and by the way took St. *Joſſe*, with the *Town* of *Eſtaples*, and other ſmall Places, and burnt and waſted all the Country for about *Eight Leagues*, to the very Suburbs of *Bologne*. [4.] After this, the *King*, with the *Prince His Son*, went and encamped by *Whitſand*, on the Sea-ſide, about Three Leagues from *Calais*, and having tarried there one Day to refreſh *His Army*, on *Thurſday*, being the Laſt of *Auguſt*, or (as *Du Cheſne* with more probability ſays,) the Seventh of *September He* came and ſat down before the ſtrong *Town* of *Calais*, which had been of old a great Annoyance both to *Him* and *His Kingdom*, being a Place of much ſtrength in thoſe Times, and a better *Harbour* than it is at preſent; nor did *He* inveſt it only by Land, but alſo blocked it up by Sea; the Earl of *Huntington*, *His Admiral*, lying before it with a Great Fleet, conſiſting of no leſs than Seven hundred thirty eight Veſſels of all ſorts, lately arrived from *England*.

[2.] Id. ib. The K's *Army* burn ſome Towns, and then march towards *Bologne*.

[3] *Froiſſ.* ib.

[4.] H. K. col. 2588.

The *King* with His whole *Army* ſits down before *Calais*.

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The *King* ſummons the Governor to ſurrender, who returns a ſtout denial.

So ſoon as the *King* came before the *Town*, He ſent a Summons by a *Herald* to the Governor, to ſurrender the City and Caſtle to Him, as Rightfull *King* of *France*; otherwiſe, upon taking the Place, He would put them all to the *Sword*: Sir *John de Vienne*, the Governor, anſwer'd, *He knew but one King of* France, *who had ſent him thither to keep that Place, in whoſe Service he was reſolved both to live and die; though he doubted not but to have ſufficient Aſſiſtance from Him when there ſhould be occaſion.*

[5.] *Froiſſ.* c. 133.

The *King* reſolves to reduce the *Town* by Famine, and to that end makes deep *Trenches* round it, with Huts for the Soldiers.

Upon this Reſolute *Anſwer* [5.] *King Edward* began to entrench Himſelf ſtrongly about the City, and ſince He was not like to take it by Aſſault, reſolved to reduce it by Famine; and to this end He drew a *Trench* quite round the *Town*, with regular Fortifications, and form'd His Camp into Streets, conſiſting of *Huts* cover'd with Reeds, for His Soldiers, ſufficient for them to lodge in all the Winter; and the Diſcipline of the *King*'s *Army* was ſo ſtrict, and His Pay ſo good, that the People brought in all ſorts of Proviſions and Commodities, beſides what was ſent them in from *England*, and other Parts of the *King*'s Dominions: And more than this the Marſhals ſcour'd the Country daily, and rode often towards *Guiſnes* and *Terouenne*, and to the very Gates of *Ardres*, and St. *Omers*, and ſometimes to *Bologne*, and mightily refreſh'd the *Army* with great Booties of Cattel, which they brought thither in abundance.

The great Plenty in the *Engliſh* Camp.

[1.] Id. ib.

The Governor turns out of the *Town* above 1700 uſeleſs Mouths, who are permitted by the *King* to go away.

[1] Not long after the Siege was thus begun, *John de Vienne*, afterwards Marſhal of *France*, and Chief Commander in the *Town*, by the *Advice* of the reſt of the great Officers that were with him in the Gariſon, foreſeeing a long Siege, thought fit to rid the *Town* of as many uſeleſs Mouths as he could, and ſo he forced out more than Seventeen hundred of the pooreſt and leaſt neceſſary People, and ſhut the Gates upon them; which when the *King* ſaw, He was ſo far from driving them back again, and ſtarving them, as ſome Cruel Conquerors would have done, that having compaſſion on them, He not only let them paſs through His Camp without moleſtation, but gave them all a Dinner, and *Two-pence* a piece in Money.

The *Town* of *Terouenne* taken and plunder'd.

Not long after the Earl of *Warwick* ſent forth a Detachment as far as *Terouenne*, where he heard a great Fair was the kept; but though the Biſhop had raiſed Ten Thouſand Men t defend it, yet they were all worſted, and the Biſhop himſe wounded, and forced to fly for his Life; and he not only plundere the Fair, but the *Town*, carrying all the Riches he could find in bo to the Camp at *Calais*.

[2.] In the mean while, *King Philip* being now arrived at *Paris*, was conſulting about the beſt means how to ſecure His Country, and to be revenged on His Enemies; and in order to the former, He ſent His Expreſs Commands to His Son, the Duke of *Normandy*, to raiſe the Siege of the Caſtle of *Aiguillon*, and return to Him, with the Army under His Command. And as to the Second, to divert the War from *France*, [3.] He wrote to His Ally, *David King* of *Scots*, conjuring Him by all the Tyes of Friendſhip, and the Confederacy that was between them, to lay hold of this Opportunity of raiſing the Siege of *Calais*, and to revenge their Common Injuries, by making a Terrible Invaſion upon *England* during *King Edward*'s Abſence, with the *Flower* of His Forces; and the more to encourage Him in this Enterprize, He ſent Him a good Sum of Money, beſides Fifteen hundred *Croſs-Bows*: And the *Scotiſh King* not long after employ'd them; for in the Month of *July* following, (as a Manuſcript Chronicle of the Church of *Durham* informs us) He ſent the Earl of *Murrey*, as His General, to invade *England*; who entering by the way of *Cumberland*, miſerably deſtroy'd moſt part of that Country with Fire and Sword, and ſo returned into *Scotland* with a vaſt Booty of Cattel, and without receiving any Damage or Reſiſtance from the *Engliſh*: Which was (I ſuppoſe) either becauſe this Invaſion was very ſudden, or ſoon over: Or elſe it proceeded from the *King*'s being with the *Flower* of the *Engliſh* Forces in *France*.

[2.] Id. c. 134.
K. *Philip* ſends to His Son to raiſe the Siege of *Aiguillon*.

[3.] *Hect. Boeth.* l. 15.
He alſo writes to the King of *Scots* to invade *England*.

But it is now time to return to Civil Affairs, and ſee what has been tranſacting during the *King*'s Abſence.

The Lord *Lionel*, His Son, who was left behind as Guardian of the Realm, by the *Advice* of the Lords of His Council, iſſued out Writs for a Parliament to meet at *Weſtminſter*, on *Monday* after the Feaſt of the *Nativity* of the *Bleſſed Virgin*, or Eleventh of *September*.

A *Parliament* ſummoned by the Lord *Lionel*, the K's Son.

This *Writ* bears Date at *Windſor* the Thirtieth of *July*; *Teſte Leonello filio Regis*, &c. *Cuſtode Angliæ*.

Rot. Clauſ. 20 *Ed*. 3. part. 2. m. 22. Dorſ.

Of Which Record I take the more Particular Notice, that you may thereby correct the Error in Sir *William Dugdale*'s Edition of *Parliamentary Writs of Summons to the Lords*, which concludes this Writ, with *Teſte Edwardo Comite Cornubiæ Cuſtod. Angliæ*, &c. when the Prince was now in *Normandy* with his Father, carrying on the War againſt *France*.

But to return to the Matter in hand:

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* Rot. Parl 20 Ed. 3. n. 16. Note Cotton's Abridgment, p. 46. falſly places it on the Monday after Chriſtmaſs-day.

A Parliament held on Monday after our Lord's Nativity by the Lord Lionel, Guardian of the Kingdom, and what was done in it.

The K's Letters Credential are read in Parliament.

Sir Bartholomew Burghurſt gives them a Brief Relation of the K's late Victory and Succeſſes, with the Siege of Calais, and puts them in mind of their Promiſe to aſſiſt the King to the utmoſt of their power.

The Lord *Lionel*, at the Day appointed, held the Parliament according to the Summons, as Guardian of the Realm for the King His Father; at which time they being inform'd, that Sir *Bartholomew Burghurſt*, Sir *John Darcy*, Lord *Chamberlain*, Mr. *John de Thoresby*, Clerk of the Privy Seal, and Mr. *John de Carleton* were arrived as Meſſengers from the *King* then lying before *Calais*; yet ſince they could not be ready to make their Appearance till the *Wedneſday* following, they were therefore prorogued until that Day; when were produced the King's Letters Credential, directed to the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and others His Faithful Subjects in Parliament, * bearing Date at *Calais* the Seventh of *September* laſt paſt, referring them for the Relation of what He had done to the Meſſengers above-mentioned. Then the ſaid Sir *Bartholomew* for himſelf and his Companions, in preſence of the Guardian of *England*, the Prelates and other Great Men there named, declared the Great Graces God had given to the King, His Nobles, and others with Him, after their landing at *La-Hogue*, with a ſhort Account of His Progreſs and Succeſs in *Normandy*, the late Battel of *Creſſey*, and His beſieging of *Calais*, from whence He reſolved not to depart till He had taken the Town, and that then He would draw towards His Adverſary, perſue His Quarrel, and not return into *England* before He had ended the War beyond Sea, with the help of God; for the accompliſhment of which, the ſaid Meſſengers prayed the Prelates, Great Men and Commons, that they would treat and adviſe about an Aid and Means to perfect that which had been ſo well begun; *For that by Common Aſſent in Parliament, at the time when the King undertook this War, they all promiſed that they would aſſiſt Him with their Bodies and Goods to the utmoſt of their Power.* and they allso brought certain letters from the [illegible] of [illegible] the Earls of Northampton, Arundel and Warwick &c. & others there directed

^ Estates of Parliament then assembled at Westminster, giving them to understand that the King having at his arrival at La Hogue made his eldest the Prince of Wales a Knight that for ~~this~~ which cause the King ought to have an Aid as [illegible] [illegible] has [illegible] for every knights fee [illegible] which the Lords there mention gave their consent as far as in them lay & they further hoped that the sd Parliament would treat and ordain effectually for the [illegible] of the warre. this letter bears date at Caleys the day of our Ladies nativity. Rot. [illegible] 20 of E. 3. p. 3. m. 14. vide Rt. Col. p. 527.

* Ib. n. 8.

The Meſſengers produce an Agreement made between the French King and ſome Great Men of Normandy to deſtroy the Engliſh Nation.

At * the ſame time they produced an Ordinance or Agreement made between the King's Adverſary of *France* and ſome Great Men of *Normandy*, to deſtroy the whole *Engliſh* Nation and Language; and to put this Deſign in execution, the Earl of *Ewe*, then Conſtable of *France*, and the Earl of *Tankerville*, were to raiſe a Great Army for that purpoſe; but as it pleaſed God, they were both taken Priſoners at *Caën*, and many of their Men kill'd, as you have already heard that this intended Invaſion and Deſtruction were quite defeated.

* Ibid.

This * Ordinance is entered upon the Parliament-Roll, and is in the *Todding*, called, *L' Ordinance de Normandiæ*: 'tis pretty long, but the moſt material Thing in it, is:

'That

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The Effect of that Agreement of *France*.

'That *John* Duke of *Normandy*, as General, with the Nobles and others of that Dukedom, were to paſs into *England* 'with *Forty Thouſand* Men of all Sorts. And then it was 'agreed, That if *England* was thus Conquer'd, it ſhould be in 'the Name of the Duke; and all that the King of *England* 'enjoy'd ſhould be his, as King and Lord, with all His Rights 'and Honours: And what the Nobles, Barons, and other Seculars enjoyed, was to be poſſeſs'd by the Church, the Barons, Nobles, and Great Towns of *Normandy*.

'That the Pope and Church of *Rome* ſhould ſafely have what 'they before had, without any Diminution.

'And, That whatever had been taken from the *Scots* by 'War, or otherwiſe, ſhould be fully reſtored.

This Ordinance was dated at *Boys de Vincennes*, the *Twenty Third* of *March*, 1338. and *Avesbury* relates, that it was found at *Caën*, where it was lately taken and delivered to the Archbiſhop of *Canterbury*, that he might excite the Clergy and Laity the more readily to pray for, and aſſiſt the King.

* Ibid.

The Eſtates of Parliament approve of what had been done, yet deſire time to conſider what further Aid they ſhall give the King.

* Ibid. n. 8.

* After theſe things had been thus declared in Parliament, they all thanked God for the Succeſs he had given the King againſt His Adverſary; and ſaid, That whatever had been given Him, had been well employ'd; and that they would further Aid Him according to their Power. Then the Knights, Citizens, and Burgeſſes, deſired time to conſider of the *Aid*, until *Thurſday* next following. When they granted Him *Two Fifteenths*, making Grievous Complaints of Oppreſſion and Poverty in their Grants: * Praying the King to conſider, how they had been Annually charged with great Talliages, as *Fifteenths*, Wools, *Ninths*, Men at Arms, † *Hobelors*, Archers, Victuals, Guard of the Sea-Coaſts, and many other Taxes, by which they were almoſt ruined. And alſo, in the laſt Parliament, when they gave *Two Fifteenths* for the Ending of the War, it was granted, and certainly promiſed to them, That they ſhould not be charged or grieved with any further Payments of Talliages: Wherefore it ſeemed to them reaſonable, that they ought now to be diſcharged, and excuſed. And notwithſtanding all theſe Grants and Promiſes, there daily iſſued Commiſſions to Array in all Parts of *England*, for Men at Arms, *Hobelors*, and Archers, according to the Value of their Lands, or to make Compoſition for the ſame.

†Note *Hobelors* were Light Horſemen, ſomewhat like our *Dragoons*.

They likewiſe complain of ſeveral Grievances and Oppreſſions, yet grant the King *Two Fifteenths*.

They likewiſe complained of Purveyance, and Free Quarter, and of the Cuſtom and Subſidy of Forty Shillings the Sack upon Wooll. Which Grievances, Hardſhips, and Oppreſſions, were done and ſuffer'd every day, wihout Aſſent or Grant in Parliament;

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* *Vid. Pulton's* Stat. 14 *Ed.* 3. c. 1.

ment; expreſly againſt * Law: Yet notwithſtanding theſe Oppreſſions and Grievances, the Commons, to the utmoſt of their Abilities, had now granted *Two Fifteenths* for the final Accompliſhment of the War, by God's help, and the Deſtruction of the King's Enemies; to be levied in Two Years, of Cities, Burghs, and Antient Demeſnes, and alſo of the *Commons of the Counties*; ſo as their Petitions upon theſe Grievances, and others, might be recited on the morrow in Parliament, and have ſpeedy and good Remedy order'd thereupon, for the Common Profit of the Land; according as the King's Four Commiſſioners or Meſſengers, had granted on His behalf to the *Commons*.

* Ibid. n. 9. The Petitions and Complaints of the Commons.

Then * the Commons made their Petitions more fully, ſetting forth the Hardſhips and Oppreſſions they then lay under.

Their firſt Petition was, That the *Ordinances*, *Promiſes*, and *Grants*, made by the King in Parliament, for the future might be obſerved, for the Eaſe of the *Commons*, againſt the great Charges and Hardſhips they had ſuffer'd. Alſo, That Commiſſions might not be iſſued out of *Chancery*, to charge the People with the Array of Men at Arms, *Hobelors*, Archers, or Victuals, without Aſſent or Grant in Parliament: And if any ſuch were, the People ſhould neither be charged with, nor bound to obey them.

† Ibid. The Anſwers to them.

† The Anſwer was, As to the *Firſt* Point, That it ſhould be as they deſired.

* In *French*, *Grantz*.

As to the *Second*, It was Notorious, that the Great Men and Commons, in many Parliaments, had promiſed the King, to aſſiſt Him to their utmoſt with Body and Goods in His Quarrel with *France*, and for the Defence and Safety of *England*. Wherefore the * Great Men ſeeing His Neceſſity to be ſupplied with ſuch Soldiers before His Paſſage, to recover His Rights beyond Sea, and for the Defence of *England*; had ordered, That thoſe who had an Hundred Shillings a Year Rent on this ſide *Trent*, ſhould find Men at Arms, beſides *Hobelors* and Archers, according to the Quantity of their Eſtate and Tenure, to go with the King at His Wages; or if they would not go in Perſon, to find others; or if not that, to pay the King what He could procure Men for. And ſo things were, and had been done, and no otherwiſe. Yet the King would not, that what was done in this Neceſſity, ſhould be made an Example for the future; as appears by His Letters-Patents.

* P. 47.

There were other Petitions from the *Commons*; which, ſince they are of no great Importance, I ſhall refer the Reader to * *Cotton's* Abridgment of them for his further ſatisfaction. Then this Parliament, having ſat about 10 or 11 Days, was diſſolved. But we ſhall now look beyond Sea, and ſee what has been done in the mean while in *Gaſcoigne*.

We

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The Duke of Normandy *quits the Siege of* Aiguillon, *and marches towards his Father.*

We left the Duke of *Normandy* long ſince at the Siege of *Aiguillon*, [1] which he ſtill carried on, and had lately made a deſperate Aſſault upon it for a whole day, without any effect beſides the loſs of a great many brave men, and among the reſt of the young Lord *Philip*, eldeſt Son to the Duke of *Burgundy*; ſo that his men being grown weary of the Siege, his Father's peremptory Commands to raiſe it came very ſeaſonably to relieve him from the raſh Oath he had made, never to ſtir from thence till he had taken it: But before he would quit it, he ſent to the Pope for his Abſolution from his Oath, which was eaſily granted; and then by the advice of all the Lords about him, he rais'd the Siege, and marched away with his Forces in obedience to his Father's Commands. And this is, I muſt confeſs, a far more probable account of this Action, than what [2] ſome of our *Engliſh* Hiſtorians give of it, who make him to be ſo ſtraiten'd by the Earl of *Lancaſter* for want of Proviſions, that he ſtole away from his Army, and left them to ſhift for themſelves; which, being now without a Head, preſently followed him in that diſorder, that between the Earl of *Lancaſter*'s Forces and the People of the Country, they were almoſt reduced to nothing. Which Story is altogether improbable to any that will conſider the Circumſtances of it, and how unſutable it is to the Character of the Prince on whoſe memory it reflects: Yet this much is certain, [3] that upon the Duke's marching off, Sir *Walter Menay* for a farewel ſally'd out upon the *French*, kill'd a great many of them, and brought forty Priſoners into the Caſtle.

The E. of Lancaſter *muſters up an Army to recover the Places the Duke had taken.*

So ſoon as the Duke of *Normandy* had left *Gaſcoigne*, and was return'd to *Paris*, the [4] Earl of *Lancaſter* immediately reſolv'd to retake thoſe Places the *French* Duke had recover'd, and to carry on his Conqueſt as far as he could before the Winter came on; and to this end he immediately ſent his Summons to all the *Engliſh* Lords and Perſons of Quality, beſides ſuch *Gaſcoign* Noblemen who held of King *Edward*, the chief of whom were the Lord *D'Albert*, with others needleſs here to be nam'd: So that the Earl's Forces amounting in all to twelve hundred Men at Arms, two thouſand Archers, and three thouſand Foot, with this ſmall, but well compacted Army, he paſs'd the River *Garonne*, between *Bourdeaux* and *Blaye*, and marching towards *Xaintogne* came to *Mirabel*, which he took by Storm, both Town and Caſtle, and put therein a Gariſon of *Engliſh*; then he turned to *Mortaigne* by the Sea-ſide in *Poictou*, which he took by Aſſault, and gariſon'd alſo. From thence he rode to *Taillebourg*, and likewiſe took that Town and Caſtle, putting all he found to the Sword, in revenge of the death of a Knight of his, who was ſlain in the Aſſault. After this he advanced to *Annay*, *Surgieres* and *Benon*, all which he took; then he went and laid Siege to the fair Town of *St. John d'Angely*, and gave there a general Aſſault, which laſted till almoſt night; but the Gariſon being weak, the Mayor and greater part of the Burgeſſes deſired a Parly, which being granted, they agreed forthwith to ſurrender the Town and Caſtle, and ſwear Allegiance to the King of *England*, as long as He, or any for him could defend them. Then after three days ſtay to refreſh his Army, the Earl marched to *Luſignan*, which making ſome reſiſtance, he burnt, and afterwards took the Caſtle; but the ſtrong Town of *Niort* (after having made three vigorous Attacks, and being repulſed in every one

Marches towards Xaintogne, *takes* Mirabel, *&c.*

St. John d'Angely *ſurrender'd upon conditions, and other Places taken.*

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[1] Froiſ. c.134.
Villani. l.12. c.60.

[2] H.K. Col. 2589.

[3] Froiſ. ib.

[4] Id. c.136.

of them) he was forc'd to leave untaken; and then going on the Left-hand to *Bourg St. Maximiere*, he found better ſucceſs, for entring it by Storm, he put all to the Sword.

[1] Id. ib.
The People fly to the fortify'd Towns.

The Earl takes Monſtrevil *and* Bonnin *by ſtorm, and in it a great deal of ready Mony.*

Ad An. 1345.
A generous Act of the Earl to a common Soldier.

Thus [1] the whole Country was ſo terrify'd with the very Name of this Earl of *Lancaſter*, that every man fled before him into ſtrong Holds and fortify'd Towns, forſaking their Houſes and their Goods: nor was there the leaſt preparation made to ſtop his career; for all Knights and other Captains kept cloſe in their Fortreſſes, without making the leaſt ſhew of fighting the *Engliſh*. Then the Earl went forward to *Monſtrevil* and *Bonnin*, wherein he heard there were no leſs than two hundred Coiners making Mony for the *French* King: the Inhabitants were reſolved by no means to yield, but to defend the Place to the laſt; but upon the Earls having encouraged his men by promiſing them that every one ſhould freely poſſeſs whatſoever they could light on in the Town when it ſhould be taken, a vigorous Aſſault was made by the whole Army, the Place enter'd by Storm, the Town plunder'd, and the Inhabitants put to the Sword, the Soldiers thereby obtaining a vaſt Booty. And here it is moſt likely (and not at *Bergerac*, as this Author makes it) that that remarkable Inſtance happened of the Earl of *Lancaſter*'s Honour and Liberality to his Soldiers, which *Walſingham* ſuppoſes to have been done at *Bergerac*. The Story in ſhort is thus: The Earl having (to encourage his Soldiers to take the Town) promiſed them, as you have already heard, that whatſoever Plunder they could take ſhould be their own, a common Soldier had the good luck to light upon a Houſe (I ſuppoſe one of the Mints) in which were ſeveral Sacks of coin'd Silver, beſides Bullion. The Man being ſurpriz'd at the ſight, having never ſeen ſo much Mony before, and thinking it above his deſert, ran immediately to the Earl, and telling him of it, deſired him to ſend ſomebody thither to ſeize it; but he was ſo far from doing it, that he told him, *the Houſe was his and all that was in it.* The Fellow returned to the Place, and upon a ſtricter ſurvey of the greatneſs of the Sum he had there found, was ſtill ſo modeſt, as thinking it above his Neceſſitys as well as his Fortune, he went again to the Earl, and ſpoke to him to the ſame effect as he had done before; to which the Earl again reply'd, *Prithee keep it, honeſt Soldier, it does not become me to give and take away a thing again like Children; go thy ways, it's all thy own, tho it were thrice as much.* Whether the Duke acted in this for his own or his Maſter's Intereſt, I will not diſpute; but this much muſt be granted, that it was done like a downright honeſt *Engliſh*-man.

[2] Froiſ. ib.
He takes the City of Poictiers *by a ſudden Aſſault.*

[2] The Earl having repair'd the Fortifications of this Place, return'd homeward to *Bourdeaux*, and taking the City of *Poictiers* in his way, ſate down before it; but not having Forces enough to make a formal Siege, he was reſolved to try what he could do by two or three briſk Aſſaults at one and the ſame time: So having ſurvey'd the Town, and found the weakeſt part of it, to amuſe the Beſieged he order'd two briſk Attacks to be made at once upon thoſe places which were beſt fortified; and whilſt the Gariſon was wholly taken up in defending them, he in the mean while with a third Party of choſen men aſſaulted that part which was weakeſt, and finding it but meanly guarded (for there was no experienced Officer in the Place to give Orders) the

Engliſh eaſily ſcal'd the Walls, and made themſelves Maſters of it; moſt of the Inhabitants as ſoon as the Town was taken eſcap'd away at ſome of the Gates which were not in the Enemy's poſſeſſion. Here the Soldiers alſo got a vaſt deal of Plunder, both in rich Commodities and Gold and Silver, inſomuch that they ſcarce thought any thing elſe worth carrying away.

The Earl having ſtaid here about twelve days to reſt himſelf and his men, and finding he had not Soldiers enough to gariſon ſo great a City, quitted the Place, without doing it any other damage than plundering it of all that was conſiderable: but not long after, [1] the Inhabitants that had eſcap'd returned thither again, and new fortified and gariſon'd the City; and then in revenge they marched out to ſurprize *Luſignan*, at which Place making an Attack, tho they were thrice as many in number as thoſe that defended it, they were repulſed with great loſs; and their Captain being ſlain, they were forc'd ſhamefully to retreat. And beſides theſe great Succeſſes in *Gaſcogne*, [2] the ſtrong Town of *Larnon* in *Bretagne* was now betray'd to the *Engliſh* by the Governor of it.

Which after he had plunder'd, he quits.

Nor had King *Edward* leſs Succeſs in *Scotland* this Year than in *France*; for whilſt he lay at the Siege of *Calais*, [3] *David* King of *Scots* being encouraged by the late Embaſſy and Forces ſent him by the *French* King, inclin'd to renew the War with *England*, notwithſtanding the Truce that had been lately made: of which King *Edward* having intelligence, preſently diſpatch'd the Lords *Moubray*, *Roſs* and *Lucy*, Commanders of great experience, either to perſuade the *Scotiſh* Prince to a juſt and punctual Obſervation of the Truce, or (if he would not be brought to it) to help to defend *England* againſt him. Theſe Ambaſſadors are ſaid by the *Scotch* Writers to have offer'd King *David* in their Maſter's Name, not only to deliver into his Hands the ſtrong Town and Caſtle of *Berwick*, but even the Perſon of his old Competitor King *Baliol*, for whoſe ſake the War was firſt begun betwixt them; on condition that *David* would reject the Motions of the *French* King, and agree to obſerve the Truce, as both in Honour and Equity he was bound. Theſe Offers (if the *Scotch* Authors do not a little enlarge upon them, as it ſeems very likely, particularly in that which relates to the delivery up of *Baliol*) being propounded to the King of *Scotland* in his Council, cauſed the moſt prudent of them to adviſe their Maſter in no wiſe to reject them, ſince the Friendſhip of a Conqueror, eſpecially on Conditions both honourable and advantageous, was more preferable than to abet the weaker ſide, both againſt Equity and Profit. But King *David*, out of the great affection he bore to the *French* King (to whom he had ſuch mighty obligations) and the major part of his Nobility being ſuch as had either younger Heads, or more daring Hearts, or elſe who were ſway'd by the Prince's Example, or the Gold of *France*, were all deſirous to take this opportunity, now the Flower of the *Engliſh* Forces were in *France*, to revenge themſelves on their antient Adverſaries: and thus under pretence of Gratitude to King *Philip*, they were fatally drawn in to condeſcend to his unjuſt and hazardous Requeſt, and reject King *Edward*'s more ſafe and advantageous Propoſals.

The K. of Scots *inclining to make War upon* England, K. Edw. *ſends Ambaſſadors to divert him from it.*

K. David *rejects his Propoſals.*

[1] Villani. l. 12. c. 76.

[2] Rob. Aveſ.

[3] Hect. Boeth. l. 15. Buchan. l. 9. ad hunc An.

Anno Dom. MCCCXLVI.

[1] Froiſ. c.137.

A War reſolv'd on in the Scotiſh *Parliament.*

A great Army raiſed, which marches into England.

[2] H. K. T. W.

The Scots *take* Lidel, *and put the Governor,* &c. *to death.*

Wherefore [1] in a Parliament of all the Prelats, Earls and Barons of *Scotland*, which was held at *St. Johns-town*, it was concluded, that a War with *England* ſhould be immediately undertaken, and an Army was forthwith appointed to be raiſed, and a general Rendevouz to meet at the Place laſt mention'd, at a day prefix'd; ſo that by the latter end of *September* a great Army of near fifty thouſand men was in Arms, and they marched into *England* about the beginning of *October*, being commanded by the King in Perſon: and paſſing by the Caſtle of *Roxburg* without troubling themſelves to beſiege it, as being too ſtrong, [2] they advanc'd forward to that of *Lidel*, which being taken by ſtorm, thoſe in the Gariſon were all put to the Sword, and the Governor Sir *Walter Selbey*, who had his Life given him by the Knight that took him, was notwithſtanding (if we may give credit to our *Engliſh* Hiſtorians) cruelly put to death, together with two of his Sons, who firſt were ſtrangl'd before their Father's face. But I will not aver the truth of this Relation, being ſenſible how much our *Engliſh*, as well as the *Scotiſh* Writers, do all they can to blacken their Enemies, and excuſe their own Nation.

[3] H. K. Col. 2590.

They approach near Durham, *where the Monks compound not to plunder their Tenants.*

K. David *takes up his Quarters in* Bear-Park.

However from hence the [3] *Scotiſh* Army marched forward, ſpoiling the Country, and not ſparing the very Churches and Monaſteries, till they came near the City of *Durham*; and there having deſtroy'd many of the Farms belonging to that Abby, ſome of the Monks who were taken Priſoners made a bargain for themſelves and the reſt of their Fraternity, that upon the payment of a thouſand Pounds Sterling the next day, the *Scots* ſhould forbear ſpoiling the reſidue of their Mannors and Tenants; but all others they made pay three Pence a Head for their Lives, and ſuch as were not able to do it, were put to the Sword. In this manner they went on to *Bear-Park*, not far from *Nevil's Croſs* near *Durham*, where King *David* took up his Quarters, ſince he heard that the *Engliſh* were coming towards him with a great Army.

[4] Froiſ. c.138.

Q. Philippe *ſummons the Nobility, and with a conſiderable Army marches in Perſon againſt the* Scots.

The manner of drawing up the Engliſh *Army.*

* *Note, his Name was* Umphreville, *who having taken part with the* Engliſh, *had bin formerly driven out with* K. Baliol.

For [4] Queen *Philippe* hearing of the Invaſion intended by the *Scots* King, was now advanced as far as *York*, whither having ſummon'd all the Prelats and Peers that were left in *England*, there was in a little time got together not only a good appearance of Nobility, but likewiſe of brave Captains and Officers; ſo that they were not long before they muſter'd an Army of about ſixteen thouſand able men, at the head of whom the Queen went in Perſon againſt the *Scots*, being attended by the Archbiſhops of *Canterbury* and *York*, with divers other Biſhops and Clergymen, who then came to fight for their Country. When the *Engliſh* Army that had marched from *York*, came within three miles of *Durham* (*Froiſſart* ſays *Newcaſtle*, but that is a miſtake) and approached near that of the *Scots*, the former were drawn up in four Bodies; the firſt of which was commanded by the Lord *Henry Piercy* General of the whole Army (yet he was not Earl of *Northumberland*, as *Hector Boethius* falſly ſtiles him) who was accompany'd by the Bp of *Durham*, the Earl of * *Angus*, and divers other Noblemen of the North: The ſecond Body was headed by the Archbiſhop of *York*, the Biſhop of *Carliſle*, and the Lord *Nevil*, with ſome other Noblemen: The third was led by *Thomas Beck* Biſhop of *Lincoln*, aſſiſted by the Lord *Mowbray* and Sir *Thomas Rokeby* High Sheriff of *Yorkſhire*: The fourth and laſt Battalion was led by *Edward*

Baliol

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Baliol titular King of *Scotland*, with whom were the Arch-Biſhop of *Canterbury*, the Lord *Roſs*, and the Sheriff of *Northumberland*, with divers others. Theſe four Battalions conſiſted of about four thouſand men apiece, each having a proportionable number of Archers and Men at Arms (under which Title the Horſe are ſtill reckon'd by our *Engliſh* Hiſtorians.) But beſides theſe, the Lords *Deincourt* and *Ogle* and ſome other Gentlemen with a ſtrong Party were appointed to guard the Queen's Perſon, who early in the morning before the Fight mounting on a white Horſe, rode from Body to Body, and from Troop to Troop, and in a few very pathetick and obliging Words deſired them to do their utmoſt to defend the Honour of her Lord the King, as well as the Lives, Liberties and Fortunes of themſelves and all that were dear to them. This done, having recommended her People to God, ſhe retired from the Place of Action at ſome diſtance. This is according to *Froiſſart*'s Relation of this buſineſs; but all our *Engliſh*, as well as *Scotiſh* Hiſtorians, ſay nothing of the Queen's being preſent, or having any thing to do at this Battel, or what follow'd it.

The Queen rides into the Army, and encourages her men.

But to come to the buſineſs, it is fit I ſay ſomething in what manner the *Scotiſh* Army was drawn up, which [1] being divided into three Battalions, the firſt was conducted by the Lord *Robert Stuart* Son of King *David*'s eldeſt Siſter, with whom was the Lord *Patrick Dunbar* Earl of *March:* The ſecond was commanded by *John Randolph* Earl of *Murray*, and *William* Earl of *Douglas*; and the third the King led himſelf, having with him beſides the *French* Auxiliaries, the Flower of the Nobility of *Scotland*: Yet *Buchanan*, by I know not what Authority, contradicts *Hector Boeth.* and gives the firſt Battalion to the Earls of *Murray* and *Douglas*, the middle to the King, and the laſt to the Lord *Robert Stuart*, and *Dunbar*. In the ſame prepoſterous manner likewiſe do the *Scotch* Hiſtorians divide the *Engliſh* Army, contrary to what we have already ſet forth from our own Hiſtorians, who underſtood that matter much better than they could do.

[1] H. Boeth. l. 15.

How the Scotiſh Army was diſpoſed.

But [2] before the two Armies approached near each other, Earl *Douglas* by the King's Command rode forth with a flying Party of Horſe to diſcover the Enemy, and as occaſion offer'd, to skirmiſh with them; but coming ſuddenly upon them, before he was aware, he was received ſo ſharply, that being put to flight, he loſt five hundred of his beſt men, narrowly eſcaping himſelf to the main Body. Preſently after which the *Engliſh* Army was ſeen to advance; whereupon Sir *David Graham* a valiant Baron of *Scotland*, with another Detachment of five hundred Horſe, gave a briſk charge upon the left Flank of the *Engliſh* Archers, hoping to diſorder and overrun them: but he was miſtaken, for they receiv'd him with ſuch a Shower of Arrows, that after two or three Attempts in vain, having loſt many of his men, he was alſo forc'd to fly back to the main Battel upon the Spur, in great danger of being taken by his Purſuers.

[2] Id. ib.

The E. of Douglas *going out upon the diſcovery, is put to flight, as is alſo Sir* David Graham*'s Detachment.*

Yet theſe unlucky beginnings did nothing at all abate the Courage of the *Scotiſh* King, who was both young and valiant; and becauſe he had never yet fought himſelf in a ſet Battel, he hoped he might be no leſs fortunate and victorious than King *Robert* his Father; [3] therefore he commanded to ſound a Charge, and the Lord *Robert Stuart* preſently join'd the *Engliſh* Van. The Fight beginning (as was uſual)

The Scotiſh *King is not diſcourag'd at this, but commands to ſound a Charge.*

[3] Id. ib.

with a thick Shower of Arrows, from the *Engliſh* Long-bows, as well as the Croſs-bows of the *Genoueſes*, the former had the advantage, ſince their Vollies laſted longer, and reached further than their Enemies; but the Lord *Robert* reſolving to fall preſently to handy Strokes, he preſs'd forward on the *Engliſh* Archers, who were forc'd to open to the Right and Left to let him paſs thro, when he fell upon the Lord *Piercy*'s main Body: and thus they maintain'd the Fight with great Bravery and Courage, [1] the *Scots* manfully laying about them with their ſharp Battle-Axes and broad Swords; ſo that for a while the *Engliſh* were very hard put to it, which when King *Baliol* ſaw, knowing that the chief Strength of the *Scots* lay here, and not doubting but if the *Engliſh* could prevail in the beginning of the Fight, it would add Courage to them, and Terror to the Enemy, he reſolved to fall on this Blow; and briskly advancing with four thouſand Horſe on a round Trot, fell in upon this Body commanded by the Lord *Robert*, and they being before pretty equally match'd, were now ſo diſpirited by this freſh Reinforcement and Aſſault, that they preſently gave ground, and began to retire; which being obſerv'd by their Commander, he thought it beſt not to urge them too far, but to make a wiſe Retreat before it was too late. This was done without any very conſiderable loſs, and it had been well for the King if he had done ſo likewiſe, ſince he might then have reſerv'd himſelf and his Army until ſome better Opportunity.

The Scots *at firſt behaving themſelves bravely, the* Engliſh *had the diſadvantage, till K.* Baliol *advancing with* 4000 *Horſe, turns the Scale.*

The King diſdains to follow them.

But King *David* diſdain'd to follow thoſe whom now he looked upon not as Cowards, but Traitors and Deſerters; for he was jealous that his Nephew *Robert* retreated thus with a deſign that he ſhould be cut off, that ſo the Crown might fall to him as next Heir: wherefore the King now fought with the more reſolution, being fully determin'd either to repair this fault, or not to ſurvive it: but at that inſtant his Adverſary King *Baliol* having clear'd his hands of the firſt Battalion of the Enemy, whom he thought not fit as yet to purſue, came in with his freſh Troops, and charged King *David*'s Battalion in the Flank, whilſt the *Engliſh* Van at the ſame time preſſing hard upon him in the Front, the late Diſaſter ſo diſcouraged the *Scots*, that they were not longer able to hold out, but began by degrees to give back, and at laſt were wholly put to the Rout. The *Engliſh* fell furiouſly on thoſe who kept the Field, yet durſt not hazard the Victory by an inconſiderate and raſh purſuit, ſince they fear'd that the Lord *Robert Stuart* and the Earl of *March* might ſtill hover thereabouts in a conſiderable Body.

He is charged by K. Baliol, *and his Battalion routed.*

~~But~~ As for King *David*, [2] he fail'd neither in the Duty of a good Captain or a valiant Soldier, but more than once rallied his diſorder'd Men, and encourag'd them both by his Words and Example; ſo that thoſe who were neareſt him were aſham'd to forſake ſo gallant a Prince, and therefore they held for ſome time together cloſe in a Ring, fighting deſperately till not above eighty of them remain'd alive with the King, who for his part being ſenſible of the unhappy event of the Day, and not willing to outlive ſo many of his Nobility and other loyal Subjects, preſs'd forward to meet the like Fate; when an Eſquire of *Northumberland* named *John Copland*, who knew him to be the King, ſtept forward with one hundred Men at Arms, whom he himſelf had brought into the Field, and bad him ſurrender himſelf, which

The Scotiſh *K. after a gallant Defence is taken Priſoner by* John Copland.

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[1] Froiſ. ib.

[2] H. Boeth. ib.

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which he at firſt refuſed, unleſs it were to ſome Perſon of great Quality, till *Copland* told him he was a Baron; which the King believing, gave him his Gauntlet in token that he was his Priſoner, and ſo ſurrender'd himſelf. But tho the *Scotch* Hiſtorians relate for their King's Honour, that he was taken Priſoner in the Battel, yet [1] one of ours who lived and wrote nearer to thoſe Times, gives us a different and more probable account of this matter; as that the King ſeeing the Day loſt, and being wounded by an Arrow, endeavour'd to eſcape by flight, but being purſued by this valiant Eſquire, who knew him, was taken Priſoner near a Place called *Merrington*, and that ſo privatly, that he carried him off to his own Caſtle before it was known what was become of him, as you will hear further anon. But to make an end of this Battel;

[1] H. K. col. 2591. *Our* Engliſh *Hiſtorians relate he was taken Priſoner in his flight.*

[2] So ſoon as the *Scots* third Battalion was thus overcome, their ſecond alſo, as well by their diſcouragement from the ill Succeſs of their Fellows, as by the Valour of their Oppoſers, was put to flight. Few eſcap'd of this Battalion, in which [3] the Earl of *Murray* the Commander of it was kill'd, with a great number of the Nobility of *Scotland*, beſides common Soldiers; and their other Leader *William* Earl of *Douglas* was taken Priſoner: So that the *Engliſh* here gain'd an entire Victory, and had they join'd in a cloſe Purſuit, and not been diſtracted in taking Priſoners and Plunder, that Day had put an end to that long and fatal Contention between the two Nations. This cruel Battel, which *Froiſſart* miſplaces at *Newcaſtle* upon *Tine*, was fought not far from *Nevil's Croſs* near *Durham*, as all our Authors agree, who rightly place it on the ſeventeenth of *October* being St. *Luke's* Eve; and it continued in all three hours, from Nine in the Morning until high Noon. And tho [4] *Knyghton* ſays that the *Engliſh* loſt but four Knights and five Eſquires, yet beſides theſe many of the common Soldiers muſt likewiſe have fallen; for *Froiſſart* with greater certainty relates, that this Victory was not gain'd without the loſs of many Lives on the *Engliſh* ſide, of whom the moſt conſiderable was the Lord *Haſtings*, who dy'd of his Wounds.

[2] H. Boeth. ib. *The Defeat of the ſecond Battalion of the* Scots; *Death of the Earl of* Murray, *&c.*

[3] T. W.

The great Battel of Nevils Croſs, Oct. 17. *coſt the* Engliſh *a great number of men.*

[4] Ibid.

[5] But on the *Scotiſh* ſide the King himſelf was then taken Priſoner, together with ſix Earls, two Biſhops, divers Barons, and many others of leſs note: but there were no leſs than fifteen thouſand, or as others ſay, twenty thouſand ſlain upon the Place; the chief of whom were the Earls of ***Murray*** and ***Stratherne***, the Lord *David Hay* Conſtable of *Scotland*, the Lord *Keithe* Marſhal, the Lord *Stra~~quhin~~* hern the Chamberlain, together with the Chancellor of *Scotland*.

[5] H. K. ibid. *The loſs on the* Scots *ſide.*

As for the King of *Scots* himſelf, the Gentleman that took him immediately convey'd him to the Caſtle of [6] *Ogle*, of which he was Governor, being reſolv'd not to truſt ſo noble a Prey in any body's hands but his own. The Queen remain'd in the Field until Evening, when moſt of the *Engliſh* Officers and Soldiers returned from the purſuit of the *Scots*: But all the reſt of that day, and the Night following, the *Engliſh* Army kept the Field, as well for their greater Honour, as for the ſecurity of their Friends, many whereof were ſtill in the chace; but the Queen had Lodgings provided for her in the City of *Durham*, where hearing that the King of *Scots* was in the Cuſtody of *John Copland*, ſhe diſpatch'd a Purſuivant to him with Commands to bring his Priſoner to ***Durham***, and gently to tell him, that he had not done

[6] Froiſ. c. 139. *This Author calls it* Chaſtel Orgueilleux; *but there was never any ſuch Caſtle in Eng*land.

Copland *carries the K. of* Scots *to the Caſtle of* Ogle.

The Q. ſends for him.

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Copland *refuſes to bring him.*

At which the Queen being incens'd, writes to the King.

done well in carrying him out of the Field. To which Meſſage he return'd a very reſolute Anſwer, *That as for the King of* Scots, *he would be anſwerable for his ſafe-keeping, but would deliver him to no body, except to his Sovereign Lord the King, or his expreſs Orders.* With which Meſſage the Queen was very angry, and wrote immediately to her Husband to give him an account of her late Victory, and of the King of *Scots* being detain'd by one *Copland*, contrary to her Commands, and to know what He would pleaſe to have done with him, who had thus inſolently preſum'd to diſobey her; but what the Succeſs of this Affair was, you will find preſently.

[1] H. Boeth. ib. K. Baliol *and the* Engliſh *Lords carry on the War againſt the* Scots.

After this the Queen returned from *Durham*, [1] leaving King *Baliol* and other *Engliſh* Northern Lords to proſecute the War with *Scotland*; who forthwith entring the Country with Fire and Sword, took the ſtrong Caſtle of *Hermitage* (for *Roxburg* was in the *Engliſh* hands before) and without any reſiſtance ſubdu'd the Countries of *Anandale* and *Galloway*, with the Marches *Tividale*, and *Ethrick* Foreſt, extending their Arms as far as *Cockburn Peke* and *Sowtray-Hedge*, without meeting any Oppoſition. And indeed it happened well for *Scotland*, that King *Edward* with the Flower of the *Engliſh* Forces was then beyond Sea; for had they been now in *England*, it is very probable the *Scots* would have been as intirely ſubdu'd as they were in King *Edward* the Firſt's time. But we ſhall now look over into *France*.

[2] Froiſ. c. 139. Copland *is ſent for over to the King.*

[2] When King *Edward* had receiv'd the Queen's Letter, he ſent for *Copland* to come over to him to *Calais*, who leaving his Royal Priſoner in the Cuſtody of the Lord *Nevil*, immediately obey'd his Majeſty's Commands, and ſo going over to him, was graciouſly receiv'd. But yet He queſtion'd him why he had not obeyed the Queen's Orders in the delivery of the King of *Scots* to her. To which (kneeling down) he anſwered to this effect, "That he hoped none would "envy his good fortune in taking ſo great a Perſon, ſince God may "afford it to an ordinary Eſquire as well as the greateſt Lord: That "he ow'd Allegiance to none but his Majeſty, and was only to obey "thoſe who were immediately commiſſioned by Him. At which Anſwer the King was ſo far from being diſpleas'd, that He not only thank'd him for what he had done; but [3] as a Reward of his good Service, and further encouragement to proceed, He promiſed him a Grant of Lands to the value of five hundred Pounds *per Annum* to him and his Heirs for ever; and till it could be ſettled, made it payable out of the Cuſtoms of *London* and thoſe of *Berwick* upon *Tweed*; and it appears upon * Record, that he was then made a Banneret.

[3] Stow Chron. p. 243. *Who is ſatisfied with his Anſwer, and rewards him.*

* Ex Recordo *cited by* Stow, ibid.

[4] H. K. ibid.

The King having ſent Sir *John Copland* (for ſo we muſt now call him) [4] with expreſs Orders to all the High Sheriffs and others, that no *Scots* Priſoners ſhould be delivered for any Ranſom whatſoever, but that they ſhould all be kept in ſafe Cuſtody, and the King himſelf would ſatisfy all thoſe who took them, for their Redemption. Then [5] Sir *John* being return'd into *England*, went to *York*, where the Queen at that time was, and made his excuſe before her and the Council in ſo dutiful and diſcreet a manner, that they were all very well ſatiſfy'd with his Conduct in that Affair; and immediately gave Orders how, and in what manner the King of *Scots* ſhould be convey'd to the Tower of *London*, which was thus performed: Sir *John Copland* went

[5] Graft. Chron. p. 280. Sir John Copland *attends the Queen, and excuſes himſelf as to what he had done.*

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went home to his Caſtle of *Ogle*, and muſter'd up his Friends and Tenants, who together with the Militia of the Northern Shires, made up near twenty thouſand fighting men; with whom Sir *John*, and the Lords *Nevil* and *Piercy* convey'd him to the Limits of *Yorkſhire* [1], where on the twentieth of *December* he was delivered to Sir *Thomas Rokeby* then High Sheriff of that County, who receiv'd him from the Lord *Nevil* by Indenture: and then Sir *Thomas* with the Forces aforeſaid conducted the King to *London*, where being mounted on a ſtately Horſe, he was received by the Lord Mayor and Aldermen, and all the Companies in their Formalities, with great ſolemnity, vaſt Crowds of People following him, and infinite numbers from the Windows and tops of Houſes beholding this triumphant Spectacle.

[1] Rot. Scot. 28 E. 3. m. 2.

The *Scotiſh* King being thus conducted to the Tower, was by Sir *Thomas Rokeby* delivered by [2] Indenture, dated the first ~~ſecond~~ of *January*, to the Lord *Darcy* Conſtable of the Tower, and was there kept in ſafe, but reſpectful Cuſtody, whilſt the reſt of his *Scotiſh* Priſoners of Quality were diſpos'd of in other Places; only in [3] *February* following *John* Earl of *Mentieth*, for as much as he had done Homage, and ſworn Allegiance to the King of *England*, and had now contrary to his Oath and Duty, broken his Faith, and taken up Arms in behalf of *David Bruce* againſt the Kings *Edward* and *Baliol*, was by the command of the former indited of *High Treaſon*, and thereupon was arraign'd, condemn'd, hang'd and quarter'd: whereas ~~as did likewiſe~~ the Earl of *Fiſe* wh. at the ſame time and for the ſame offence ~~ſuffer the like Puniſhment.~~

[2] Rot. Clauſ. 20 Edw. 3. P. 2. M. 2. Dorſ. *He is deliver'd to the Conſtable of the Tower.*

[3] H. K. Col. 2592.

The Earls of Mentieth *and* Fife *executed as Traitors.*

but whereas the Earl had received the like sentence, yet did not suffer the like punishment, but was however reprieved because he was nearly related to the blood Royal. Rot. Scot. 21 Ed. 3 m. 9. d. vid. R. S. Col. [illegible]

The Reader may take notice that the bringing of the King of *Scots* to *London* did not happen until preſently after Chriſtmas, nor did the Execution of theſe Noblemen; and ſo (according to our Account) they do properly belong to the next Year; tho not to make any breach in the *Scotiſh* Affairs, I have put them altogether in this Place.

[4] Queen *Philippe*, after ſhe had given good Orders for the defence of the Caſtles and other Frontier Towns in the Marches of *Scotland*, and appointed the Lords *Piercy* and *Nevil* Guardians of them, returned from *York* to *London*; from whence being accompany'd with the Ladys of the beſt Quality, ſhe preſently took her Progreſs to *Dover*, and there going on Shipboard arrived at *Calais* the ſame day, where ſhe was welcom'd by the King with much joy and ſatisfaction. ~~But he~~ ſtill carried on the Siege with great Conſtancy and Vigour, inſomuch that the Beſieged not being able to receive any Relief, began to be in mighty want of Proviſions; but they were plentifully ſupply'd in the *Engliſh* Camp both by Sea and Land; ſo that the King kept a moſt magnificent Court and Feſtivity in his Camp during the Chriſtmas Holidays.

[4] Froiſ. c. 139. *Q.* Philippe *having ſettl'd the North, returns to* London, *and after paſſes over to* Calais.

But since none of our English Historians make any mention of the Queens being present at [illegible] transactions which are only onely ~~[illegible]~~ related by Froissart a foreigner who wrote long after this time, I leave it to the Readers Judgment to believe as much of it as he pleases since [illegible] another might insert many of [illegible] stories away from common tradition Reports, and for the magnifying of this Queen who being a [illegible] country woman.

But before we end this Year, we ought to ſay ſomewhat more of the Civil Affairs that happen'd a little before this time, notwithſtanding the War. Overtures were made by his Holineſs to the King lying before *Calais*, towards the compoſing of all Quarrels; inſomuch that, by the [5] earneſt Mediation of the Cardinals of *Naples* and *Ceremont* (the Pope's Legates) five days after the Battle of *Durham* a Commiſſion was iſſued out to *William* Marqueſs of *Juliers*, *William* Earl of *Northampton*, *Thomas* Earl of *Warwick*, and divers other

[5] Rot. Norm. 28 Ed. 3. m. 18. *The King grants a Commiſſion to the Marq. of* Juliers, &c. *to treat of Peace with the Commiſſioners of* France.

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Lords and Doctors of Law, to treat and conclude with the ſaid Cardinals, of and upon all Quarrels and Controverſies depending between the King, and the Lord *Philip* of *Valois* and their ſeveral Allies: But we ſhall ſay no more of this Meeting, becauſe it took no effect, the *French* Conceſſions being no ways anſwerable to King *Edward*'s Demands.

[1] H. K. ib.

[1] About the end of this Winter, the Earls of *Lancaſter* and *Pembroke*, with ſome of the chief Noblemen and Officers who had ſerv'd againſt the *French* in *Gaſcogne* the laſt Campagn, having put the King's Affairs in thoſe Parts in ſo good a Poſture, that there was no fear of what the Enemy could do farther this year, took ſhipping for *England*; but in their Paſſage home they were in great danger of being caſt away by a violent Storm; but that ceaſing, at laſt they all arrived in ſafety.

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[2] J. Tinmuth. Hiſt. Aut. ad hunc An. Odoric. Reyn. ad hunc An.

The effect of the Pope's Letter to the King, exhorting him to Peace.

[3] Id. ib.

The King's Anſwer and Defence of himſelf.

King *Edward* having now cloſely blockt up and beſieged the Town of *Calais*, paſſed his Chriſtmas before it; and during this Blockade, King *Philip* not being able to raiſe the Siege by force, procured the [2] Pope to write King *Edward* a very preſſing Letter to exhort him to make Peace with the King of *France*; being much to the ſame purpoſe as ſeveral of his former, complaining, “how much the Infidels “had gain'd over the Chriſtians during this unhappy War; and then “blames the King for not admitting the Mediation of the Cardinals “his late Legates for a new Treaty of Peace, as they earneſtly de“ſir'd: and he again exhorts him to renew the ſaid Treaty, that a “Peace being made between the two Kings, he (meaning *Ed*“*ward*) might ſhew his puiſſant Valour againſt the Infidels in the “Eaſt. This was dated at *Avignon*, XVIII *Kal. Feb.* or 16*th* of *January*. To this [3] Letter the King not long after ſent a very rational and handſom Anſwer to this effect: “That he was ſtill, as he had always “been, deſirous of a Treaty of Peace, for the benefit of Chriſten“dom, as appeared by the ſeveral Truces he had made upon his “Holineſs's Mediation, tho they had been broken by his Adverſary: “So that a final Peace was impoſſible to be brought about whilſt “*Philip* of *Valois* had not only invaded and detain'd from him his “juſt and hereditary Rights, but alſo had endeavour'd to invade “*England*, and had excited and maintain'd the *Scots* in their late “War againſt him; and therefore he now committed his Quarrel “into the hands of God, who had ſo lately declar'd for him by ſeve“ral great Victories, for which he returns him humble thanks, ſince “they were not obtain'd by his own Strength and Power. Then he “concludes with his earneſt deſires to the Pope, as Chriſt's Vicar on “Earth, and who therefore ought to be equal and indifferent towards “all men, that he would receive due Information concerning the afore“ſaid Objections, and uſe his endeavours that the ſaid Adverſary of “*France* may be brought to acknowledg and make ſatisfaction for “the Wrong which in this particular he had done him; but eſpecial“ly that he may receive no Aid nor Countenance from his Holineſs “in this his injurious dealing: otherwiſe he (the King) ſhould be “forc'd to appeal to the ſupreme Judg of Judges, who for a time “may permit wrongs to be done for the Sins of Mankind; but in “the end redreſſeth the ſame, neither leaving any good Deed unre-

“ warded,

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“ warded, nor evil ones unpuniſhed, and whom he moſt humbly “ prays to be a true and impartial Judg in this great Controverſy, *&c.* This was dated before *Calais* the ſixteenth of *March*, according to [1] *John* of *Tinmouth*'s Copy; but the date of this Letter is not expreſs'd in *Odoricus Raynoldus*, tho he recites it at large, and in his Obſervations upon it ſhews himſelf very partial to the Pope, and unjuſt to the memory of this Great Prince, whom he blames for not accepting of a Peace upon the Pope's terms, and not making War where he would have him; which he calls, *preferring his own Intereſt before Religion, and that he was an Enemy to Chriſtian Piety*; *whoſe unhappy Death*, he ſays, *was anſwerable to his Life*; *and that in the end he was deſpiſed of God, as he had deſpiſed him in the Perſon of his Vicegerent.* Which certainly is a very raſh Cenſure, and ſhews that he had never fairly conſider'd the King's Reaſons contain'd in this Epiſtle, when he imputes the King's declining in Succeſs, as well as Underſtanding towards the latter end of his Life, and his Death above thirty years after, to be a Judgment of God upon him, for not abſolutely ſubmitting himſelf and his Cauſe to the Pope's determination. But it is the conſtant practice of the Eccleſiaſtical Writers of the *Romiſh* Church to defame all ſuch Chriſtian Princes, who have not made themſelves abſolute Slaves and Vaſſals to the See of *Rome*, and blindly ſubmitted themſelves to her Determinations. But to return to our Hiſtory.

Raynoldus *his Partiality againſt* K. Edward *remark'd.*

The French *King holds an Aſſembly of the Eſtates.*

When the *French* King ſaw there was no hopes of a Truce, or Peace by the Pope's means, he reſolved to take a more efficacious Courſe for the defence of his Kingdom againſt King *Edward*, and if it were poſſible, to relieve the Town of *Calais* before it was too late; [2] and to this end he call'd an Aſſembly of his Eſtates to *Paris*, who met upon the five and twentieth of *March*, to aſſiſt him with their Purſes as well as their Advice: In which Aſſembly it was agreed, to call the old Treaſurers, and other Great Officers and Miniſters of State to an exact account for abuſing their Places, and embezeling and converting to their own uſe the Taxes and the other King's Monys they had been entruſted with; and to levy of all ſuch Offenders, Fines and Mulcts proportionable to their Offences; and for the future to refer the Government of the Treaſury to the moſt eminent Perſons of the Clergy and Nobility, thereby to free the People from ſuſpecting, that their Contributions were any more like to be ill imployed. Whereupon Monſieur *Peter* of *Eſſars*, Treaſurer of *France*, was thrown into Priſon, and condemned in a vaſt Fine to the King; and together with him many other Great Officers (whether juſtly or unjuſtly, I will not diſpute) were forc'd at once to part with what they had been divers Years heaping together. Then the *Lombards* and other Uſurers were called to a ſtrict account for all their unjuſt exactions upon the poor Subjects; and where the Intereſt exceeded the Principal, the former was adjudged forfeited to the King, and the latter remitted to the Debtor, or if actually paid, was to be reſtored to him, and all Obligations for ſuch Monys were declared void; and yet the Perſons of ſuch Uſurers were not releaſed out of Priſon till they had paid large Fines to the King. Beſides all which, this Great Aſſembly unanimouſly voted to aſſiſt the King with their Fortunes to the utmoſt, for the maintenance of his Crown and Dignity:

The Treaſurer of France *impriſon'd and fin'd.*

The Lombards *forc'd to remit the Intereſt payable by their Debtors.*

Aſſembly of Eſtates vote they will aſſiſt their King to the utmoſt.

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[1] Hiſt. Aurea ib.

[2] Du Serres in hunc An.

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nity: Wherefore beſides the uſual Taxes, they alſo raiſed great voluntary Contributions among themſelves, according to their Qualitys, Eſtates and Offices, and ordain'd the like thro the whole Kingdom; and the Clergy alſo ſet a general Tax upon themſelves; nor were they ſhy to make bold with what Sums had been gather'd thro *France* for the Holy War, beſides the Plate, Shrines, and other Riches of Abbies and Monaſteries; by which means a vaſt Sum of Mony was levied, with which King *Philip* raiſed a puiſſant Army for the relief of *Calais*, as you will find anon.

[1] Froiſ. c. 140.

The Flemings *beſiege* Bethune, *but are repuls'd.*

I ſhall give you a ſhort account of what was done in the mean while in *Flanders*, where the *Flemings* ſtill continuing firm to King *Edward*'s Intereſt (whilſt he was yet in *Normandy*) ſome time before the Siege of *Calais*, [1] raiſed a powerful Army under the Conduct of Sir *Edward de Renty* a *French* Knight (lately baniſh'd thence by King *Philip*) who went and laid cloſe Siege to *Bethune*, a Town of *Artois*; but the Place was ſo well defended by the Lord *Charny* and other Commanders, that they were repuls'd with loſs. After which the *French* King, to buy off the *Flemings* from ſiding with King *Edward*, made them large Promiſes, and offer'd them very advantageous Conditions, as not only to procure the Pope's Excommunication againſt them to be taken off, but alſo to reſtore the three Towns which he had taken from *Flanders*, with other Conditions needleſs to be here recited.

[2] Id. ib.

Which being refuſed, they propoſe a Match between their young E. Lewis, *and* K. Edward'*s eldeſt Daughter.*

The E. *of* Flanders *ſent home by the* French *King, refuſes the Match with* England.

Makes the Flemings *believe he is contented with the Match; but getting his Liberty, eſcapes into* France.

[2] But all theſe fair Offers ſeeming rather to be extorted by Neceſſity, than to proceed from any good will, were rejected; and King *Edward* did the more prevail by propoſing a Match between the Lady *Iſabella* his eldeſt Daughter (then about fourteen years of Age) and their young Earl *Lewis*, only Son to *Lewis* late Earl of *Flanders*, who fell in the Battel of *Creſſy*. This Propoſal was very well accepted by the *Flemings*, who thereupon ſent certain Envoys to King *Philip*, to deſire him to ſend home their young Earl, for that they ſhould receive him for their Lord. Then King *Philip*, by the perſuaſion of the Duke of *Brabant*, who alſo propoſed his own Daughter for the young Earl (with a promiſe to bring over the *Flemings* to his Intereſt) ſent the Earl home, where he was at firſt well enough treated by his half Subjects; but when he abſolutely refuſed the Match they propos'd to him, as being the Daughter of that Prince who had ſlain his Father in Battel, the *Flemings*, upon the arrival of the *Engliſh* Embaſſadors, to make their Earl more flexible to the Match (which was by them again propoſed) confin'd his Perſon in the Town of *Courtray*: but the young Prince finding it in vain openly to oppoſe their Deſigns, and having learnt ſome cunning by dear-bought Experience, made them believe that he was now very well ſatisfied with the Match; of which King *Edward* and his Queen (then lying before *Calais*) having had notice, they brought their Daughter to the Abby of *Bergues*, where they were met by the young Earl, attended by the chief Burgeſſes of the Cities and Towns in *Flanders*; and he ſeemed ſo well pleaſed with the Lady, that the Articles were concluded on; and the Parties being affianced, the Marriage was in a ſhort time to be conſummated. Upon this he was reſtored to his Liberty, which as ſoon as he had obtain'd, he took the firſt opportunity to give them the ſlip, and under the pretence of riding out a hawking, eſcap'd again into *France*.

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After his departure, the War between the King of *France* and the *Flemings* again broke out more fierce than ever; inſomuch that when he ſaw fair means would not do, [1] he ſent his Son Duke *John* to beſiege *Caſſel*, a Town between *St. Omers* and *Ipres*: But the *Flemings* being aſſiſted by a ſtrong Detachment of *Engliſh* from *Calais*, the Duke was repuls'd, and forc'd to raiſe the Siege with conſiderable loſs of Men. And no better ſucceſs had he in a like attempt upon the Town of *Lilliers*, where he alſo received another Repulſe; ſo that he brought back the reſt of his Troops very much diminiſhed in their number, at which freſh Diſgraces the King his Father was very much diſcontented. Theſe things were done during the Winter, and part of the following Spring.

[1] Du Serres. Meier. Annal. Fland. l. 12. p. 153.

The D. of Normandy *beſieges* Caſſel, *but by the aſſiſtance of the* Engliſh *is repuls'd.*

In the mean while [2] the Siege of *Calais* was carried on with great obſtinacy; for tho King *Edward*'s chief truſt was to reduce them by Famine, yet he endeavour'd to batter them with Engines, that caſt maſſy Stones into the Town againſt their Walls and Towers: And ſome have ſaid, that at this Siege Cannons were firſt uſed; but we have already diſcover'd the ſmall grounds there are for that Opinion; and a very good Author (who was alſo an Eye-witneſs, and preſent at the Siege) ſays, that neither could battering Engines be uſed to any great purpoſe, becauſe the Ground was not firm enough to ſuſtain them. Beſides, if the Walls could have been quite beaten down, yet were the Ditches (whereinto they could at their pleaſure let in the Sea) ſo deep, that with a few Men (provided their Ammunition and Proviſions fail'd not) they ſeem'd able to withſtand the whole World, ſo impregnable was *Calais* counted at that time; tho after the uſe of great Guns, and the Improvements that have been made in the Art of carrying on Sieges, in the laſt Century ſave one, it hath been twice taken; once by the *French* from the *Engliſh*, and then by the *Spaniard* from the *French*, tho it was in a ſhort time after reſtored to them again.

[2] Froiſ. ib. H.K.col.2588.

K. Edward *carries on the Siege of* Calais *with great obſtinacy, but with no ſucceſs.*

But beſides the vigorous reſiſtance from within, the *French* Fleet made alſo divers efforts to put Proviſions into the Town, but ſtill fail'd in the Attempt, their Ships being taken by a part of the *Engliſh* Fleet that cruiſed before the Town under the Command of the Earl of *Northampton*, who made ſo ſtrong a Fortreſs into the very Sea, that from it he deſtroyed or chas'd away ſuch Boats and ſmall Veſſels as us'd to ſteal in with Proviſions along the Shore.

The Engliſh *Cruiſers hinder any Proviſions from being put into the Town.*

However, [3] a little after Eaſter no leſs than thirty *Norman* Ships and Gallies, all nimble Sailors, adventur'd one Morning early; and by the advantage of the Wind and Tide, without any hindrance from the *Engliſh* Fleet, carry'd ſome Proviſions into the Town, and got off again with little or no damage. But from that time the King cauſed the Mouth of the Haven to be quite block'd up, and the Earl of *Warwick* with eighty tall Ships was conſtantly ſcouring the Channel between *Calais* and *Dover*. [4] Then King *Philip*, that he might do what he could to ſuccour theſe his loyal Subjects, again equip'd a Fleet of twelve Gallies of *Genoa*, and ſeventy Sail of ſtout Ships, all laden with Proviſion and Ammunition, with ſtrict orders to relieve the Town; but ſo ſoon as ever this Fleet was ſeen from *Dover*, and the Earl of *Warwick* had notice thereof, he ſet upon the *French* with ſuch fury, that they were all diſpers'd, taken or ſlain, the Admiral of

[3] Id. col.2592.

Yet 30 Norman *Veſſels got ſome Proviſions in.*

[4] Raynold. ad hunc An. Villani l. 12. c. 94.

K. Philip *ſets out a Fleet to relieve* Calais, *which is beaten by the E. of* Warwick.

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Genoa flying firſt, and leaving the *French* to the mercy of the Enemy. Here was taken a vaſt quantity of Arms and Proviſions, to the great ſatisfaction of King *Edward* and his whole Army, who now hop'd to be ſoon Maſters of the Place.

The difficulties the Engliſh *labour'd under during the Siege of this Town.*

Yet notwithſtanding all this Succeſs, the *Engliſh* (tho they wanted no manner of Proviſions) labour'd under ſome difficulties: for when any of them went into the Country to forage, if they did not go in ſtrong Parties, they were often cut off by the *French*; and beſides this, the Gariſon in the Town made frequent Sallies with very good advantage. And once early in the morning there ſallied out a Troop of choſen Soldiers, who breaking into the *Engliſh* Camp, had like to have ſurprized the King in his Tent; but ſtarting up from his Bed, and cauſing his Trumpets to ſound, he with his own private Guard fought the Enemy in the Trench, till divers of the Officers of the Army coming to his aſſiſtance with freſh Forces, they were beat back into the Town with the loſs of two hundred Men.

[1] T. W. ad an. 1346.

The great loſs of men during the Siege on the Engliſh *ſide.*

[2] L. 12. c. 95.

[1] Beſides this, a great Sickneſs roſe in the Army by reaſon of the unwholeſom Air, being corrupted by the ſtench of the Garbage of the Cattle that were kill'd, and other refuſe of the Camp, by which no ſmall numbers of the *Engliſh* periſhed; tho I believe [2] *Villani* is too laviſh in his Account, who ſays, that from the beginning to the end of this Siege, King *Edward* loſt above fifty thouſand men, which was more than his whole Army ever conſiſted of. But let thoſe Loſſes be what they would, they were ſtill made up by conſtant Recruits out of *England*: [3] and beſides theſe, many Lords and Noblemen of *Germany* and the *Low Countries*, who were willing to ſerve as Voluntiers, came with a conſiderable number of Men at Arms, to learn Experience, and aſſiſt King *Edward* at this Siege; and one of the chief of theſe was the Lord *Robert* of *Namur*, who was Nephew to *Robert* of *Artois* by his Siſter. This young Lord being newly return'd from *Jeruſalem*, came hither with a gallant Retinue: and beſides his love to Military Affairs, he had alſo a great Inclination to Letters; for it was by his encouragement and for his ſatisfaction, that *Froiſſart* wrote his two Volumes of Hiſtory, as [4] he himſelf informs us, to which we are ſo much beholden in this preſent Work, eſpecially for foreign Affairs. But it is now time to look back into *England*.

[3] Froiſ. c. 141.

K. Edward *is aſſiſted by ſeveral* German *Noblemen.*

[4] L. 1. c. 1. ad fin.

[5] H. K. 2592.

The King ſends to all Abbies and Priories in England *for an Aid of Wool.*

[6] Raynold ad hunc An.

Nothing happen'd here conſiderable during this time, [5] only about Whitſuntide King *Edward* ſent to all the Abbies and Priories throughout *England* for an Aid of their Wools, and for a proportionable Supply from all other Religious Houſes, as lately had been granted to him in Parliament: And one [6] Author ſays, that he ſeized on all the Wealth of the Eccleſiaſticks, under the ſpecious pretence of borrowing it to maintain his Wars againſt *France*; by whoſe example King *Philip*, to defend his own, laid hands on the Revenues of all Clergymen (except Cardinals) not reſiding in his Kingdom. But I believe this Author is miſtaken in his Account, and that neither of theſe Princes took any thing from the Clergy, but what they themſelves had freely granted them.

[7] H. Boeth. l. 15. Buchan. l. 9.

In *Scotland* this Year the [7] Affairs of the Kings *Edward* and *Baliol* met with more than ordinary Succeſs; for the latter taking the opportunity of King *David*'s being in Priſon, enter'd that Kingdom by *Carliſle* with an Army of twenty thouſand men, and the Lord *Piercy*

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with as many more by *Berwick*, made an Incurſion into *Lothian* and *Cuddiſdale*, whence he brought great Booty of Goods and Cattel; while King *Baliol* did the like in *Galloway*, *Niddiſdale* and *Carrick*; ſo that many of the *Scots* were at laſt compel'd to yield again to him, and own him once more for their King. From hence, both Armies being join'd, they began to march towards *St. Johns-town*, with a reſolution to bring all *Scotland* under their ſubjection; but the *Scots* made ſuch humble Inſtances, that they obtain'd a Truce for one Year, on condition to pay immediately nine thouſand Pounds Sterling to King *Baliol*, and that he ſhould reſide the mean while in the Caſtle of *Caer-Laverock*, on the Borders of *Galloway*, with competent Forces, for fear of the *Scots* recovering what they had loſt. But the [1] other *Engliſh* Lords and great Officers having built a Fort at a Place call'd *Heſtholm*, to bridle the *Scots*, returned to King *Edward* to the Camp before *Calais*, with much Honour and Glory.

K. Baliol *and the Ld* Piercy *make a conſiderable Invaſion into* Lothian, *&c. and carry away a great deal of Booty.*

The Scots *upon payment of* 9000 l. *obtain a Years Truce.*

The Siege of this Town ſtill continuing, we will ſee what was doing in the mean time in *Bretagne*: [2] in the beginning of *January* the King ſent over Sir *Thomas Dagworth*, as his Lieutenant, with a hundred Men at Arms and four hundred Archers, that came very ſeaſonably to the Counteſs of *Monfort*'s aſſiſtance, for ſhe ſent theſe *Engliſh* Auxiliaries to join her own Forces; who together with Sir *Thomas*, beſieged a ſtrong Town and Caſtle ſtanding between *Pontrieux* and *Lantriguet*, called *Roche Darien* or *Dirien*, which was kept on the behalf of Count *Charles* of *Blois*: but ſo ſoon as the Counteſs's Army came before the Place, the major part of the Town being for the Counteſs, ſeized upon the Governor, and forced him to deliver it up to Sir *Thomas Dagworth*, who put a ſtrong Gariſon into it.

The King ſends Sir Thomas Dagworth *with ſome Forces into* Bretagne, *with which he beſieges and takes the Town of* Roche Darien.

When Count *Charles* of *Blois* [3] heard this, he muſter'd a great Army at *Nantes* of ſixteen hundred Men at Arms, twelve thouſand Footmen, and two thouſand Croſs-bows, beſides many Noblemen and Gentlemen; for he had in his company no leſs than four hundred Knights and twenty four Bannerets. With theſe Forces he went and laid Siege to *Roche Darien*, which he aſſaulted ſo vigorouſly by his Soldiers, and batter'd ſo furiouſly with his Engines, that the Buildings of the Caſtle being almoſt ruined, and the Beſieged reduced to the laſt extremity, they would gladly have marched out upon condition of having their Lives and Goods ſaved; which Count *Charles*, being blinded with Paſſion, would not hear of, but required that they ſhould ſurrender to Mercy; which they not being willing to truſt to, ſtill obſtinately held out. In the mean time Sir *Thomas Dagworth* reſolved, if poſſible, to relieve the Place; and tho he was very much inferior to the Count in Forces, yet having received a Recruit of above a hundred Men at Arms, he march'd away by night to Count *Charles*'s Camp, which he ſurpriſed the next morning before Sun-riſing, and breaking into it on the ſudden (the Governor with the Gariſon of the Town making a vigorous Sally at the ſame time) after a ſhort diſpute routed the whole Army conſiſting of near thirty thouſand men, and took Count *Charles* himſelf with his two Sons Priſoners, together with divers Lords and Perſons of Quality needleſs to be particularly named; beſides many other of the ſame Degree, which with the reſt of the ſlain made near ſeven hundred men, as [4] Sir *Thomas Dagworth* himſelf certified to the Chancellor of *England*

Count Charles *thereupon marches to retake it.*

The Beſieged would have ſurrender'd on Conditions which the Count would not accept.

Sir Thomas Dagworth *goes to its relief, and being aſſiſted by the Gariſon, routs Count* Charles, *and takes him Priſoner.*

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[1] Chron. MS. de Dunel.

[2] Froiſ. c.142.

[3] Id. ib.

[4] Vid. Chron. R. Aveſbury, ad hunc An.

[1] H. K. Col. 2593. *Who with his Sons is ſent Priſoner into* England.

in a Letter he wrote to him for that purpoſe. This Victory was thus obtained near *Roche Darien*, [1] on the Wedneſday before the Feaſt of St. *John Baptiſt*, being the twentieth of *June*. Here he ſtaid till the Lord *Charles* was recovered of his Wounds, and then he convey'd him and his Sons, and the reſt of the Priſoners, into *England*, where King *Edward* order'd a publick Thankſgiving to God for his Victory, as was alſo obſerv'd in the Camp before *Calais*. But *Froiſſart* is here certainly miſtaken, who makes two Aſſaults to have bin given to Count *Charles's* Camp, in the firſt of which he ſays Sir *Thomas Dagworth* (whom he always calls *Dagerno*) was taken Priſoner, and his Party routed; the falſhood of which appears from our *Engliſh* Hiſtorians.

[2] Id. col. 2592, 2593. *The Duke of* Normandy *hovers about* Calais *for the relief of it; but upon the E. of* Lancaſter's *approach retires.*

The Lds Stafford *and* Manny *with a Fleet of 200 Sail rout and take a greater Fleet of the* French.

While matters paſſed thus in *Bretagne*, King *Edward* had ſo ſtraiten'd the Town of *Calais*, both by Sea and Land, that without a ſpeedy Relief, it could not long hold out. Wherefore the [2] Duke of *Normandy* having recover'd now his Loſſes in *Flanders*, marched forward about the beginning of *June*, and hover'd about *Calais* with a conſiderable Body of Men, till the King his Father ſhould come up and join him with all his Forces. King *Edward* ſent out againſt him *Henry* Earl of *Lancaſter* with a Detachment of eight hundred Men at Arms, and ſixteen hundred Archers, for whoſe coming Duke *John* did not think fit to ſtay, but retreated haſtily out of his reach. About the ſame time the Earl of *Oxford*, and the Lords *Stafford* and *Manny*, with other Perſons of Quality, paſſing over out of *England* with a Fleet of two hundred Sail of all ſorts, met with that of the *French*, conſiſting of a much greater number, but moſt of them were Ships of Tranſport, who were going to relive *Calais*: Of theſe they took near two hundred Sail, together with all their Proviſions, which were brought into the *Engliſh* Camp.

[3] MS. Chron. in Bibl. Ben. *The Governor of* Calais *turns* 500 *of the poorer ſort out of the Town, who periſhed.*

[3] The Governor and Commanders in *Calais* finding themſelves almoſt reduced to the laſt extremity, now again turn'd out five hundred more of the poorer ſort, that ſo the Victuals might hold out the longer: And perhaps the People themſelves, hoping to find as merciful uſage from King *Edward* as the others had done before, were willing enough to go; but they found themſelves much miſtaken: for the King ſeeing his good nature to be impos'd upon by the Obſtinacy of thoſe that defended the Town, he would not let thoſe poor Creatures paſs thro his Camp, but reſolutely order'd them to be driven back to the Walls, where being refuſed admittance, they moſt of them miſerably periſhed by Cold and Hunger, very few of them getting any Relief either from their Friends or Enemies.

[4] H. K. ib. Chron. R. Aveſ. *A Letter taken out of the Sea, diſcovers the ſad condition of the People in the Town.*

[4] About this time ſome of the King's Ships met by chance with a ſmall Gally belonging to *Genoa*, the Maſter of which ſeeing he could not eſcape out of their hands, took a Letter he had lately received from the Governor of *Calais*, to the *French* King, and tying it to a Hatchet, flung it over-board; yet the Water being there but ſhallow, it was preſently taken up again by a Fiſhing-net. This Letter being dried, and then open'd, was found to this effect, which I here tranſlate *verbatim*.

Know, Dread Sir, that your People in Calais *have eaten their Horſes, Dogs, and even Rats. Now nothing remains for them to live upon, unleſs they eat one another; wherefore, Great Sir, if we have not ſpeedy*

Succour, the Town is loſt; and we are all reſolved, if we are not reliev'd, to ſally forth and die upon our Enemies with Honour, rather than to die within the Walls by Famine: And God grant you Power to render to us or our Heirs according to our Sufferings in your Service.

[1] When King *Edward* had peruſed this Letter, he cauſed it to be cloſed up again with his own Seal, and ſent to King *Philip*, requiring him to make haſte and ſuccour his good People in *Calais*, that ſuffer'd ſuch Miſery for his ſake: And he being ſufficiently ſenſible of the Hardſhips they endur'd, was all this while raiſing Forces for their Relief; but as his Preparations were great, ſo they were ſlow, and took up much time. However, in anſwer to the aforeſaid Letter, he ſent word to King *Edward*, that he would ſhortly come in Perſon, and raiſe the Siege; and gave the *Caliſians* notice, that now he would by no means fail to bring them a ſpeedy and powerful Succour. All this while the Duke of *Normandy* had made ſeveral offers to draw near *Calais* with his Forces, and ſometimes came within two or three Leagues of that Place: but the *Engliſh* had ſo drain'd the Country, that for want of Victuals he could not ſubſiſt thereabout for any time. Then in the end of *July*, [2] King *Philip* having raiſed a vaſt Army of a hundred and fifty thouſand men, began his march from *Amiens* to *Arras*, being accompanied by his Son the Duke of *Normandy*, and moſt of the chief Nobility and People of his Kingdom, that ſo he might be nearer hand to watch the motions of the *Flemings*, who had lately come with a great Army and laid Siege to the Town of *Aire*, to divert the *French* from relieving *Calais*: but ſo ſoon as they heard of his arrival in thoſe Parts, they raiſed the Siege, and marched off; yet not without doing a great deal of damage to the Country, having killed a great many of the *French*, and taken much Plunder.

[1] Id. ib. *The King ſeals up the Letter, and ſends it to* K. Philip *with a Meſſage.*

His Anſwer to K. Edward, *that he would come and raiſe the Siege.*

[2] Froiſ. c. 144. Mezeray. *K.* Philip *raiſes a vaſt Army, and raiſes the Siege of* Aire.

[3] When King *Philip* underſtood the *Flemings* had quitted the Siege of *Aire*, he began his march towards *Calais* thro the Country of *Bologne*, with all his Forces, until they came between *Calais* and *Whitſand*, within a League of the *Engliſh* Camp; where on the ſeven and twentieth of *July* he intrench'd with his whole Army on the Hill of *Sangates* on the other ſide of the Marſh, over-againſt King *Edward*'s Camp, and from thence ſent and offer'd him Battel: But he wiſely conſidering the great advantage he had over the *French*, return'd in anſwer, *That he had lain many months before the Town, to his vaſt loſs of Men, and expence of Treaſure; but when he had taken it (which he hop'd to do in a ſhort time) he ſhould then think of anſwering his Challenge, and marching to fight him in the open Field.*

[3] Froiſ. ib. *He thence marches towards* Calais *to relieve it.*

[4] When the *French* King ſaw he could by no means bring King *Edward* to a Battel, he deſired the two Cardinal Legats from the Pope, who had been all along the Mediators for a Peace, to go to the end of the Cauſway that leads to the Town, and ſend Letters to the Earl of *Lancaſter*, and ſome other Great Men in the King's Army, requeſting that they might ſpeak with them. Whereupon he gave leave to him and the Earl of *Northampton* to go and treat with them, who with great earneſtneſs deſired there might be a ſpeedy Treaty ſet on foot, ſaying, they knew the *French* King would make ſuch Offers of Peace, as might be reaſonably accepted. To which Propoſal the King preſently aſſented, and then the Earl of *Lancaſter* order'd two Pavilions to be erected between both Armies, wherein there imme-

[4] Id ib. *He offers K.* Edward *Battel, which he refuſing, the* French King *imploys the Cardinal Legats again to offer a Treaty of Peace.*

Which being accepted, Commiſſioners are appointed.
[1] H. K. col. 2594.
The Offers of the French *Commiſſioners rejected.*

diatly aſſembl'd before the ſaid Cardinals, and the Marqueſs of *Juliers* (then one of the Commiſſioners) on the behalf of King *Edward*, the Earls of *Lancaſter* and *Northampton*, and the Lords *Cobham* and *Manny*. On the part of the *French* were ſent the Duke of *Burgundy* and the Lord of *Bourbon*, with other Lords of *France*, and the Lord of *Oſtmond* and Monſieur *Geoffry de Charny*; [1] who at firſt only inſiſted upon Terms for the Town of *Calais*, but at laſt they offer'd the King's Commiſſioners, that he ſhould enjoy the Dukedom of *Guyenne* and County of *Ponthieu*, as his Grandfather had done; which was thought a ſmall matter for the Damage he had received, and the great Pretenſions he had to the Crown of *France* it ſelf, and therefore it was rejected.

[2] Chron. MS. Col. Ben. Froiſ. ib.
The French *King again offers K.* Edward *Battel.*

So after three days ſpent in Treaty without any effect, when the *French* King ſaw that all the Avenues to the Town were ſo well fortified and guarded, that there was no approach to it for his Army without running the utmoſt hazard, he was very much concern'd that all his great Preparations, made with ſuch a vaſt Expence, were like to come to nothing. Then [2] by the advice of his Council, he ſent the Sieurs *Charny* and *Ribemont*, with others, to King *Edward*, to demand Battel of Him, who being brought into his Preſence, he received them at the entrance of his Pavilion. Then they told him, that the King their Maſter, ſince He could find no convenient way of coming at Him, deſired He would come out with his Army and fight Him on the ſecond of *Auguſt* following, as alſo that he would ſend certain Lords of his Council, as their King would alſo do of his, to view and ſet out the Ground, and appoint the time of Battel.

The King's return to this Meſſage.

To which Meſſage King *Edward* only return'd a ſhort Anſwer, “That He had now lain before the Town almoſt a Year, and that their Maſter who kept his Inheritance from Him, might have come and tried to relieve the Place long ſince, if he had pleaſed; but that juſt when it was upon the point of being ſurrender'd, and could no longer hold out, it was very unreaſonable, after all the trouble and expence He had been at, that He ſhould now at his deſire come out into the Field and fight for what He looked upon as his own already; and therefore He ſhould keep his advantage, and let the King of *France* come to Him if he pleaſed.

[3] Id. ib. Du Cheſne.
The Cardinals again offer their Mediation, and the Treaty is once more renew'd, but breaks off.

[3] With this Anſwer the *French* Lords were civilly diſmiſs'd; and whilſt King *Philip* was conſidering what to do, the two Cardinals already mention'd came again to Him, and offer'd their Mediation, who being by Him ſent back to the *Engliſh*, to know what their Reſolution was, the King out of reverence to whatever they ſhould offer, agreed to renew the Treaty once more, which was managed by moſt of the ſame Commiſſioners as before; where among other things the *French* offer'd to King *Edward* all *Gaſcoigne* and *Ponthieu*, and the Marriage of his Son *John*; and further to yield unto Him the Town of *Calais*, ſaving the Lives and Limbs of the Inhabitants. To which the *Engliſh* Commiſſioners in ſhort anſwer'd, that they were not beholden to them for that, for the Town and all that is in it was at their King's mercy; ſo after four days the Treaty broke off.

[4] H. K. col. 2595.
The Fr. Commiſſioners offer to decide the Right of both Kings by Combat, which is declin'd by the Engliſh.

Then [4] when the *French* Commiſſioners ſaw there was no Peace to be obtain'd by theſe means, they propos'd that the Right of both Kings might be decided by Combat between five or ſix, to be choſen by each ſide; and that the Place where they ſhould meet might be aſſigned

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ſigned by the King of *France.* To this the Earl of *Lancaſter* reply'd, that then the Place ought rather to be aſſign'd by King *Edward*, who was the natural and right Heir both of *England* and *France*; for *Philip* of *Valois* had no Right at all: So the Cardinals finding there was nothing more to be done, retir'd to *St. Omers.* King *Edward* having in the mean while receiv'd a Recruit of ſeventeen thouſand freſh Men, *Engliſh* and *Flemings*, offer'd the *French* King Battel; and tho he would not come out upon the Plain above *Calais*[1], yet he proffer'd at his own Expence to fill up the Trenches, and to remove all Impediments, that ſo the *French* Army might have free Acceſs to draw down and join Battel with him in the Marſh, provided he might have ſufficient Security, that nothing ſhould be convey'd into the Town during that time.

K. Edward *having receiv'd Recruits out of* England, *offers K.* Philip *Battel.*

But [2] King *Philip* not liking that Offer, and deſpairing to do any thing further, on the Thurſday morning betimes ſet fire to his Tents, and ſo decamp'd and march'd off, taking his way towards *Picardy*, and then to *Amiens*; where for the preſent he disbanded his Army. But however, upon his Removal the Earls of *Lancaſter* and *Northampton* follow'd him at the heels, and took many of the Carriages belonging to the Army, beſides a great many Straglers, whom they took Priſoners.

Who not liking that Offer, decamps.

When the Governour and Gariſon in *Calais* ſaw that their King was quite gone off without being able to relieve them, finding their caſe to be deſperate, they took down the Banner of *France* from the Walls, and ſet up that of *England* in its ſtead: [3] upon which the Governour deſired a Parly, and the Lord *Manny* and Sir *Walter Baſſet* being appointed to treat with him, he prayed them to intercede with the King for himſelf, the Gariſon, and Inhabitants of the Town; that ſince their Crime was only an exceſs of Duty to their Prince in holding out ſo long, his Majeſty would be pleas'd to take the Town and Caſtle into his hands, which they would freely ſurrender, together with all that was in them, and he hop'd that he would be pleas'd to grant them their Lives and Liberties. But the Lord *Manny* briefly told him, that after ſo great an Obſtinacy they muſt not expect to come off ſo eaſily; the King being not only highly incens'd againſt him and his Men, but againſt all the Inhabitants, for the great Piracys they had committed upon his Subjects during the War: yet he told the Governour, that he would repreſent what he had ſaid to the King his Maſter; which being done, he immediately ſent back word to the Governour and Townſmen, that he would grant them no other Conditions, than that they ſhould leave themſelves wholly to his Mercy. But at laſt, upon the Interceſſion of the Great Lords about him, he condeſcended to theſe Terms; That ſix of the chief Burgeſſes of the Town ſhould come forth bareheaded, barefooted, and in their Shirts, with Halters about their Necks, with the Keys of the Town and Caſtle, and ſhould lie at the King's mercy how he ſhould diſpoſe of them. Of which Reſolution notice being given to the Governour and Inhabitants, it caus'd a great Conſternation among them, for it ſeem'd hard to find out any of the principal Townſmen that would yield themſelves up as a Sacrifice for the reſt; till at laſt one *Euſtace de Saint Pierre* a chief Burgher, gave an example of his heroick Courage and Concern for

Upon which the Governour and Gariſon of Calais *deſire to ſurrender upon Terms.*

Which are refus'd them.

They have no other Conditions granted than to yield to the King's Mercy; and that ſix of the chief Burgeſſes ſhould come out with Halters about their Necks.

[1] Id. ib.

[2] Froiſ. c. 146.

[3] Froiſ. c. 146.

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Euſtace de St. Pierre *offers himſelf to be one, whereupon five others do the like; who all preſent themſelves before the King.*

The Queen intercedes with him to ſave their Lives, and ſends them away new clad.

the Preſervation of the reſt of his Fellow-Citizens (who therefore ought to be mention'd with Honour) and firſt freely offer'd himſelf to be one of the ſix that ſhould go out to the Conqueror, in the manner as he demanded; and then there were preſently five others that offer'd to make up the Number: and theſe being conducted out of the Town by the Governor (who aſſured the Lord *Manny*, that they were ſix of the moſt wealthy Burgeſſes of the Town) they were brought before the King in their Shirts with Halters about their Necks, the firſt of them having the Keys of the Town in his Hand. The King being ſtill much incenſed, commanded them to be all immediately beheaded; nor would he change his Reſolution notwithſtanding all the Interceſſion his Son or the Lords about him could make, till at laſt the Queen her ſelf (being then great with Child) fell upon her knees before him, and for Chriſt's ſake, and the Bleſſed Virgin's, and for all the kindneſs that the King ever had for her, humbly beg'd the Lives of theſe poor Men. Upon this the King being touch'd with Pity, granted her Requeſt, and ſhe preſently caus'd them to be carried to her Apartment, where the Halters were taken from their Necks; and being new clad, She order'd them a Dinner and ſix Nobles apiece, and ſo caus'd them to be ſafely carried out of the *Engliſh* Camp, andwholly to be ſet at liberty.

[1] Id. c. 147. *The King ſends the E. of* Warwick *to take poſſeſſion of the Town*, &c.

[2] H. K. col. 2595. *Many of the common People being almoſt famiſh'd, upon eating too freely die.*

Then the [1] King ſent the Earl of *Warwick* to take poſſeſſion of the Town and Caſtle, and ſecure Sir *John de Vienne* with the reſt of the Officers and Soldiers of the Gariſon, to be there impriſon'd; and as for all the Inhabitants, who were almoſt famiſh'd, after they had been refreſhed with Victuals, he order'd them to be turn'd out of the Town, for he intended to people it wholly with *Engliſh*. The King's Orders being executed accordingly, and the common People having ſtore of Victuals ſent them, [2] and eating too freely after ſo long a Faſt, ſurfeited, ſo that no leſs than three hundred of them died the next day; but all the reſt being convey'd beyond the Caſtle of *Guiſnes*, within the *French* Dominions, were let go where they pleas'd, and moſt of them went to *St. Omers*. Thus all the *French* were turn'd out of the Town, except one Prieſt and two antient Men who underſtood the Laws and Cuſtoms of the Place, and how the Lands about it were divided. And thus the ſtrong Town of *Calais* was deliver'd into the hands of King *Edward*, after near eleven months Siege, on the fourth of *Auguſt* this preſent Year.

[3] Id. ib. *The King makes his publick Entry into* Calais, *where he ſtaid till the Queen was brought to Bed of a Daughter.*

[4] C. 147.

[3] A few days after King *Edward* made his publick Entry into *Calais*, mounted on a ſtately Horſe, and attended by his Nobility, and chief Officers of the Army in all their military Pomp, and took up his Lodgings in the Caſtle, where he ſtaid for above a Month, to give Orders for new fortifying the Place, and to ſettle his Affairs; during which time the Queen was there brought to Bed of a Daughter, call'd *Margaret*, who was afterwards married to *John Haſtings* Earl of *Pembroke*. The Birth of this Lady at this Place is only mention'd by [4] *Froiſſart*, but moſt of our *Engliſh* Hiſtorians make her to have been born the Year before at *Weſtminſter* or *Windſor*. Whilſt the King ſtaid here, he beſtow'd a great many of the faireſt Houſes in the Town on the Lord *Manny*, the Earl of *Warwick*, and other Noblemen, in conſideration of the great Expences they had

been at in the Siege; and as for the reſt of the Houſes, he reſolved to people them with Citizens from *London*, *Canterbury*, and other Places, which being not long afterwards perform'd, *Calais* became a perfect *Engliſh* Colony; but as for all the Wealth and Riches of the Town (for He let nothing be carried away) He cauſed it all to be brought to one place, and there kept under a ſtrong guard. Then He made the Lord *Montgomery* Governor of the Town, and Sir *Amerie* of *Pavia*, a *Lombard* (who had been bred up under him) Captain of the Caſtle, of whom you will hear further anon; but as for Sir *John de Vienne*, the late *French* Governor, he and twelve others of the principal Officers were ſent Priſoners into *England*, to be kept in the Tower of *London*. Yet the King's great Succeſs was ſomewhat qualified by a ſmall Miſfortune; for five days after the taking of the Town, the Soldiers Huts in the Camp took fire, and burnt with that violence, that it deſtroy'd a great deal of warlike Ammunition and Proviſions; ſo that the King was forc'd to ſend for a freſh Recruit out of *England*.

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He ſends for a Colony out of England *to re-people the Town, and gives them the Houſes of the* French.

[illegible] as [illegible] appears by the Kings writts to the Sheriffs of London ~~[illegible]~~ ars and other Counties as also to the Majors and Bayliffs of the most Towns of England commanding to ~~[illegible]~~ cause it to be publickly proclaimed that whoever would go over to Calais with their effects should have houses assigned them gratis besides divers other privileges. Rot. Franc. 21 Ed. 3. m. 17 D. and Rs. Col. fo. 175.

The late Governor and other principal Officers ſent Priſoners into England.

[1] During this time Prince *Edward* rode forth with a ſtrong Detachment from *Calais*, as far as the River *Somme*, where having fired and ravaged the Country round about, he return'd ſafe to the Town with much Booty. But the Earl of *Warwick* had not ſuch good ſucceſs; for as he rode from the Camp towards *St. Omers*, he loſt to the number of a hundred and eighty Men at Arms and Archers, who indiſcreetly ſtraggl'd too far from the main Body. And beſides theſe Loſſes, by reaſon of the great Heats that laſted moſt part of this Summer, great numbers of the *Engliſh* died in the Camp before *Calais*, for want of freſh Water.

[1] H. K. Col. 2595.

Pr. Edward *rides out of* Calais *with a ſtrong Party, and ſpoils the adjacent Country.*

Whilſt the King was thus employ'd at this Place, [2] there came into *France Guy* of *Montfort*, a Nobleman of great extraction, commonly called *Guy* of *Bologne*, whereof he was Biſhop, and now Cardinal of St. *Cecilius*, who was juſt then ſent Legat from the Pope into *France*, to join with the other two Cardinals that were already there, in order to try what they could do towards reconciling the two Kings. This Prelat labour'd very zealouſly with his Couſin the *French* King at *Amiens*, and from thence went to *Calais* to move King *Edward* to a Truce; and at laſt his Endeavours met with ſo good Succeſs, that he obtain'd it of ~~Him~~, to commence from the fifth of *September* to the thirteenth, which being again prolonged to the eight and twentieth of the ſame Month, was then fully ratified and accorded on both ſides, to endure between the ſaid Kings, their Subjects, Allies, Confederates, Aiders and Abetters, from that time till the Eighth of *July* following, upon theſe Articles, *viz.*

[2] Froiſ. ib.

A new Legate comes into France, *who with two other Cardinals mediate a Truce between the two Kings, which is at laſt concluded for near one Year.*

viz: Anibald St. Johns and Stephen of St. Pauls

both these Kings

the Quinden of the Nativity of St. John the Baptist or [illegible]

I. That the [3] *Scots* (among others) ſhould be compriſed on King *Philip*'s part, and that the Truce ſhould be proclaim'd on the Marches both of *England* and *Scotland*: Provided always, that whether the *Scots* ſhould refuſe to accept or hold the ſaid Truce or not, it ſhould nevertheleſs continue firm and inviolable between the two Kings, and others their Allies.

[3] Du Cheſne, p. 668.

The Articles of this Truce.

vid: these Articles at large in Rs. Col. p. 148. 2.

II. That the Earl of *Flanders* ſhould be obliged to keep it intirely, and during the Term thereof ſhould not make any War, or do any Grievance to the *Flemings*.

III. That

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III. That the Cardinals ſhould cauſe to ceaſe the Denunciations which the Biſhops and Prieſts of *Cambray*, *Tournay*, &c. had made againſt the *Flemings*.

IV. That this Truce ſhould be obſerv'd in *Gaſcoigne* and *Bretagne*, and all other Places, where either of the two Kings, or their Allies, had any Dominions or Poſſeſſions, *&c.*

The reſt of the Articles were in a manner the ſame with thoſe mention'd in the two former Truces of 1340, and 1342.

This Truce was further prolonged to the Year 1355.

This Truce being afterwards lengthened from time to time, was continued on till the Year 1355, and then you will find the War between *France* and *England* to be again renewed. In the mean time indeed it was but ill obſerv'd by the *Scots*; nor did the King's Governors of Places in *Gaſcoigne* maintain the Truce any better in thoſe Parts, but in *Bretagne* the War was ſtill carried on between the two Counteſſes of *Blois* and *Montfort*; by the former in her own and her Husband's Right; by the latter on the behalf of her Son, with extreme animoſity on both ſides.

[1] Stow ad hunc An.
The King builds a ſtrong Caſtle at Calais, *and then ſails for* England.
[2] T. W.
He ſuffers very much by a Tempeſt in his return.
Vid: Rob. [illegible] 160. et Rs. Col. p. 594

As for King *Edward*, He would not repoſe any abſolute confidence in the Truce; but that He might the better ſecure his new Conqueſt, [1] he built a ſtrong Caſtle at *Risbank*, betwixt the Town of *Calais* and the Haven's Mouth, to keep off the Enemy from entring the Haven, or to endamage the Town that way. And having thus proſperouſly ſettled his Affairs, he went on Ship-board with his Queen, and the Prince his Son, and ſet ſail for *England*; but, according to his uſual fate, [2] He was now again ſeverely treated by a dreadful Tempeſt, wherein He loſt many of his People: however at laſt, tho not without great difficulty, and the loſs of many Veſſels, as well as Men and Horſes, He arrived ſafel~~y on Shore~~ on the 12 ~~fourteen~~th of *October*, and ſoon after went to *London*, where He was received in great triumph by the Mayor and Citizens, and by them honourably attended to his Palace at *Weſtminſter*.

[3] Vid. Aſhmol. *Hiſt. of the Garter*, p. 185.
After which he holds a great Tournament.

King *Edward* ſpent the remaining part of this Year in Tournaments, which were held with extreme Magnificence; [3] to which Solemnities not only the King of *Scots* (who was then a Priſoner) but alſo the Earl of *Eue*, Conſtable of *France*, with the reſt of the *French* Noblemen, who had been lately taken Priſoners, were admitted to be preſent, and to bear a part in them, which moſt of them perform'd with mighty commendation.

[4] A. Bucholeen Iſagog. Chron. ad an. 1346.
The Pope cauſes the Marqueſs of Moravia *to be elected Emperor, after which* Lewis *of* Bavaria *dies by a Fall from his Horſe.*

As to foreign Affairs, the Emperor *Lewis* of *Bavaria* having been lately publickly curſed by Pope *Clement*, as a Heretick and Schiſmatick, and as much depoſed as that Pope could make him, [4] he thereupon to finiſh what he had begun in *July* the laſt Year, had cauſed *Charles* Marqueſs of *Moravia*, and Son to *John* King of *Bohemia*, to be elected in his ſtead, at *Rens* in the Dioceſs of *Treves*, tho the major part of the Citizens were not for Him, and moſt of the Cities of *Germany* ſtill held for *Lewis*, who did not long ſurvive; for as he return'd from Hunting, being taken with an Apoplexy, He fell off his Horſe, and ſoon after departed this Life on the eleventh of *October*.

He had by the implacable malice of ſeveral Popes two Emperors ſet up againſt Him; the one was *Frederick* Marqueſs of *Miſnia*, in the beginning of his Reign, and *Charles* the abovemention'd in the latter end; but for all this he ruled the Empire in ſpite of the Pope's

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Curſes and Combinations againſt him for near three and thirty Years. Not long after the Emperor's deceaſe, the Pope cauſed the ſaid *Charles* (who had bin elected King of the *Romans*, and was ſince his Father's Death King of *Bohemia*) to be acknowledg'd Emperor: but it ſeems he could not compaſs it until the beginning of this preſent Year, when He [1] ſent Prince *Charles de la Cerda* of *Spain* with his Papal Bull to the Arch-Biſhop of *Cologne*, to crown the ſaid King Emperor, which he did at *Bon* four Leagues from *Cologne*, about the beginning of *February* following. But the major part of the Princes Electors not being pleas'd with what the Pope had done, came to a new Election, of which I ſhall ſay no more till under the next Year. And thus we end this, being one of the moſt glorious and fortunate of this King's Reign.

[1] H. K. col. 2596.

The Pope cauſes Charles *K. of* Bohemia *to be crowned Emperor.*

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King *Edward* ſoon after his Return out of *France*, on the thirteenth of *November*, ſent forth [2] Writs of Summons for a Parliament to meet on the morrow of St. *Hillary*, or fourteenth of *January*; which being met accordingly, [3] the cauſe of Summons was by *William de Thorp*, Lord Chief Juſtice, declared to be on two accounts; firſt concerning the War with *France*, undertaken by conſent of the Lords and Commons; the ſecond was, how the Peace of the Nation might beſt be kept: and then he deſired that within four days they ſhould give their Anſwer to the King and his Council, what they thought and would adviſe concerning theſe things.

[2] Rot. Clauſ. 22 E. 3. Part 2. m. 9. Dorſo.

The K. ſummons a Parliament.

[3] Rot. Parl. 22 E. 3. n. 4.

The fourth day [4] the Commons declared, that they are not able to adviſe any thing concerning War; *and therefore deſired to be excuſed as to that, believing the King would be beſt adviſed by his Nobles and Council; and what ſhould be by them determined, they would conſent unto, confirm and eſtabliſh.*

[4] Ibid. n. 5.

To the ſecond they anſwered, whereas they were charged to adviſe the King, how the Peace of the Land might be better kept, their Opinion was, that in every County there ſhould be ſix Perſons, of whom two to be the greateſt of the County, two Knights, and two Men of the Law, more or leſs, as need ſhould be; and they to be inveſted with a Power and Commiſſion out of the Chancery, to hear and determine all matters concerning the Peace, &c. and then concluded with a Requeſt, that becauſe they had been ſo long in Parliament, to their great Coſts and Damage, they might have a ſpeedy Anſwer to their Petitions, in order to have a ſpeedy diſmiſſion to return home. 'Tis probable the King receiv'd not the ſatisfaction He expected from this Parliament; for within a month after the firſt day of their meeting, He iſſued [5] Writs on the fourteenth of *February* for ſummoning another to meet on Monday next after the firſt Sunday in *Midlent* (or ſeventeenth of *March*) on which day, becauſe the Great Men ſummon'd were not fully come, the Parliament was continued until the next day, and for the ſame Reaſon until Wedneſday enſuing, [6] when Sir *William de Thorp* Chief Juſtice propounded the Cauſes of Summons, which were the ſame that are expreſt in the Writs of Summons. The firſt, that according to the late Truce made at *Calais* between the King and his Adverſary of *France*, certain Meſſengers were to be ſent to the Court of *Rome*, on both parts, to treat of a final Peace between them: That King *Edward* had ſent his competent Meſſengers to find the diſpoſition of the Pope concerning ſome Preparatories

[5] Rot. Clauſ. 22 E. 3. Par. 1. m. 32. Dorſo.

Another Parliament ſummon'd within a ſhort time.

[6] Rot. Parl. 22 Edw. 3. n. 2, 3.

The Chief Juſtice ſets forth the Cauſes of their Meeting, and the King's Demands.

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paratories for the Treaty and other things, about the Feaſt of St. *Andrew* laſt paſt, in hopes to have heard ſomewhat from them in his laſt Parliament; but of what they had done he had then received no certain Account: And for that many notable things were agreed on by the laſt Truce in favour of Himſelf, his Subjects and Allies, which thro the malice of the adverſe Party were not then accompliſh'd; and alſo for that his ſaid Adverſary, contrary to his Faith given concerning the then hop'd for Peace, had provided a very great number of Men at Arms, and others, with Ships and Gallies of greater force than had ever been heard of before, to invade *England*, and deſtroy the King and *Engliſh* Nation, as it manifeſtly appear'd by what had been, and was daily done. The other Cauſe was, to know how and in what manner the Peace of the Land might be beſt kept. And then the Commons were commanded to treat together, and take good advice how the Malice of the King's *Adverſary* might be reſiſted; and for the ſafety of Himſelf and his Kingdom, how He might be aided to his greateſt Profit, and the leaſt Charge to his People. Then the Commons having adviſed together, gave the Anſwer following, which tho ſomewhat long, I ſhall give you tranſlated from the *French* Record.

[1] Ibid.

The Commons Anſwer to the King.

They ſet forth the great Taxes they had paid, and the Grievances they ſtill ſuffer'd.

"[1] To their moſt honourable and moſt redoubted Liege Lord, his poor Commons ſhew, that at his laſt Parliament he ſent the Noble Earls of *Lancaſter* and *Northampton*, and other Great Men, to tell them, that He intended not to take any thing more of them, or to charge them farther; which they had publiſhed to the whole Land, for which they had alſo thank'd Him, according to their knowledg, as much as they could, and prayed for Him night and day: and yet at this preſent Parliament, upon certain News now arriv'd, He demanded a very great Charge of his poor Commons. Wherefore they deſire his Nobleneſs and moſt High Lordſhip would be pleaſed to underſtand the Miſchiefs and Burdens of the Commons: that is to ſay, the reaſonable Aid which had been pardoned in his fourteenth Year (that is, a Grant was then made it ſhould not be paid all his Reign) to wit, forty Shillings upon every Knight's Fee, to make his eldeſt Son Knight; whereas by Statute there was but twenty Shillings due upon every Fee; beſides the Fifteenths of the Commons, and Tenths of Cities and Burghs, Men at Arms, Hobelors, Archers taking of Victuals without paying for them, guarding the Sea, and alſo the Subſidy of Wool, by reaſon whereof every Sack of Wool (that was the Treaſure of the Land) was ſold for forty Shillings leſs than its value. So tho it would be a great trouble to the Commons to bear any Charge, yet neverthele ſs, if the Aid now to be granted might not be turn'd into Wool, neither by way of Loan or Value, nor in any other manner, nor levied too haſtily, but in the Form it was wont to be granted; and that the Eyres of Juſtices in the mean time might ceaſe, as well of the Foreſt as of the Common Pleas, and General Enquiry in the whole Land. And when this Aid ſhould be levied, that then for the future no Subſidy upon Wool may be granted by the Merchants; and that no Impoſition, Loan, or other Taillage, or Charge whatſoever, ſhall be put upon them (the Commons) by the Privy Council, without their Grant and Conſent in Par-

" liament:

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“liament: and that two Prelats, two Lords, and two Juſtices might be aſſign'd to hear and diſpatch their Petitions, which were not anſwer'd in the laſt Parliament; and that their Petitions in this Parliament might alſo be anſwered according to reaſon, and the Anſwers to remain in force, without being changed or altered: That the Juſtices do enquire of falſe Mony, which ruins the People: That *David Bruce*, *William Douglas*, and other Chief Men of *Scotland* may in no manner be releas'd, neither by Ranſom, nor upon their Faith: That the King would reſtore the twenty thouſand Sacks of Wool taken of the Commons by way of Loan: That an Aid to marry his Daughter might not be taken in the mean time; and that there might be no Marſhalſea in *England*, except that of the King, or the Guardian of *England*, when He was out of the Kingdom. Upon theſe conditions, and not otherwiſe, as alſo that they may be entred in the Parliament-Roll, as matter of Record, by which they might have Remedy, if any thing ſhould be done to the contrary in time to come; the ſaid poor Commonalty, to their very great miſchief, grant to the King *three Fifteenths*, to be levied in three Years, to begin at *Michaelmas* next coming, ſo as every Year one *Fifteenth* may be levied, and no more, at two Terms in the Year, *viz.* St. *Michael* and *Eaſter*, by even Portions; and that this Aid may be aſſigned and reſerv'd only for the War, and not to pay Debts; and if the War ſhould ceaſe, or a Truce be made, then the *Fifteenth* of the laſt Year not to be levied. That of theſe Conditions, and the manner of this Grant, Letters Patents ſhould be made, and ſent into all Counties, without paying any thing for them, wherein ſhould be mentioned the great neceſſity the King was in after the laſt Parliament; and in caſe the War ſhould break out towards *Scotland*, the Aid granted beyond *Trent*, ſhould be imploy'd for the defence of thoſe Parts, as it had been formerly.

There were likewiſe many other Petitions, with their Anſwers, made this Parliament, for which, being of leſs moment, I ſhall refer the Reader to *Cotton*'s [1] Abridgment, only ſhall take notice of one or two of the moſt remarkable; upon the reading of a long Complaint againſt *Foreſters*, for afforeſting of mens *Purlieus* for undue Trial, and for Extortions. To which was added a Requeſt, that *Magna Charta* may be obſerv'd, and that all men may enjoy their *Purlieus*, according to the Perambulations made in the time of King *Edward* the Firſt.

[1] P. 69, 71.

To which Petition the King's Anſwer was, that *Magna Charta* ſhould be kept inviolable; and thoſe that will complain for the right of their *Purlieus*, may have Writs out of Chancery for redreſs.

This much I thought fit to take notice of, that the Reader may obſerve how ſenſible the Commons of *England* have been upon any Infringement of the Great Charters of Liberties and Foreſts, and how ready the greateſt and moſt powerful of our Kings have been to give them all due ſatisfaction to ſuch their Petitions or Demands, in their own way.

About this time the *German* Princes being much diſcontented at the Pope's impoſing an Emperor upon them againſt their wills, moſt part of the Temporal Electors, as alſo one of the Eccleſiaſtical,

A. p. 655.

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The King is choſen Emperor by ſeveral of the Electors, who [1] *ſend Ambaſſadors to him.*

[1] Stow p. 245.
[2] H. K. Col. 2597.

viz. Henry Archbiſhop of *Ments*, together with *Rudolph* and *Rupert*, Counts Palatine of the *Rhine*, and Dukes of *Bavaria*, *Lewis* Marqueſs of *Brandenburgh* and *Luſatia*, and the two Dukes of *Saxony*, being aſſembled at *Cologne*, elected [1] King *Edward* Emperor, and immediately after they ſent two Earls and two Doctors of Law to give him notice of it. [2] When Queen *Philippe* heard of their coming and the occaſion, being a wary and prudent Princeſs, ſhe was very much concern'd for the Quiet and Safety of the King her Husband; for ſhe very well knew the great troubles and vexations the late Emperor *Lewis* her Brother in Law had endured all his Reign, both from the malice of the Pope, and the Factions of the *German* Princes raiſed by Him; and therefore ſhe did all ſhe could to perſuade the King her Husband from concerning Himſelf with ſo hazardous and precarious a Dignity, to which the King Himſelf was not much inclinable: however, whilſt the Ambaſſadors continued in *England* expecting his final Anſwer, He privately ſent over the Earl of *Northampton* into *Germany* to obſerve the ſtate of Affairs there, who returning home after a ſhort ſtay, gave the King a full Information of the Factions and Intrigues of thoſe Princes, and that by the acceptance of the Empire, He ſhould not only have him that was lately ſet up by the Pope for his Adverſary, but alſo the Pope himſelf, who would be ſure to maintain an Emperor of his own appointing, and who, if ever he could be brought over to declare for the King, would never to be ſure do it without an exceſſive ſum of Mony; for which reaſons, but chiefly becauſe it would hinder Him from being able to recover his Rights in *France*, tho he treated the Ambaſſadors very Nobly, yet He anſwered them, *That He would not undertake ſo great a Burthen, till he had gain'd the Crown of* France, *which was his due by Hereditary Right.*

The King ſends the E. of Northampton *into* Germany *to obſerve the Intrigues of the Princes, who at his return diſſuades the King from accepting the Empire.*

[3] Rot. Clauſ. 22 E. 3. m. 10. Dorſ.

And not long after, the King ſent [3] Sir *Hugh Nevil* and *Ivo de Clinton*, his Envoys to the Princes Electors, to return them Thanks for the great Honor they had intended Him, with a more abſolute and formal refuſal of it than before; yet however, that He ſhould never fail to do the *Sacred Empire* all the good Offices that lay in his Power. [4] Upon this Refuſal of K. *Edward's*, the Electors proceeded (but not ſo unanimouſly as before) to another Election; for [5] ſome choſe *Frederick* Marqueſs of *Miſnia*, and others *Gunter* Earl of *Negropont*; but the one being brib'd off, and the other diſpatch'd by Poiſon, *Charles* King of *Bohemia*, the Pope's Creature, prevail'd, and continu'd Emperor, by the Title of *Charles* the Fourth: And it was He who firſt granted that famous Charter, call'd the *Golden-Bull*.

[4] Sleid. de Mon. L. 3.
[5] Lamped. Mellif. Hiſtor. par. 13. p. 361.

[6] Rot. Franc. 22 E. 3. m. 13. Dorſ.

[7] Rot. Clauſ. 23 Ed. 3. m. 9, 10. Dorſ.

The Truce with France *prolong'd for a year.*

The time of the Truce of *Calais* being near expiring, [6] upon the Pope's ſending Commiſſioners either to prolong it, or to treat about a final Peace, the former was accepted for ſix Weeks; which Term being ended, [7] the Ambaſſadors on both ſides met between *Guiſnes* and *Calais*, and agreed to another Truce to begin on the thirteenth of *November*, and continue to the firſt of *September* 1349. and how it was then prorogued the year following, you will find hereafter: and indeed this was a very proper time for the Pope's Interceſſion, for both Kingdoms were now ſo drain'd of Mony by the late War, that they needed a Recruit before they could begin it again. Indeed *France* deſired this Truce upon a much more fatal occaſion,

4 But the ~~[illegible]~~ such those commissions were issued out under the great Seals of both these Princes and that the Plenipotentiaries were ~~by~~ them by appointed to treat ~~on the Articles~~ concerning for a final Peace, yet I do not find they ever met for that purpose; so that no agreement was [illegible] a continuation of the Truce was agreed on. vid: ~~Rs. Col.~~ the [illegible] on the French King's part in Rs. Col. p. 644. 645. on K. Edward's [illegible] 22 Ed. 3. m. 8. Rs. Col. [illegible]

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caſion, *viz.* the great Plague that then afflicted *Europe*, and had now ſeiz'd that Kingdom; but the reſt of this year in *England* [1] was chiefly taken up in Sports and Tourneaments at *Weſtminſter* in the *Eaſter* Holydays, as alſo about Midſummer at *Windſor*, where *David* King of *Scots* was preſent, being held by King *Edward* himſelf, and the reſt of the Nobility, with great expence in Habits, Armor, and other Warlike Acoutrements. To ſay ſomewhat of *Scotland*, this Summer the [2] *Scottiſh* Nobility made a Propoſal to King *Edward* to redeem their King from his Captivity; to whom He return'd this Anſwer, That foraſmuch as they in defiance of the Truce had unjuſtly made War upon Him in his Abſence, He expected they ſhould firſt give Him ſatisfaction for all thoſe Injuries and Damages they had done to Him and his Realm in that War; and this done, they might proceed to the buſineſs of the Ranſom. But tho' this Anſwer was but reaſonable, yet it was ſo diſtaſtful to the *Scots*, that upon the firſt notice of it, they roſe ſuddenly, and in conſiderable Bodies enter'd the Marches of *England*, where they ravaged the Country, fired Villages, ſlew poor People without mercy, and took many ſleeping in their Beds, whom they carry'd away priſoners, and ſet unreaſonable Ranſoms upon them. Then the *Engliſh* Lords of the Marches, ſeeming to wink at theſe things, proclaim'd a Solemn Tourneament to be held at *Berwick*, thereby to entice the *Scots* again within the *Engliſh* Pale; who coming accordingly in their wonted Bravery, were many of them cut ſhort in the way by a good Body of *Engliſh* Borderers, who diſcomfited them, and put ſeveral of them to the Sword; and preſently after, in proſecution of this Revenge, the *Northern* Lords went into *Scotland*, and ſpoiled and ravaged the County of *Carrick*. ✱

The King ſpends the reſt of the year in Tourneaments.

The Scottiſh *Nobility make a Propoſal for the Redemption of their King, with K.* Edward's *Anſwer to it.*

The Scots, *diſpleas'd at the King's Anſwer, enter* England *and ſpoil the Country, but are repuls'd.*

✱ as to foreign affairs I find nothing more to have happened worth noteing, only that about the [illegible] year, [illegible] a final Peace concluded between the King and the Earl of Flanders [illegible] s. before. the Articles of this peace you may find in Rot. Franc. 22 Ed 3. m. [illegible] col. [illegible]

The reſt of this Year paſſed pretty quietly, inſomuch that our [3] Author takes notice, that Peace being now ſettled, *England* gloried in the ſpoils of *France*; ſo that there was ſcarce any Woman of Condition but could ſhew ſome rich Furs and foreign Furniture, and our *Engliſh* Dames began now to pride themſelves in the Faſhions of the *French* Ladies; and then Luxury increaſing, fine Table Linnen, Gold and Silver Plate, and Jewels were ordinarily ſeen in the Houſes of private Perſons.

The great Plenty and Luxury of the Engliſh *at this time.*

And indeed the Vanity of our Women was then very great, if what [4] *Knighton* relates of ſome of the Ladys of that time be true, that they were ſo fond of Tourneaments, that it was ordinary for them to ride forty or fifty in a Troop to theſe Aſſemblies; and having more Beauty than Diſcretion, went dreſs'd like Men, in Partycolour'd Coats, with ſhort Hoods about their Heads, and Girdles embroider'd with Silver (at which hung Daggers) about their Waſts; and thus they rode upon choice and well-furniſh'd Horſes from one Tourneament to another, waſting their Eſtates and loſing their Reputation. This I take notice of, that the Reader may not believe that exceſſive Confidence and Vanity among the Female Sex have only been in faſhion ſince this preſent Age. But God had provided a ſevere Scourge for the Luxury that now reigned in this Nation: for the laſt [5] year a Plague began in the North parts of *Aſia*, and ſpreading it ſelf Southward, never ceas'd, till paſſing thro' *Greece* it arriv'd in *Italy*, and going from thence into *France*, made ſuch quick diſpatch, that [6] about the beginning of *Auguſt* it came over hither, and be-

The Vanity of the Women, and their extreme fondneſs of Torneaments.

A Plague begun in Aſia, *which ſpreading all over* Europe, *at laſt comes into* England.

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[1] Stow p. 245.

[2] H. K. Col. 2597.

[3] T. W.

[4] Col. 2597.

[5] Mezeray ad hunc An.

[6] Stow ibid.

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beginning in the Towns on the Weſtern Coaſts, from thence advancing to *Briſtol*, and ſo to *Glouceſter*, it got to *Oxford*, and about the beginning of *November* reached *London*, where it made a ſtrange deſolation not only among the common People, but alſo thoſe of better Quality; ſo that a vaſt number of them dy'd this Autumn, and the Summer following, as you will find more particularly hereafter. ^

^ The [illegible] [illegible] the first thing that occurs upon ye Rolls in the beginning of the next year is, that the Parliament that was summoned to meet on Monday after the Feast of St. [illegible] was now prorogued by the King's Writ dated June 1. to ye Quinzen of Easter & then ~~the [illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~and not to meet~~ till ~~further notice~~. vid: Rot: 22. 23. Ed. 3. in 3 D. ~~et in 1. g~~ et R¹. vol: p. 655. ~~658~~.

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[1] MS. Chron. in Col. S. Ben.

[2] T. W. Froiſ. c. 150. *The Lord* De Charny *tampers with the* Governor *of* Calais, *to betray that Place.*

King *Edward* had hardly time to [1] keep his *Chriſtmas* at *Havering* in *Eſſex*, before He was call'd into *France* on this occaſion. Some time after the prolonging of the late Truce was thus agreed on, [2] the Lord *Geoffry de Charny*, who was at that time at *St. Omers*, and commanded in Chief over the *French* Forces in *Artois* and *Picardy*, thinking it would be no great fault to ſurprize the Town of *Calais* during the Truce, held private Intelligence with Sir *Americ de Pavia*, who (as I have already ſaid) was left Governor of the Caſtle by King *Edward*, to betray the ſame to the *French* for twenty thouſand Crowns in Gold; but ſome time before it was to be executed, King *Edward* had ſecret Intelligence of this Treachery (as ſome ſay) from the Governor himſelf; or, as *Froiſſart* relates, from ſome other hand: but which way ſoever it was, Sir *Americ* came privately over to the King, and acquainting Him with the Deſign, promis'd to carry on the Treaty under-hand, and to make as if he would deliver up the Town at the time appointed, being the laſt day of *December*. But juſt before that day, [3] the King with his Son the Prince, having choſen out three hundred Men at Arms, and ſix hundred Archers, and ſent them away forthwith to *Dover*, and there All going on board arriv'd at *Calais* that night, and lodg'd Himſelf and his Men in the Caſtle, letting no body in the mean while go out of the Town to give notice to the *French* of his Arrival. In the mean time the Lord *Charny* began to march from *Arras* to *Calais*, and arrived before it about twelve of the Clock at night; then waiting there ſome time, till all his Men were come up, when he had put them in Order, he ſent two of his Eſquires to the Caſtle to know of the Governor, if it were time to ſend to receive it; who ſaying, Yes, they returned with this Anſwer to their Maſter, who advancing forward paſſed over [4] *Newland* Bridg with all his Forces: but he had ſent a little before twelve Knights and an hundred Men at Arms, under the Command of Sir *Edw. Ranty*, to take poſſeſſion of the Caſtle, with the twenty thouſand Crowns in Gold, which was to be the Price of the Treaſon; and in the mean while the *French* General hover'd not far off in the Field with great ſilence, expecting till his Men had ſeiz'd the Caſtle, and then to enter the Town. But the Governor having let down the Bridg of the Poſtern, permitted the hundred *French* Men to enter, and having receiv'd the twenty thouſand Crowns from the Commander, he carry'd the Men into the great Tower of the Caſtle to take poſſeſſion of it; but as ſoon as the Gate was open'd, they found K. *Edward* with two hundred Men, who ran upon them with their naked Swords and Battle-Axes in their hands; whereupon the *French* Men ſeeing they were maſter'd, yielded themſelves priſoners, and were preſently lock'd up in the Dungeon underneath the Tower. This done, the King with the Prince his Son having mounted their Horſes, went out of the Caſtle attended by his Archers and Men at Arms, and marched thro the Town to the Gate of *Bologne*, where (being *incognito* with

the

[3] Froiſ. c. 151. *Upon intelligence of it the King paſſed over into Calais with Pr.* Edward *to prevent it.*

[4] In French *Pont de Millaiz.*

The French *permitted to enter the Caſtle, are all taken priſoners by the King: Who with the Prince marches out of the Town againſt the* French Forces, *that were drawn up without it.*

the Viſors of their Helmets drawn over their Faces) they met the Lord *Manny*, who ſtood there ready with a great many young Noble Men of *England*, and all the Soldiers and Men at Arms that could be ſpared from the Gariſon; then the King and the Prince putting themſelves as Private Volunteers under the Banner of the Lord *Manny*, marched out of the Gates to fight the Lord *Charny* and his Forces, who (as we have ſaid) ſtood ready without the Town, it being yet very early in the Morning.

But [1] ſo ſoon as the Lord *Charny* and his *French* Men perceived their Enemies thus coming out upon them, truſting in their numbers, and ſeeing it in vain now to retreat, they reſolved to fight it out; ſo that there began a cruel Battle upon the Cauſway and Bridg leading to the Town, where, to paſs by ſeveral turns and circumſtances of this Action, the King was in ſome danger, and once hard put to it, being engag'd with the Lord of *Ribemont*, a Strong and Valiant Perſon, by whom tho he was twice ſtruck down on his knees, yet that Lord was at laſt taken priſoner, as were alſo the the L. *Charny* and many other Knights and Men of Quality, the *French* Army being totally routed by the *Engliſh* Archers and Men at Arms; but the greateſt part of thoſe Forces ran away, and eſcaped with the Lord *Montmorancy*, and divers other *French* Noblemen; for the brunt of the Battle fell upon that part which was commanded by the Lord *Charny*, who being grievouſly wounded himſelf was taken priſoner, with divers *French* Knights and Perſons of Quality, beſides a great many common Soldiers.

The L. Charny *and the* French *make a vigorous defence, yet are at laſt worſted.*

The King in danger by the ſtrength and valor of the Lord of Ribemont.

This Victory was obtain'd, and the Fight over on the firſt of *January* by ten of the clock in the Morning, the King and the Prince, with divers of the Nobility, having behaved themſelves very gallantly; [2] and then they marched into the Town with all their Forces; and ſo ſoon as they were got into the Caſtle, the King commanded all the Priſoners to be brought thither, and put in ſafe cuſtody: and tho the Lord *Charny* was the main Contriver of this unfortunate Deſign, yet being ſo wounded that he was not able to go, the King ordered his own Chirurgeons to take care of him, which they did ſo effectually, that he was able to ſit at Supper the Night following amongſt the reſt of the Priſoners; and then it was they firſt knew, that the King and the Prince his Son had been both engaged againſt them, as Private Volunteers. [3] King *Edward* after he had taken the remainder of that day, as alſo moſt part of the next for his own repoſe, as well as that of his Noble Priſoners, kindly invited them to ſup with him the Night following in the Hall of the Caſtle, where he made them a ſplendid Entertainment, and received them with a gracious Countenance; and He himſelf being magnificently clad, ſat down alone at the upper end of the Room, the Prince his Son and the Chief Lords carrying up the firſt Courſe; but when that was done, He made them all ſit down by him on each ſide, whilſt the *French* Lords and Officers were entertain'd at a long Table in the midſt of the Hall, and ſeeming at leaſt to be merry, put the beſt Countenance they could on ſo ſad an occaſion. Preſently after Supper, the King being bareheaded, except a rich Circlet of Gold about his Head, beſet with *Orient* Pearls, roſe up with ſome of his Chief Lords, and went to

diſcourſe

The King's generous uſage of the L. Charny, &c.

The great Entertainment he made for them.

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[1] Id. ib.

[2] Id. c. 152.

[3] Id. ib.

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diſcourſe with the *French* Noblemen: when he came to Sir *Geoffry Charny*, He changed Countenance a little, and beheld him with a frown, and ſaid to this effect: *My Lord, I owe you but ſmall thanks, ſince you deſigned to ſteal that from me by night, which I fairly won by day; and indeed it would have been too good a Bargain in Conſcience to have bought that for twenty thouſand Crowns, which coſt me ſo much Blood and Treaſure; but God has diſappointed your Deſign, and of his Mercy given me the Victory.* The Lord *Charny*, either being aſhamed of his late Action, or diſpirited by his wounds and misfortune, anſwered not a word. So the King turn'd away, and went to the Lord *Euſtace de Ribemont*, where he made a ſtand, and with a ſmiling Aſpect, made him a very obliging Complement to this effect: *That He looked upon him as one of the ſtouteſt and ableſt Men living, as well to offend his Enemies as defend himſelf; and that He* (*viz.* the King) *had never been ſo hard put to it in his Life:* And therefore as a perpetual token of his Valor, he took off the Chaplet from his own Head, and put it upon this Lord's, charging him to wear it for his ſake in all publick Meetings and Solemnities; which being the greateſt Honor that could be confer'd by ſo Great a King on ſo Valiant a Warior, it is not to be doubted, but he always punctually obſerved. I have taken notice of theſe Paſſages, as well to divert as inſtruct the Reader, that he may obſerve not only the Martial Genius of that Age, but alſo the generous Temper of this Prince, who would own and reward true Valor, even in an Enemy.

The King's Speech and noble Preſent to the Lord De Ribemont.

But to return to matters of greater importance: The [1] King before he left *Calais*, turn'd Sir *Americ de Pavia* out of the Caſtle, and put the Lord *Beauchamp* in his room; for tho what the late Governor had done had proved for his advantage, yet He did not know but he that would perjure himſelf to an Enemy, might at one time or other do the like to his Prince; and the *French* [2] Hiſtorians tell us, that their King was ſeverely revenged upon him ſome time after: for being taken by certain *French* Men about *St. Omers*, he was firſt degraded of his Knighthood, and then, his Tongue being cut out for his Perjury, hanged and diſmember'd as a Traytor. When the King had ſettled his Affairs on that ſide the Water, He returned into *England* with the Chiefeſt of his Priſoners, and was received with great Joy and Triumph at *London*.

Sir Americ de Pavia *is diſmiſſed from being Governor of the Caſtle of* Calais, *and why.*

What the King did the reſt of this year after his return, our Hiſtorians give us no perfect Account, and therefore I ſuppoſe little happen'd worth noting; but that the [3] Parliament it ~~ſummon'd to meet~~ on the *Quindene* of *Eaſter* (which fell out on the twenty third of *April* this year) was ~~twice~~ again prorogued, which was [illegible] sine die and not to meet till further notice. becauſe of the Plague that raged ſtill in *England*, to the deſtruction of a great many People of all Qualities, tho chiefly of the meaner ſort, who periſhed not only in *London*, but in moſt of the Cities and Towns in *England*; for the particular Account of which I refer the Reader, who deſires to look into ſuch melancholy Relations, to our Author [4] *Henry de Knighton*, as alſo to *Stow's* Chronicle: but to paſs to ſomewhat more diverting.

The Plague raging in England, *the Parliament is prorogued.*

I am ſorry that I cannot agree with the Learned [5] Mr. *Aſhmole's* Account, who fixes the firſt Inſtitution and Feſtival Solemnity of the moſt Noble Order of the Garter to the twenty third of *April* this Year: For

[1] Rot. Franc. 22 Ed. 3. m. 1.

[2] Du Cheſne. Mezeray.

[3] Rot. Clauſ. 22 Ed. 3. ~~par 2~~ m. 7. Dorſ. ~~& Ib. m. 3. Dorſ.~~

[4] Col. 2599. ad hunc An.

[5] Hiſtory of he Garter, . 185.

For I confeſs [1] Dr. *Brady*'s Objections againſt the holding of this Feaſt this Year are very conſiderable, ſince it appears by the ſaid Writs abovemention'd, that the Parliament being prorogued by reaſon of the Peſtilence, it is not likely the King would then ſend Heralds to almoſt all the Kingdoms of *Europe*, to invite all Noble Perſons who delighted in Martial Exerciſes, to ſhew their Skill and Strength in tilting at this Solemnity; however, the Model of this famous Order might be then contriv'd, and the main Rules of it agreed on, tho the Feſtival Solemnity of it was not celebrated until the next Year. I ſhall ſay no more of this Glorious Order, but refer the Reader to the Author abovemention'd, who hath wrote a moſt elaborate Work concerning it; and therefore ſhall only obſerve, that the end and deſign of this Inſtitution was truly Noble and Generous, being worthy of that Great Prince who contriv'd it: For it was not only to adorn Martial Vertue by ſplendid Robes and rich Jewels, but alſo to engage them by a ſolemn Oath before God to preſerve and confirm Fidelity, Honour and Courage in the minds of thoſe that were then admitted into it; which Vertues were juſtly look'd upon as the nobleſt Badg and Diſtinctions of all Military Men, and by a ſtrict Obſervation and Performance whereof they could only acquire a great and real Reputation; when not to act juſtly, valiantly and faithfully, was then eſteemed the greateſt Blemiſh and Diſhonour imaginable: And I wiſh that the like worthy Sentiments may ever continue fixed in the Hearts of all the Companions of that Noble Order.

Mr. Aſhmole.

I find nothing elſe worth the noting this Year in domeſtick Affairs; but as for Military, if [2] *Knighton* may be credited, the *Scots* were ſo far from being terrified by the late dreadful Mortality in *England*, that they rather inſulted it, looking upon it as a particular Judgment on the *Engliſh*; and hoping to gain ſome conſiderable Advantage thereby, invaded the North Borders with a great Force; but before they could make any conſiderable Progreſs, a terrible Plague fell among them (I ſuppoſe got by Infection in the Places where they quarter'd) inſomuch that ſeveral thouſands of them died in a ſhort time, at which being terrified, they made all the haſte home they could; but being overtaken by a ſtrong Body of the *Engliſh* Militia, they were totally routed, and a great number of them ſlain: and the reſt that eſcaped carried home the Plague into their own Country, where it raged to as great a degree as it had done in other Places.

The Scots *invade* England *during the Plague, but being infected with it, many die, &c.*

I ſhall now give a ſhort account of the Deceaſe of ſeveral Perſons of note, that died of this Sickneſs: [3] for beſides the Lords *Wake* and *Faukonberg*, with ſome other Barons, there deceaſed no leſs than three Arch-Biſhops of *Canterbury* within one Year, *viz.* The firſt was [4] *John Stratford*, a Prelate of great Learning and Conſtancy; the ſecond *John Ufford*, the King's Chancellor, a Perſon of a Noble Family, who yet cannot properly be reckon'd in the Catalogue of Arch-Biſhops, becauſe being only ſo Elect, he died within ſix months after it, without ever being conſecrated; and was ſucceeded by *Thomas Bradwardin*, called for his deep Knowledg in Divinity, Mathematicks, and other Sciences, *Doctor de Profundis*, who died of the Plague within two days after he came to *London*, and within five

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[1] Comp. Hiſt. Vol. 2. p. 247.

[2] Col. 2600.

[3] Dug. Bar. Vol. 1. p. 541. Id. Vol. 2. p. 4.

[4] Godwin de Præſ. p. 136, 137.

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five weeks after his Conſecration by the Pope at *Avignon*. He was ſucceeded by *Simon Iſlip* Keeper of the Privy Seal, a juſt and politick Prelate, who held the See for many years after.

As to foreign Affairs, tho *France* had lately received great Misfortunes, yet this Year its Territories were augmented by the addition of a conſiderable Dominion to it; for [1] *Humbert* the laſt Prince or Dauphin of *Viennois* being tired out with the continual Attacks of the Duke of *Savoy*, and highly afflicted at the Death of his only Son, made over his Principality ſome Years ſince to the King of *France* for a Sum of Mony, upon condition that after his Deceaſe it ſhould be incorporated to the Crown of *France*, and that the King's eldeſt Son ſhould always bear the Arms and Title of *Dauphin*: and this Year he confirm'd the ſaid Contract, and then retiring to a Convent, profeſs'd himſelf a *Jacobin* Frier, and being immediatly ordain'd a Prieſt, was a few days after made a Biſhop by the Pope, under the empty Title of *Patriarch* of *Alexandria*. ^

[1] Mezeray ad hunc An. Humbert *Dauphin of* Viennois *reſigning his Principality, makes the Crown of* France *his Heir.*

^ I find no thing more relating to that Kingdom save y the Truce which had been continued untill the first of Septem: [illegible] renew'd and to continue untill the feast of Pentecost 1350 and in the mean while a final Peace was to be treated of before the Pope as an Arbitrator between both Parties: this Instrument being dated at the Kings Camp between Calais and Guisnes [illegible] 2. vid: Rot: Fran: 23 Ed: 3 m 8 et m. 9 et 21. Col:

Anno Dom. MCCCL.

In the beginning of this Year [2] the King received a pious Letter from the Pope, to exhort Him to a Peace and final Agreement with the King of *France*, putting Him in mind, that the late Peſtilence was ſent from God, as a Puniſhment for mens Sins: He therefore intreated King *Edward* to ſend his Ambaſſadors to *Avignon*, there to renew the Treaty that had been formerly begun before him. This bore date at *Avignon* on the fifteenth *Kal.* of *December*, or 17*th* of *November* the laſt Year.

[2] O. Raynold. ad An. 1349. *The King receives a Letter from the Pope, exhorting him to a final Peace.*

In purſuance of which Invitation, ~~tho neither of theſe Kings were willing to ſend any more Ambaſſadors to *Avignon*,~~ yet they agreed ſo far to comply with the Pope's Deſires, [3] that King *Edward* ſent over as his Commiſſioners, *William Bateman* Biſhop of *Norwich*, the Earls of ~~*Huntingdon*~~, *Suffolk* ^ Kent ~~and *Northampton*, with the Lords *Cobham* and *Bourchier*~~. Theſe being ^ arrived ~~at *Calais* in *Midlent*~~, treated with the Plenipotentiaries of *France* [illegible] ~~(whoſe Names are here needleſs to be recited) at *Boulogne*, where beſides the two Cardinals (ſo often mention'd) there alſo appear'd the Arch~~-Biſhop of *Laon* and the Abbot of *St. Denis*, ^ ~~to mediate matters between the two Kings; which was impoſſible to be compos'd; for the *French* Commiſſioners inſiſted upon no leſs than the Reſtitution of *Calais*, or elſe the raſing of it to the Ground, neither of which the *Engliſh* would admit of. Yet at laſt by the Prayers and Interceſſion of the Cardinals, it was agreed, that certain Commiſſioners from both Kings ſhould enter upon a Treaty of Peace, to be held from the time that this Treaty ſhould end, unto the Month of *September* following; by which, if then a final Peace could not be concluded, that the Crown of *France* ſhould be brought by the conſent of both Parties, to a certain convenient Place within that Realm, and there without any other Trial or Appeal, the Right thereof ſhould be decided by a pitch'd Battel. This Truce and Agreement was thus made on the tenth of *March* this Year; but the Conditions came to no effect, the whole Project being null'd on occaſion of the Death of King *Philip* of *Valois*, who died a Month before the limited time, of which we ſhall ſpeak further hereafter, and in the mean while all things continued in the~~ ſame ſtate.

[3] Rot. Fran. 23 E. 3. m. 7. 8. *On which the K. ſends over Commiſſioners to Calais, but without any effect.*

Yet the Truce is agreed to be prolong'd.

^ and others there named, where all that [illegible] they agreed upon, was to prolongue the Truce upon the same Terms with the former from ye 13th [illegible] to [illegible] of August ~~next~~ ~~expiring~~. and from thence for one whole year next ensuing. this Instrument being ~~date~~ certified ~~and~~ by the hands of John ArchBps of Ravenna & Brundusium the Popes nuntios appointed for yt purpose, bears date ye 10th of June 1350 Rot: Fran: 24 Ed: 3 m 1 &c Col: p. 572 to 776.

[illegible] Arundel with Bartholomew Burghersh his Chamberlayn, and other [illegible]
Secretaries &c. to be his special Envoys for yͤ purpose, who intended [illegible]
their Journey to his Holyness about Michaelmass, if they might be [illegible]
of their safe going to, & Return from him, and therefore the King
desires his Holynesse's letters of Safe Conduct. but this proposeal took no
effect by reason of the death of King Philip which happend not long after.
[illegible] Roma 24 Ed: 3. m. 1. vid: Rt: Col: p. 678.

Men at Arms, *English* and *Bretons*. [illegible] *French* Knight ſlew him, but that it was by Chance-medley: However, moſt of our Hiſtorians aver, 'twas done by Fraud, and not true Valour; and [3] one relates the matter thus, that the Sons of *Sabater* a Free-Booter, with ſome few others, having firſt laid a ſtrong Ambuſh in the adjoining Woods, paſſed openly that way, as deſigning to forage thereabouts. Of theſe Prolers Sir *Thomas Dagworth* (who was then the King of *England*'s, or rather the young Duke of *Bretagne*'s Lieutenant in thoſe Parts, and lay in the Caſtle of *Auray*) having notice, with only ſixteen men in his company purſued theſe Robbers, who fled on purpoſe toward their Ambuſh: whereupon he enter'd the Wood after them, and there being ſurpriz'd, tho he ſlew a great many of them, yet having received ſeveral Wounds upon his Face and Body, and loſt all his men, who died reſolutely by his ſide, he himſelf was at laſt thruſt thro the Body with a Spear, and ended his Life, as he had all along maintain'd it, with great Honour, having a few years before been made a Baron by the King.

The Miſtake of the French Writers concerning his Name.

Froiſſart, and from him moſt of the *French* Writers, calls this Gentleman *Dangorn*, or *Dagorne*, which Corruption (I ſuppoſe) proceeded from the *French* Pronunciation; for they neither admitting *w* nor *th* in their Language, could no otherwiſe pronounce his Name, or write it.

so that all I can find to have been done towards the [illegible] of a
Treaty of Peace before the Pope (in persuance of the Agreement of the
first Truce) was, that King Edward in a letter to him, dated the [illegible]
July this year having recited the late Truce, made at his Instance, and
out of Reverence to the Apostolic See, offers, that during its con-
tinuance to send Solemn Ambassadors to his Holyness's presence
there to treat of a final Peace between him, and the Lord Phil-
ip de Valois. and therefore being willing to fulfill [illegible]
on his part, he thereby appoints [illegible]
Bp: of Norwich — Henry Earl of Lancaster [illegible] nard)

p.247. ib.

they would then come out and fight him. Hereupon he granted them a Truce for four days; but on the fifth, when he ſaw they would not fight according to their Promiſe, he ſet fire to the Suburbs, and ſo returned, having ſpoil'd the Country round about to the great terror of the Inhabitants. Soon after King *Edward* himſelf prepared to make a Voyage into *France*; but the Earl of *Lancaſter* returning in the mean while out of *Gaſcoigne*, ſignified to Him, that according to the extent of his Commiſſion, he had at laſt concluded a further Truce; ſo that Deſign was laid aſide. *Knighton* places this

The Earl concludes a Truce for a time.

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[2] 2 Vol. 153.

[3] H. K. Col. 2602.

An[no Dom.]
MCC[C]

Me
hunc
Huml
phin o[f]
nois
his P[...]
ty, makes the Crown of France his Heir.

x I find nothing more relating to that Kingdom save y^e^ the Truce which had been continued untill the first of Septem: [illegible] renewed and to continue untill the feast of Pentecost 1350. and in the mean while a final Peace was to be treated of before the Pope as an Arbitrator between both Parties. this Instrument [illegible] at the Kings [illegible] between Calais [illegible] 2. Frans: 23. E 3. et m. 9 Col:

[illegible] the King of France for a Sum of Mony, upon condition that after his Decease it should be incorporated to the Crown of *France*, and that the King's eldest Son should always bear the Arms and Title of *Dauphin*: and this Year y he confirm'd the said Contract, and then retiring to a Convent, profess'd himself a *Jacobin* Frier, and being immediatly ordain'd a Priest, was a few days after made a Bishop x by the Pope, under the empty Title of *Patriarch* of *Alexandria*. x

Anno Dom. MCCCL.

a O. Raynold. ad An. 1349. *The King receives a Letter from the Pope, exhorting him to a final Peace.*

In the beginning of this Year a the King received a pious Letter from the Pope, to exhort Him to a Peace and final Agreement with the King of *France*, putting Him in mind, that the late Pestilence was sent from God, as a Punishment for mens Sins: He therefore intreated King *Edward* to send his Ambassadors to *Avignon*, there to renew the Treaty that had been formerly begun before him. This bore date at *Avignon* on the fifteenth *Kal.* of *December*, or 17*th* of *November* the last Year.

b Rot. Fran. 23 E. 3. m. 7. On which the K. sends over Commissioners to Calais, but wi[...] eff[...]

In pursuance of which Invitation, ~~tho neither of these Kings were willing to send any more Ambassadors to Avignon~~, yet they agreed so far to comply with the Pope's Desires, b that King *Edward* sent over as his Commissioners, *William Bateman* Bishop of *Norwich*, the Earls of *Huntingdon*, *Suffolk* ~~and Northampton, with the Lords Cobham and~~ K[...] x ~~and~~ Kent ~~Huntingdon~~, ~~Bourchier~~. These being arrived at ~~Calais in Midlent~~ near [illegible], treated with

x and others there named,

Te[...]
is [...]
pr[...]

that [illegible] agreed upon, prolongue the Truce upon the same Terms with the former from untill the 1[illegible] of August next ~~expiring~~. and from thence for one whole year next ensuing. this Instrument being certified by the Popes nuncio's of [illegible] and John ArchB^ps^. of Ravenna & Brundusium the Popes nuncios [illegible] for y^t^ purpose, bears date y^e^ 10^th^ of June 1350. Rot: Franc: 24 E: 3. m. 1[illegible] Col: p. 692. to 776.

[illegible] Consent of both Parties, to a certain convenient Place within that Realm, and there without any other Trial or Appeal, the Right thereof should be decided by a pitch'd Battel. This Truce and Agreement was thus made on the tenth of *March* this Year; but the Conditions came to no effect, the whole Project being null'd on occasion of the Death of King *Philip* of *Valois*, who died a Month before the limited time, of which we shall speak further hereafter, and ~~in the mean while all things continued in the~~ same state.

Anno Dom.
MCCCL.

But in *Bretagne*, notwithſtanding this Truce, the War was ſtill carried on between the two Ladies, the Counteſſes of *Blois* and *Montfort*, with various ſucceſs, and ſometimes very unfortunate to the *Engliſh*: For [1] this Summer Sir *Thomas Dagworth*, who had formerly perform'd ſuch great things in that Country, was unhappily kill'd, tho our Hiſtorians differ about the manner as well as the time of his Death. [2] *Froiſſart* relates, he was fairly fought with by Sir *Ralph de Cahors*, who had ſixſcore Men at Arms in his Company, before the Caſtle of *Auray*, where were alſo ſlain with him a hundred Men at Arms, *Engliſh* and *Bretons*. *Fabian* ſays indeed, the ſame *French* Knight ſlew him, but that it was by Chance-medley: However, moſt of our Hiſtorians aver, 'twas done by Fraud, and not true Valour; and [3] one relates the matter thus, that the Sons of *Sabater* a Free-Booter, with ſome few others, having firſt laid a ſtrong Ambuſh in the adjoining Woods, paſſed openly that way, as deſigning to forage thereabouts. Of theſe Prolers Sir *Thomas Dagworth* (who was then the King of *England*'s, or rather the young Duke of *Bretagne*'s Lieutenant in thoſe Parts, and lay in the Caſtle of *Auray*) having notice, with only ſixteen men in his company purſued theſe Robbers, who fled on purpoſe toward their Ambuſh: whereupon he enter'd the Wood after them, and there being ſurpriz'd, tho he ſlew a great many of them, yet having received ſeveral Wounds upon his Face and Body, and loſt all his men, who died reſolutely by his ſide, he himſelf was at laſt thruſt thro the Body with a Spear, and ended his Life, as he had all along maintain'd it, with great Honour, having a few years before been made a Baron by the King.

The War carried on in Bretagne *with various Succeſs.*

[1] Chron. Rob. Aveſ.

The Defeat and Death of Sir T. Dagworth *variouſly related.*

[2] 2 Vol. 153.

[3] H. K. Col. 2602.

Froiſſart, and from him moſt of the *French* Writers, calls this Gentleman *Dangorn*, or *Dagorne*, which Corruption (I ſuppoſe) proceeded from the *French* Pronunciation; for they neither admitting *w* nor *th* in their Language, could no otherwiſe pronounce his Name, or write it.

The Miſtake of the French *Writers concerning his Name.*

Nor was the Truce much better obſerv'd in *Gaſcoigne*: for the [4] Earl of *Lancaſter*, then Lieutenant General of that Province, having received great Provocations from the *French* by ſeveral hoſtile Actions, was reſolved no longer to endure it; and therefore being accompany'd by the Lord *Stafford* and divers other Noblemen, he marched with an Army of about thirty thouſand men into the *French* Territories, and [5] meeting with no Enemy able to reſiſt him, in about ten days time he took more than forty Towns and Caſtles, and with Fire and Sword ſpoil'd the Country for above forty *French* Miles Southward; and at laſt he came to *Tholouſe*, which he ſummon'd either to ſurrender, or come forth and give him Battel. To which the chief Commanders within returned anſwer, that if he would ſtay five days, they would then come out and fight him. Hereupon he granted them a Truce for four days; but on the fifth, when he ſaw they would not fight according to their Promiſe, he ſet fire to the Suburbs, and ſo returned, having ſpoil'd the Country round about to the great terror of the Inhabitants. Soon after King *Edward* himſelf prepared to make a Voyage into *France*; but the Earl of *Lancaſter* returning in the mean while out of *Gaſcoigne*, ſignified to Him, that according to the extent of his Commiſſion, he had at laſt concluded a further Truce; ſo that Deſign was laid aſide. *Knighton* places this

[4] Stow, p. 247.

The E. of Lancaſter *being provok'd by the* French, *marches into their Territories, and takes ſeveral Towns and Caſtles.*

[5] H. K. ib.

The Earl concludes a Truce for a time.

Anno Dom. MCCCL.

Action, as well as ſome others that follow it, under the preceding Year; yet beſides all other Writers putting it under this, it appears it could be no otherwiſe by his own Relation: for he makes this Action to have bin perform'd the ſame Year with the Jubilee at *Rome*, which (as he himſelf preſently after ſhews) was celebrated this very Year.

[1] Hiſt. de Bret. p. 301.

Several Combats in Bretagne, *notwithſtanding the Truce.*

[1] But tho the War ceaſed for a time in *Bretagne*, between the two Kings, yet did not the Animoſity between the Nations, for ſeveral ſet Combats were appointed, and ſought by certain Champions on both ſides, of which it may not be amiſs to give you one Inſtance of many. The Lord *Beaumanoir* being much provok'd at the Incurſions which Sir *Richard Bramber* an *Engliſh* Governor had made upon his Quarters, challeng'd him to fight thirty men againſt thirty, at a certain Day ſtated; upon which they met, and fought with great obſtinacy, till at laſt Sir *Richard Bramber* being ſlain, it ſo diſcouraged his Companions, that the *Engliſh* were worſted, and moſt either kill'd or taken Priſoners, tho they behav'd themſelves very gallantly, eſpecially two Knights, *Knolles* and *Calverly*, and an Eſquire called *Craucort*. This Combat was ever afterwards reckon'd ſo famous, that it was called the Battel of *the Thirty*.

[2] T. W. H. K. Col. 2602.

The Spaniards *infeſting the Narrow Seas, K.* Edward *ſets out a Fleet againſt them.*

[3] MS. Chron. Col. S. Ben.

Yet the moſt remarkable Action which happen'd this Year in relation to *England*, was That perform'd by the King Himſelf at the beginning of the Summer, in a Fight at Sea: [2] For the *Spaniards* being now by the *French* Artifices fallen out with *England*, had, under the Conduct of *Charles de la Cerda* their Admiral, enter'd the *Britiſh* Seas with a Fleet of forty Men of War, where meeting certain *Engliſh* Merchants that then lay in the Harbour of *Sluice* laden with Wines (lately brought from *France*) the *Spaniards* fell upon them, and either took or ſunk them all; and beſides this did many other Miſchiefs to the *Engliſh* Merchants upon the Coaſts of *England* and *France*. Upon notice of which the King being very much incens'd, preſently got ready a good Fleet of about fifty Men of War, beſides ſmall Veſſels, and [3] was attended by his Son the Prince of *Wales*, and the Earls of *Warwick*, *Northampton* and *Salisbury*, with divers others of the braveſt Barons of *England*; who with their Retinues made a conſiderable Force, beſides the King's own Archers and Men of Arms. He took ſhipping at *Sandwich*, and preſently ſail'd out to encounter the *Spaniards*; and on the nine and twentieth of *Auguſt* in the morning they met with them in their return near *Winchelſea*; and then began a cruel Fight between the two Fleets: Tho the *Spaniſh* Ships being higher built, had at firſt ſome advantage, by the ſhooting of Arrows and caſting other things upon their Enemies; yet by the force of the *Engliſh* Archers, who ſhot ſo thick upon the *Spaniards*, that they could ſcarce ſtand on the Deck, as alſo by the Bravery of the *Engliſh* Seamen and Men at Arms, when they came once to grapple and board the *Spaniſh* Ships, they had ſoon the better of them. The Fight laſted from Morning till dark Night, when they were forc'd to caſt Anchor, expecting a new Engagement the next day: But to avoid this, the *Spaniards* thought it beſt for them to ſail off in the night, and leave ſeventeen, or, as others relate, above twenty Ships in the hands of the *Engliſh*, who loſt no Perſons of note, but only Sir *John Goldesborough*, a young Knight of great Valour, and comely Shape, and who was no leſs lamented

The Spaniſh *Fleet defeated, and* 17 *of their Ships taken.*

by the King than he was by the Prince his Son, to whom he was very dear, as being about the ſame Age with him, and had the ſame warlike Inclinations. Thus did this Great Prince ſeek all Occaſions, as well by Sea as Land, to expoſe his Perſon, not only to get Glory, of which He had enough already, but to defend the Nation from foreign Enemies, that would have inſulted it; and He ſeems ſo much to have valued Himſelf on that account, that on the firſt Pieces of Gold He ever coin'd, we find his Figure repreſented in the middle of a Man of War, with a drawn Sword in his Hand.

Anno Dom. MCCCL.

A little before the Sea-fight, [1] *Philip* King of *France* deceaſed on the twenty ſecond of *Auguſt*, after He had been not much above a Year married to the Daughter of the King of *Navarre*, a young Lady with whom he was much taken, tho perhaps it did not very well agree with his Age and Conſtitution. On his Death-bed He gave very good Advice to his Son, and the reſt of the Princes of the Blood, as that they ſhould preſerve Concord among themſelves, and make a Peace, if it could be obtain'd; to obſerve good Order and Juſtice, and to eaſe the People in their Taxes, with other excellent things, which Princes on their Death-beds do more often recommend to their Succeſſors than practiſe themſelves in their own life-times. This Prince was very brave in his own Perſon, yet more fortunate in Treaties than in Battels: He was very ſevere to his People, ſuſpicious, revengeful, and often ſuffer'd himſelf to be too much tranſported by his Paſſion. This is a modern *French* Hiſtorian's Character of Him, which being very juſt, I have tranſlated without ſcarce altering a word.

[1] Mezeray ad hunc An.

The Death of Philip *King of* France, *with his Character.*

He was ſucceeded by his Son *John* Duke of *Normandy*, who not long after his Acceſſion to the Throne appointed certain Commiſſioners to treat with thoſe of King *Edward* for confirming the Truce lately made between the two Crowns, as appears by a [2] Commiſſion ſtill upon Record, bearing date the 25*th* of *November*; as alſo by another Record on the ſame Roll, that this Truce was again continued till the Feaſt of Pentecoſt in the Year 1356.

He is ſucceeded by his Son Duke John, *who confirms the late Truce.*

[2] Rot. Fran. 24 Ed. 3. m. 24 vid. Rd. C
p. 296.

As for Eccleſiaſtical Affairs, the moſt conſiderable was, that [3] Pope *Clement* the Sixth, that He might ſee a Jubilee in his own time, and alſo gain a good Sum of Mony by the Indulgences then to be granted, (being the fiftieth from the firſt Jubilee inſtituted by Pope *Boniface* the Eighth) ordain'd another to be celebrated at *Rome* on the 25*th* of *March* this Year, and ſo for every fifty Years for the time to come. But [4] King *Edward* wiſely foreſeeing, that a great Sum of Mony was like to be drawn out of the Nation by ſo many People's flocking to *Rome* upon the account of Indulgences, expreſly forbad all Perſons from going thither.

[3] O. Raynold. ad hunc An.

The Pope holds a Jubilee, and reduces it to 50 Years.

[4] H. K. Col. 2601.

K. Edward *forbids his Subjects going to it.*

When [5] the Pope underſtood this, He ſent his Nuncios to the King, deſiring of Him, firſt, that He would not hinder the Paſſage of thoſe who ſhould viſit the Places of the Holy Apoſtles: Secondly, that He would obſerve the Truce, and that the Earl of *Lancaſter* might not act any Hoſtilities in *Aquitain* to the hindrance of thoſe who deſired to viſit the Holy Places; and laſtly, that He would not hinder thoſe, who were promoted by his Bulls at the Court of *Rome*, from receiving Benefices. To the firſt Article it was anſwered, that the King being buſied in his Wars, did therefore want to be aided with what was

[5] Id. ib.

The Pope ſends his Nuncios to the King, deſiring him to take off that Prohibition, with the King's Anſwer.

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was his own, and that it was neceſſary to preſerve the Treaſure of his Kingdom, leſt while the War continued, it ſhould be exported out of the Realm to the prejudice of Him and his Subjects: And further as to this point, the King cauſed it to be proclaim'd, that all *Engliſh*-men, both at *Rome* and other Places beyond Sea, ſhould make haſte to return home ſo ſoon as might be, on pain of forfeiture of Life and Goods. As to the ſecond Article, relating to the Truce, it was anſwered, that the King of *France* had often acted Hoſtilities during the Truce upon the Lands of the King of *England* treacherouſly, to the deſtruction of his People, and contrary to the Conventions contain'd in the ſaid Truce. And as to the third Article concerning the *Proviſors*, it was anſwered, that the King would graciouſly receive all Clergymen making uſe of the Papal Proviſion, who were of good capacity, and worthy of Promotion, but not others. And with this Anſwer the Pope's Nuncios return'd, without doing any thing conſiderable in the buſineſs for which they came.

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Ld Lionel *begins the Parliament in the King's abſence, who being returned, Sir* W. Shareſhal *declares the cauſe of their Meeting.*

The King toward the end of the laſt Year having need of the Advice of his Parliament, [1] had on the five and twentieth of *November* before iſſued out his Writs for one to meet on the Octaves of our Lady's Purification; and from [2] thence, becauſe many of the Lords were not yet come up to Town, it was adjourn'd until Friday the 15th of *February* following, at which day the Lord *Lionel*, the King's Son, with many Noblemen, being aſſembl'd in the painted Chamber, the King's Commiſſion was read, authorizing him to hold the Parliament during his Majeſty's Abſence, who it ſeems was now gone upon ſome Progreſs or Expedition, which our Hiſtorians do not mention. Then the Parliament was again adjourn'd till Tueſday following, when the King being return'd, they again aſſembl'd. Sir *William de Shareſhal* the Lord Chief Juſtice, in the preſence of the King, Lords and Commons, declar'd that the cauſe of their Summons was, firſt, becauſe the King, having in the two and twentieth Year of his Reign held a Parliament, was then hinder'd from continuing it, as alſo from calling another, by reaſon of the late dreadful Plague, until this time: Alſo that the buſineſs of his Wars required their concurrence, becauſe the Peace was not punctually obſerv'd, and many domeſtick Matters were likewiſe to be taken into conſideration, for that Labourers refuſed to do their Service at the reaſonable and uſual Rates; and laſtly, becauſe the Treaſure of the Realm was exported. The Cauſes of the Parliament being thus opened, the King by the ſaid Chief Juſtice commanded the Commons to conſider and adviſe what was beſt to be done to redreſs theſe Evils.

The Statutes of Labourers and of Proviſors *now made.*

In obedience to which, and for the remedying of exceſſive Wages of Labourers, and all ſuch Artificers, there was then enacted that remarkable Statute, entitul'd *de Servientibus*, of the five and twentieth of this King, which the Reader may find in our printed Statute-Books, tho it be now obſolete: And it was then alſo enacted, that every man that purchaſeth any Proviſions of Abbies or Priories in the Court of *Rome*, both he and his Executors, *&c.* which do ſue and make Execution of ſuch Proviſions, ſhall be out of the King's Protection; and that a Man may do with them as with Enemies of the King and his Realm.

Beſides

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[1] Rot. Clauſ. 24 E. 3. m. 3.

[2] Rot. Parl. 25 Edw. 3. Vid. Cot. Abridg. p. 73.

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Beſides the King's Anſwers to the Petitions of the Commons (for which I refer the Reader to [1] *Cotton*'s Abridgment) there were ſeveral things done, tho of leſs moment, that yet deſerve our notice, particularly the advancement of ſome Noblemen to higher Titles; for in [2] this Parliament the King promoted *Henry* Earl of *Lancaſter* to be Duke of the ſame Place, as an acknowledgment of the great Services he had perform'd for the Crown. But this was done by the general Conſent of the whole Parliament, and he was inveſted by the Cincture and a Sword, with Power to hold a Court of Chancery in the County of *Lancaſter*, and there to iſſue out Writs under his own Seal, as alſo to hold Pleas concerning civil Cauſes ariſing within that Dutchy. This deſerves ſomewhat more our conſideration, becauſe it is commonly beleiv'd, that *Lancaſter* was not advanced to be a County-Palatine till the time of King *Henry* the Fourth; yet this is certain, that as Prince *Edward*, by being created Duke of *Cornwal* ſome years before, was the firſt Duke that ever had been in *England*; ſo the Duke of *Lancaſter* was the ſecond that was advanced to that Dignity, which was afterwards beſtowed upon *John* of *Gaunt*, and the other Sons of King *Edward* the Third.

The E. of Lancaſter *is made a Duke.*

At the ſame time alſo the [3] Lord *Ralph Stafford*, for his great Services done the Crown, was in this Parliament advanced to the Title of Earl of *Stafford*, with a Penſion of one thouſand Marks, till the King could provide Lands of that value to ſettle on him and his Heirs.

The Lord Stafford *made Earl of* Stafford.

We ſhall now ſay ſomewhat of the Affairs of *Scotland*. [4] The King had the laſt Year ſent the Biſhop of *Durham*, and the Lords *Stafford*, *Piercy* and *Nevil*, his Commiſſioners, to treat with the Lord *Robert Stuart*, and other Nobles of that Kingdom, at *York*, concerning the delivery of King *David* out of Priſon, and making a firm and final Peace between the two Nations. But theſe Commiſſioners not being able to come to a Concluſion, after a tedious Treaty, K. *David* thereupon growing impatient of his Impriſonment, reſolv'd to return home, and try if he could perſuade his Nobility to raiſe his Ranſom, and agree to ſome other Terms of Peace with the *Engliſh*: So that upon his own offer he agreed with King *Edward*, that upon the delivery of the Lord *John Stuart*, Son and Heir to the Lord *Robert*, with ſeveral other young Noblemen as Hoſtages for his Return, in caſe the Treaty did not take effect, he was to be ſet free. In purſuance of which, the King granted Letters of Safe-Conduct for the Hoſtages, with Power to certain Commiſſioners to receive them, and to take King *David*'s Oath for his Return, in caſe no concluſion were made. [5] This Commiſſion bears date 5*th* of *September An.* 25. of *Edw.* 3. and was to continue in force till the Quindene of *Candlemas* next following; and on the 3*d* of *November* it was again renew'd till the end of *July* next following; by which time the Hoſtages being come, according to the Agreement, and diſpos'd into the Caſtles of *York* and *Nottingham*, King *Edward* thereupon ſent his [6] Precept, dated the 5*th* of *October*, to Sir *John Copland* High Sheriff of *Northumberland*, to deliver the ſaid King to the Biſhops of *Durham* and *Carliſle*, the Earl of *Northampton*, the Lords *Piercy* and *Nevil*, or any two of them, to put him into the hands of his own Subjects, upon the conditions agreed on. So towards the latter end of *October*, he

being [illegible]

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[1] P. 74.

[2] Rot. Pat. 25 E. 3. Par. 1. m. 18.

[3] Ib. m. 25.

[4] Dug. Vol 1.

[5] Rot. Scot. 25 Ed. 3. m. 3.

[6] Ibid.

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being thus at liberty, went into *Scotland*, in hopes by his Preſence to quicken his Nobility to come to a Compoſition with K. *Edward* concerning his Ranſom; but he ſtaid there till the beginning of the next Year, without being able to bring them to the Terms propos'd, as you will find hereafter.

[1] H. K. Col. 2602. *The Governor of* Calais *marches out, and does much miſchief to the* French *Territories. And in his return routs the Ld of* Beaulieu*'s Forces, but is at laſt taken Priſoner.*

As to foreign Affairs, the Truce was but ill obſerv'd this Year in *France*, each Nation taking what advantage they could upon the other: [1] For Sir *John Beauchamp* Governor of *Calais* finding the ways to that Place much infeſted by the *French*, marched forth of the Gariſon with three hundred Men at Arms, and two hundred Archers on Horſeback, and took much Booty in the adjoining Country for ten Leagues together; but in his return he was encounter'd by the Lord of *Beaulieu* with a Brigade of two thouſand *French*-men; which Lord notwithſtanding he ſlew, and had doubtleſs routed all his Company, but that before he had compleated the Victory, another ſtronger Party of the Enemy came upon him; ſo that he himſelf and twenty more Knights of *England* were taken Priſoners, almoſt all the reſt of his Men being ſlain; but Sir *John* and his Fellow Priſoners were ſoon redeemed, and ſent into *England*.

[2] Rot. Fran. 32 E. 3. m. 8.
[3] Stow, p. 251. *He is ſucceeded by Sir* R. Herle, *who with the Ld* Manny *makes another Incurſion.*
[4] H. K. ibid. *The D. of* Lancaſter *ſent over to* Calais.

But for the preſent he was ſucceeded by [2] Sir *Robert Herle* ^ Captain of Calais, who [3] being recruited with a ſelect Body of Men commanded by the Lord *Manny*, marched forth into the *French* Territories, and having done a great deal of damage in the Neighbourhood, came off not only without loſs, but with a large Booty of Oxen and other Cattle; inſomuch that a fat Ox at *Calais* would hardly yield ſixteen Pence Sterling.

[4] About Eaſter King *Edward* ſent over thither the new Duke of *Lancaſter*, who ſoon after marching out of *Calais* along by the Sea-Coaſts of *Artois* and *Picardy*, burnt the Suburbs of *Boulogne* to the very Walls, and made an Aſſault alſo upon the Town it ſelf, but could not prevail, becauſe the Scaling-Ladders which he brought with him were too ſhort: However he fired all the Veſſels in the Haven, and then advanced along as far as *Eſtaples* on the River *Chanche*, which having plunder'd, he took a Compaſs to return back on the Right-hand, [5] where he did the like to *Fauquenberg*, and after that to *Terouenne*; only here many of his Men were hurt by the Townſmen, who fled into the Church, and from thence made a gallant Reſiſtance, till that alſo was taken, and the *French*-men for the moſt part put to the Sword. In the Havens of theſe Towns he fired above a hundred Veſſels of all ſorts, and then went on burning all about up to *Arques*, and the Gates of *St. Omers*; and having ſufficiently made known the Terror of his Arms, he return'd triumphantly with many Priſoners and much Booty to *Calais*. But ſoon after the occaſions of the late breach of the Truce between the two Kings being fully concerted, a further Truce was enter'd into with this condition, that either of the Kings might renounce it upon notice, whenever He pleaſed.

[5] Stow ib.

[6] Id. ib. *A Truce concluded with the K. of* Caſtile.

^ vid. the Articles of it at large in [illegible] 717. 718.

This Year alſo the late Differences with *Spain* were again compos'd, and a [6] Truce was concluded between *Pedro* King of *Caſtile*, and the King of *England* for ~~ſeveral~~ twenty Years; ſo that a free Trade and Commerce was again renewed, which had been for ſome time interrupted.

[7] Froiſ. c. 153.

But in *Gaſcogne* the King's Affairs met with various Succeſs; for to look back a little, on the firſt of *April*, before the laſt Truce was renew'd, the [7] Lord *Guy de Neſle*, Marſhal of *France*, march'd in a hoſtile manner with a great number of Men at Arms, ſpoiling and ravaging all *Xaintogne* as far as the Town of *St. John d' Angely*; but was at laſt met by Sir *Walter Bently* the King's Lieutenant, and *Edmund Rous*, a *Norfolk* Man, and Captain of the Caſtle of that Place, who with their Followers, making in all but ſix hundred Men at Arms, beſides Foot, encounter'd him valiantly, and had ſuch Succeſs, that they ſlew and routed the whole Body of the *French*, took Priſoners Sir *Guy de Neſle* himſelf, and Sir *Arnold d' Endreghan*, together with the Lord *William de Neſle*, the Marſhal's Brother, and ſix other Knights of Quality, and of Eſquires and Gentlemen about one hundred and forty. ~~Yet in~~ *September* ~~following~~ the *French* recover'd the Town and Caſtle of St. *John d' Angely*, after it had been poſſeſs'd by the *Engliſh* five Years, without one Stroke given or taken: For the Gariſon being left very thin, and without Proviſions, was fain to yield up the Place on reaſonable Conditions, becauſe they had not wherewithal to ſubſiſt. But it is time to return into *England*.

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The Marſhal de Neſle *ſpoiling the Country of* Xaintogne, *is fought by Sir* Will. Bently, *and taken Priſoner.*

The Town and Caſtle of St. John d'Angely *taken by the* French.

yet I find that not long after a truce between Edward King ~~of England~~ & John of France ~~[illegible]~~ was again renewed for one whole year to commence from the 11th day of Septemb to the 12th ~~[illegible]~~ of the same month in the ensuing year as appears by the Instrument concerning the Articles of it under the Seals of the [illegible] of Huntingdon and other commissioners therein named [illegible] King of ~~France~~ [illegible] date between Calais and Guisnes Sept 11. and was also proclaimed in Engl not long after as appears in Rot. [illegible] vid. Rt. Col. [illegible] was soon broke [illegible] before the end of September.

The late notorious Breach of the Truce by the *French* in *Gaſcogne*, gave King *Edward* an occaſion to reſolve to renew the War upon *France*; and to that end, He had already iſſued out [1] Writs bearing date the fifteenth of *November*, for a Parliament to meet on the Feaſt of St. *Hilary*, or thirteenth of *January* following; but by reaſon that ſeveral of the Lords were not then come to Town, [2] it was adjourn'd for five days longer. When the Lords and Commons were aſſembl'd, the ſame [3] Sir *William Shareſhal* Chief Juſtice, who had declared the Cauſes of the laſt Parliament, was order'd to do the like in this, being to the ſame effect as had been done before: As firſt, he ſet forth the Uſurpation made by the late *Philip* of *Valois* in his ſeizing of the King's Rights and Poſſeſſions in *Gaſcogne* and other Places, and making an unjuſt War in thoſe Countries, beſides other Miſchiefs both by Sea and Land. Then he proceeded to ſet forth what had been done in former Parliaments by their adviſing the King to procure Allies abroad; ſince upon their promiſing to aid him with their Bodies and Goods, He had enter'd into ſuch Alliances, and made War upon his Adverſary, for He could not otherwiſe have a reaſonable Peace: And tho the King had often made Truces with Him, yet during thoſe Intervals, he intending to deceive and be too hard for the King, had broke them every way, proſecuting his Malice againſt Him and his Allies; and that ſince his Deceaſe, his Son *John* continuing the ſame Wrongs his Father had begun, had poſſeſs'd Himſelf of the Kingdom of *France*, and contrary to the laſt Truce confirm'd and ſworn to by both Kings, had already violated it in *Gaſcogne* and *Bretagne*, as alſo by Sea; and had lately ſent to the *Scots* to continue the antient Alliance made between the *French* and them, for the Deſtruction and Subverſion of the King and People of *England*.

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[1] Rot. Clauſ. 25 E. 3. m. 5. dorſo.

The King calls another Parliament.

[2] Rot. Parl. 25 E. 3. Par. 2.

[3] Ibid. n. 7.

Sir W. Sharſhal *declares the Cauſes of this Parliament.*

where I find nothing to have happened worth [illegible] but that William Duke of Bavaria [illegible] Emperor & nephew to Queen Philippa was in ~~came into England~~ in the month of November betrothed ~~[illegible]~~ [illegible] to the Duke of Lancaster [illegible] into the hands of John [illegible] of [illegible] was by [illegible] arrived [illegible] as appears in Rot. Fran. 25 [illegible] m. 2. vid. Rt. Col. p. 728.

[4] Then Sir *William* concluded with thanks to the Commons on the King's behalf, for the Aids they had given Him, and for the Goodwill He had always found in them; and prays them to adviſe upon theſe things till the next day, and be then at *Weſtminſter* a little after Sun-riſing in the Painted Chamber, to deliberate and to hear if the King would ſay any thing farther touching the calling of this Parliament, and to ſhew the King their Grievances, if they had any, that Remedy might be given thereunto, which was perform'd accordingly.

[4] Ibid.

~~And also about the same time~~ [illegible] the Kings [illegible] daughter was sent over into [illegible] ~~Sr Arnold de l Bret~~ Bern ~~Bernard de l'Albret~~ [illegible] ~~France as appears in~~ ~~[illegible]~~ p. 3. m. 9. vid. Rt. Col. p. 724. 729

Then

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[1] Ibid. n. 8. *Sir* William *charges the Commons to appoint a Committee to treat with the Lords.*

Then at their[1] next appearing, Sir *William* charged the Commons on behalf of the King, that, to ſhorten their ſtay in Town, and for the quicker diſpatch of theſe matters, and others that might be laid before them by the King, they would immediatly go together to ſome Place at *Weſtminſter*, and chuſe four and twenty or thirty Perſons out of their whole number, to be on the morrow in the Painted Chamber, that the King might ſend thither to them ſome Great Men, to confer with them upon the buſineſs aforeſaid.

[2] Ibid. n. 9. *Sir* Bartholomew *gives a full account of the Malice of the* Fr. King, *and deſires them to adviſe how to prevent it.*

Then[2] on Friday all the Commons came before the Prince and the other Great Men, in the White Chamber, where Sir *Bartholomew Burgherſh* gave them an account of the Malice and Falſhood of the King's Adverſary of *France*; how He had broke the laſt Truce, which he declar'd much after the ſame manner as he had done at their firſt Meeting; and that the ſaid Adverſary, by all the ſubtile Contrivances his Council could invent, ſtill endeavour'd every where to diſturb the King and his Subjects; and therefore he ſaid, that the Commons ought diligently to adviſe what might be the beſt way for the King to oppoſe and check the aforeſaid Malice and Falſhood, for the Safety of Himſelf, his Kingdom and Subjects. Then preſently after this Declaration, Sir *William* told the Commons, if they had any Petitions of Grievances, or for the amendment of the Laws, they ſhould bring them into Parliament; and alſo acquainted the Prelats and Lords, that they were to attend the buſineſs of all Perſons, and of Petitions, in the Places where they were uſually aſſigned.

[3] Ibid. n. 9.
* *In the* French la Communaltee, *i. e.* the Community, *as appears by what immediately follows.*

[3] Then the Commons held a long Conſultation with the * *Community*, or Body of the Peers, concerning the granting an Aid, whereby the King might oppoſe the Malice of his Enemy; and at laſt came to this reſult, to ſhew before the King and the Great Men in Parliament, that the Common People of the Land were much impoveriſh'd by the late mortal Peſtilence, as alſo by many other Burdens, Taxes, Taillages, and Payments that had been laid upon them: But yet notwithſtanding theſe Miſchiefs, they having regard to the neceſſary Defence that ought to be made for the Safety of the Nation againſt the violent Malice of the Enemies thereof, delivered to the King in full Parliament a Roll containing as well the Aid, which they had intirely and with one accord granted, as the Petitions concerning the Commons of the Land, to which they prayed the King to give a good and quick Anſwer. Whereupon He granted their requeſt, and thanked them for the Great Aids given Him before, and for that now gr[illegible]d, and for the Good-will which He had always found in his Commons before, and alſo now finds in this Affair.

[4] Ibid. n. 10. *The Parliament grants the King a great Tax upon certain conditions.*

Then[4] follows the Grant of *three Tenths* and *three Fifteenths* to the King by the Great Men, and the whole Commons of the Land, to be paid as the laſt *Tenths* and *Fifteenths* were, within three Years, *&c.* upon the Conditions following, *viz.*

N. 11.

That all the Fines, Iſſues, Amerciaments, Profits and Exciſes, levied or to be levied, upon the Labourers, Artificers, Regrators, *&c.* which were for taking of more Wages than had been allowed by a former Statute, were to be paid for the advantage of the Commons, as appears by the Statute at la[illegible], which together with the Anſwer, is now obſolete. N. 12. The other Pe[illegible]on is, that hereafter no Tax, Taillage, Aids, or Charges be demanded, or levied of the Commons; and that all the reaſonable Petitions pray'd by the Commons, may be granted, confirm'd and ſeal'd before the Departure of this Parliament. To which the King's Anſwer was; [1] 'That as to Tax and Taillage, 'tis not the Intention of the King, or the Great Men, that they ſhould ever be charged without their conſents: And as to granting their other reaſonable Petitions, the King is pleas'd it ſhould be done.

[1] Ib. m.

The King's Anſwer to the Commons Petitions.

Alſo the Commons pray, that the *Loans* that were granted to the King by many of the Commons, may be releaſed, and none compelled to make ſuch *Loans* for the future againſt his Will, for that it was againſt Reaſon, and the Franchiſe of the Land; and that Reſtitution might be made to thoſe that had made the *Loans:* The King's Anſwer was, *That it ſhould be ſo.*

N. 16.

Alſo, [2] that whereas the Juſtices aſſigned in divers Counties have judged many Men, that were arraign'd before them as *Traytors*, for divers cauſes not known to the Commons to be *Treaſon*; therefore the King by his Council, and by the Great and Wiſe Men of the Land, would pleaſe further to declare the Points of *Treaſon* in that Parliament. The Anſwer was, as at large in the Statute of Five and twentieth of *Edward* the *Third*, Cap. 2. which ſets forth, and declares what Crimes ſhall be *Treaſon* for the future.

[2] Ib. n. 17.

But to add ſomewhat of private Concern. In [3] this Parliament the Lord *John Mattravers*, who was thought to have had a hand in the murther of King *Edward* II. having ſome years ſince come in, and ſubmitted himſelf to the King's Mercy, and lately receiv'd his Pardon, now petition'd the Parliament to have it by them confirm'd; which in conſideration of his late faithful Service to the King in *Flanders* was granted accordingly, and he was again reſtor'd to his Honor and Eſtate, which had been long ſeiz'd in the King's hands.

[3] Ib. n. 55.

The Pardon of the L. Mattravers *confirmed in Parliament.*

Before we leave this Parliament, I cannot but take notice that the diligent Abridger of the Records, which paſſes under the Name of Sir *Robert Cotton*, very well [4] obſerves, That there is an Error in the Clerk that entred the Rolls of this Parliament, under the laſt Year or Twenty fifth of this King, which could not be, for then this Parliament being held at the Feaſt of St. *Hilary*, muſt have been before the laſt, ſince this King begins his Reign from the firſt of *January*, and ſo there would not have been above a Month's time between the holding of this, and the beginning of the former Parliament: which was impracticable, beſides other ſufficient Reaſons, that you will find in the place above-cited: and further, the Writ of Summons on the Cloſe-Roll already mention'd, bearing date on the 15*th* of *November* in the 25*th* year of this King, for a Parliament to meet at the Feaſt of St. *Hilary* following, which was in the 26*th* of his Reign, muſt relate to this Parliament, and no other. I have taken notice of this, to let the Reader ſee, that there may be Errors ſometimes (tho very rarely) in the Parliament Records themſelves, which may notwithſtanding be corrected either by other Records, or the Hiſtory of the Time.

[4] Cot. Abridgment, p. 78.

The Error of the Parliament Clerk corrected

I find nothing more as to our own Affairs worth taking notice of, only that [5] about the beginning of *Auguſt*, the Chief *Staple*, or Market for *Engliſh* Wool, was ſettl'd at *Weſtminſter*, by order of the King and his Great Council; where it continued for ſome years, till it was re-

[5] Chron. Rob. Aveſb. MS.

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removed by the ſame Authority to *Calais*, to the great diſcontent of our *Engliſh* Merchants.

In *Scotland* King *Edward*'s Affairs this year had various ſucceſs: For King *David*, who had been permitted to return home for a time, to try to raiſe Mony for his Ranſom, and alſo to perſuade his Subjects if poſſible to own the Superiority of the King of *England* over *Scotland*, found them inclinable enough to the former of theſe Demands; but as for the other, they plainly told him, That they would not upon any terms be ſubject to the *Engliſh*: upon which King *David*, not being able to perform that for which he went, return'd into *England* about the beginning of *April*, as appears by a [1] Commiſſion bearing date the 28. *Martii*, which was ſent to the Sheriff of *Yorkſhire*, to conduct the *Scottiſh* Hoſtages to *Berwick*, to be there 15 days after *Eaſter*, that being the day prefix'd for his return to that Town; from whence he went to *London*, and for ſome time remain'd a priſoner in *England* as he was before.

The Governor of Calais *gets the Caſtle of* Guiſnes, *by corrupting the Deputy Governor.*

But as to *France*, we ſhall find the Truce to have been very ill obſerv'd on both ſides: For King *Edward* was even with the *French* for taking the Caſtle of St. *John d'Angely* the laſt Year, ſince he now became Maſter of a Place of a much greater Conſequence, for the ſecuring his laſt Conqueſt of *Calais*; it was the Caſtle of *Guiſnes* (lying within five miles of it) the Head-Town of a County of the ſame Name, and being very ſtrong, was a great Bridle to the Gariſon of *Calais*; ſo that they could not go out to Forage on that ſide: and this King *Edward* got poſſeſſion of upon very eaſy Terms, and with no great difficulty, it being ſurpriz'd in this manner. [2] The Governor of *Guiſnes* being then at *Paris*, had left the care of it to Sir *William Bauconray* his Deputy; and the Governor of *Calais* laying hold of this Opportunity, having corrupted the ſaid Sir *William*, had the Caſtle betray'd to him for a ſum of Mony. Upon the taking of this Caſtle in time of Truce, when Complaint was made of it by the *French* King's Envoys to King *Edward*, his Anſwer was, *That* Philip *his Father, by attempting to purchaſe* Calais *in that manner, had taught the* Engliſh *Commanders, that* Buying *and* Selling *was no Breach of the Truce.*

K. Edward's *witty Anſwer when it was complain'd of.*

Villani *gives ſomewhat a different Account of the taking of this Caſtle.*

But [3] *Villani*, the *Florentine* Hiſtorian, gives a different Account of the Taking of this Place; as that it was not betray'd but ſurpriz'd on the ſudden, by the means of an *Engliſh* Soldier; tho the Story is related at large in *Stow*. *Lancaſter*, an *Engliſh* Archer, being a priſoner in that Caſtle, found means to eſcape to *Calais*, where giving ſome of his Comrades notice of a certain low Wall that ran croſs the Ditch for the uſe of the Fiſhermen, and was cover'd with not above two foot of Water, by which it was eaſy to get into the Caſtle, and ſurpriſe it; upon this Diſcovery, about thirty or forty ſtout Fellows, his Comrades, combin'd together to put this Deſign in Execution; who getting over the Ditch by this low Wall, ſcal'd the Walls with certain Ladders they brought with them for that purpoſe, and killing moſt part of the Gariſon, made themſelves Maſters of the Place, which was afterwards delivered up by the ſaid *Lancaſter* to King *Edward*'s Order, who new fortified it, and therein put a good Gariſon, and ſo it afterwards became a ſtrong Frontier on that ſide. Which of theſe Relations is the trueſt, I will not diſpute; but

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[1] Rot. Scot. 26 Ed. 3. m. 3.

[2] Du Cheſne, Mezeray ad hunc An.

[3] L. 3. c. 23.

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the *French* Hiſtorians all agree, that it was betray'd; and, as a confirmation of it, further relate, that the Deputy-Governor who betray'd the Place, being ſometime after taken by the *French*, was for his Treaſon condemned at *Amiens* to be torn in pieces with Horſes.

[1] But the *French* by this Action looking upon the Truce to be broken, not long after revenged this Loſs in a great meaſure, cutting in pieces about two thouſand *Engliſh*, who had march'd from *Calais* as far as *St. Omers* to plunder the Country.

The L. Charny *ſeizes on a Nunnery, and from thence he ſeizes the Caſtle of* Guiſnes.

Soon after the taking of this Caſtle, the *French* being reſolv'd to recover it, the Lord *de Charny*, being newly ranſom'd from his Impriſonment, marched about Whitſontide with twenty thouſand Men into the *Engliſh* Territories, and ſeiz'd upon a Nunnery called *La Baſtie*, lying within a Bow-ſhot of the Caſtle of *Guiſnes*: this Place, tho the *Engliſh* had ſpared to fortify it out of pure Devotion, yet the *French* being Maſters thereof, removed the Nuns to another Cloiſter, and fortifying this, put a Gariſon into their very Church; and having gain'd this advantageous Poſt, which commanded the Caſtle of *Guiſnes*, they lay'd cloſe ſiege to it; from whence, tho the Beſieged made frequent Sallies upon the Enemy, yet they had little or no effect towards raiſing of the Siege, till at length the Gariſon of *Calais* joyning with thoſe of *Oye*, *Marque* and *Hammes*, made up a conſiderable Body of Men, with which falling upon the *French* at unawares in their Trenches, routed them, and kill'd a great many, and having raiſed the Siege, ſet upon the new Fort of *La Baſtie*, took it, and, diſmantling the Walls, level'd it to the Ground. And thus was the ſtrong Caſtle of *Guiſnes*, with the County belonging to it, ſecur'd in the *Engliſh* poſſeſſion.

[2] About the ſame time King *Edward* kept his *Whitſontide* in great Splendor at *Weſtminſter*, being attended by the Chief of his Nobility; and thoſe of *France* and *Scotland* that were then Priſoners, were ſplendidly entertain'd at that Solemnity. And eſpecially Count *Charles* of *Blois*, who was a near Kinſman to Queen *Philippe*, by whoſe Interceſſion he not long after obtain'd his Liberty.

The War in Bretagne *carry'd on with good ſucceſs, and the Marſhal* de Neſle *routed by Sir* Walter Bently, *&c.*

But we will now look into *France*, where we find that the War in *Bretagne* was ſtill carry'd on for the Advantage of the *Engliſh* Intereſt; [3] for the Lord *Guy de Neſle*, Marſhal of *France*, being now at Liberty, hoping to repair the loſſes he had ſuſtain'd, rais'd this Spring a conſiderable Army in *Bretagne*, where about the middle of *Auguſt* he was again valiantly encountred by Sir *Walter Bently*, Sir *Robert Knolles*, and other *Engliſh* Captains, near *Mauron*, between *Rennes* and *Ploermel*; and after a long and doubtful Fight, from four in the afternoon till it was dark, the *Engliſh* being but three hundred Men of Arms, and ſix hundred Archers, the *French* tho above four times their number, were utterly diſcomfited, ſlain or taken priſoners; the Chief of whom was the Marſhal *de Neſle* their General, together with thirteen Lords, above one hundred and forty Knights, and as many Eſquires, and five hundred Men of Arms, beſides common Soldiers that were not number'd; as alſo above one hundred and thirty Lords and Knights, as appears more at large from Sir *Walter Bently*'s own Relation to the Lord Chancellor of *England*, ſet down at large in [4] *Robert Aveſbury*'s Manuſcript Chronicle. This proved a

[1] Stow's Chron.

[2] T. W. ad hunc An.

[3] Froiſ. c. 153.

[4] Chron. Rob. Aveſb.

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great blow to the *French* Intereſt in thoſe parts, and was not to be eaſily repair'd.

Certain Noblemen of Bretagne *come over to treat about the delivery of Count* Charles.

[1] Soon after this Defeat, certain Noblemen of *Bretagne*, who took part with Count *Charles* of *Blois*, came over into *England* with Letters of Safe-Conduct, to treat of a Peace between the King and their Lord, who was ſtill a Priſoner in *England*; as alſo concerning his Diſcharge, which was concluded on theſe Conditions: That the Earl upon payment of forty millions of *Florins* in part of his Ranſom, ſhould have his Liberty to return home, leaving his Sons as Hoſtages for the remainder. And there was that expectation of a perfect Reconciliation between the King and him, that a Treaty of Marriage was now alſo ſet on foot between his eldeſt Son, and one of the King's Daughters; upon the Concluſion of which, Count *Charles* was quietly to enjoy the Dutchy of *Bretagne*. But this came to nothing, by reaſon of the freſh Hoſtilities that were committed [2] by Count *Charles* when he was at Liberty, againſt King *Edward*'s Forces in the Iſle of *Jerſey*, whom ſome time after landing he defeated, and took poſſeſſion of the place for himſelf; which treacherous dealing ſo far incenſed the King, that he broke off all further Treaty with him.

Yet all further Treaty is broke off, by reaſon of the Count's ſeizing the Iſle of Jerſey.

This Iſle is called in our Author the Iſle of Triſtrem, *but why I know not.*

The Duke of Bavaria *arrives in* England, *and marries the D. of* Lancaſter's *Daughter.*

In the mean while in *England*, there was nothing but Feaſting and Jollity; for [3] *William* Duke of *Bavaria*, Son to *Lewis* the late Emperor of *Germany* (and in Right of his Mother, Earl of *Hainault*, *Holland* and *Zealand*) came into *England*, and by the King's Leave married the Lady *Mathilda*, Eldeſt Daughter to *Henry* Duke of *Lancaſter*, and the Relict of *Ralph* Eldeſt Son of the Earl of *Hartfort*, who dying three Years before, left her a Beatiful Young Widow. The Duke her Father was then travelling towards *Pruſſia*, to make War againſt the Heathens in thoſe Parts; but being taken Priſoner in *Germany* by the ſecret Practice of *Otho* Duke of *Brunſwick*, [4] he was forc'd to redeem himſelf by paying three hundred *Scutes* of Gold for his Liberty; ſo that before he could be diſcharg'd, there was a Truce made in *Pruſſia*, between the Chriſtians and the then Infidel *Pruſſians*; whereupon he was fain to return homeward with ſome Regret: But this Expedition begot a mighty Quarrel between the Duke of *Brunſwick* and him, which was like to have ended in a ſingle Combate, of which I ſhall give you a ſhort Account.

Who is made a priſoner in his Return from Pruſſia *by the Duke of* Brunſwick.

The D. of Lancaſter *complaining of it, the D. of* Brunſwick *ſends him a Challenge.*

[5] The Duke of *Lancaſter* being in his Return, firſt inform'd by a certain Knight at *Cologne*, that it was the Duke of *Brunſwick* who had thus caus'd him to be arreſted, took an opportunity to complain of this Action before the Marqueſs of *Juliers* and other Noblemen, as they walked together in the great Church of that City; ſaying, That ſuch a diſhonorable Treatment of a Stranger and Nobleman that never injur'd him, was unworthy the Duke's Honor and high Quality; which words being not long after related to him, by ſome that were there preſent, he took it for ſo provoking an Affront, that preſently after the Duke of *Lancaſter*'s Return into *England*, he ſent him a Challenge in writing under his Seal, wherein he affirm'd the Words ſpoken of him were falſe, which he offer'd to make good by fighting with him Body to Body, either between the Caſtle of *Guiſnes* and *St. Omers*, or elſewhere as the King of *France* ſhould appoint. Upon the receipt of which Letters, the Duke of *Lancaſter* having obtain'd a Licence from

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[1] Id. ib.

[2] H. K. Col. 2607.

[3] H. K. Col. 2603.

[4] Dugd. Baron. Part. I. Vol. p. 786.

[5] H. K. ib. Froiſ. c. 153.

the King his Maſter, as alſo a Safe-Conduct from the *French* King, went immediately over to *Calais*, and being met at *Guiſnes* by the L. *de Clermont*, Marſhal of *France*, with a Noble Retinue of Men at Arms (whom King *John* had ſent for that purpoſe) he was by them conducted to *Paris*, where he was honorably received by the King, as alſo by his Kinſman the young King of *Navar*: and his Adverſary the D. of *Brunſwick* being now alſo arrived, a Day was appointed for theſe two Noble Combatants to fight it out before the King of *France* and his Principal Nobility; then the Liſts being ſet out in the Field call'd *Le Pré aux Clerks*, without the City (an innumerable multitude of People being preſent) both the Dukes came into the Field compleatly armed, and according to the Cuſtom of that time were to fight on Horſeback, with their Swords and Lances. When all the Ceremonies uſual in ſuch caſes were perform'd, and the Combat was juſt ready to begin, whether Duke *Otho*'s Heart fail'd him, or that his Conſcience told him his Quarrel was not juſt, I will not determine; only that upon his ſhewing ſome ſigns of Fear and Confuſion, he was adviſed by his Friends to withdraw his Challenge, and to ſubmit his Quarrel to the Judgment of the King of *France*; which the Duke of *Lancaſter*, being full of Hopes and Courage, at firſt refuſed, ſaying, That he was ready to defend the Juſtice of his Cauſe; and that it would be a high Reflection both upon himſelf and the *Engliſh* Nation, if he ſhould now depart without performing what he came thither for. But for all this the Duke of *Brunſwick* utterly renounced his Quarrel, and refuſed the Combat, reſolving wholly to ſubmit himſelf to the Arbitrament of the King of *France*; to whom tho that Duke was more acceptable upon account of his having eſpouſed the *French* Intereſt, yet the *Engliſh* Duke did not want Friends; for he had the King of *Navar*, the Earl of *Flanders*, and divers others of the principal Nobility to abet his Cauſe, who told him that upon his Adverſary's renouncing the Quarrel and departure out of the Field, he might without any loſs of Honor quit it alſo. After which the King at a great Entertainment, by the help of his Nobles, partakers on both ſides, reconciled theſe two Dukes, and took up the Quarrel between them for ever.

Which is accepted by the D. of Lancaſter, *who thereupon goes into* France *to fight him.*

The Liſts being ſet out, and the Combat ready to begin, the D. of Brunſwick *declines it, and offers to ſubmit to the Judgment of the Fr. King.*

Which the D. of Lancaſter *refuſes.*

Yet at laſt the King undertakes to reconcile them.

I have been the more particular in this Tranſaction, that the Reader may obſerve how jealous Men of the higheſt Quality were in thoſe days of any Word or Action, that might reflect upon their Honor; and tho they thought it lawful to do it by ſingle Combat (eſpecially between Princes who did not own each other's Authority) yet did they not ſpill each other's Blood in private Duels, but openly before their own Prince, or ſome Other as was agreed between them, who were to give Judgment which of the Parties were vanquiſhed. But to conclude this Story, the *French* King was ſo taken with the Noble Carriage of the Duke of [1] *Lancaſter*, that He offered him a very great Preſent of rich Jewels; yet he would accept of no more than one Thorn from the Crown which (was then believ'd) our Savior wore at his Crucifixion; which our Author tells us he afterwards beſtowed upon the Abby of *Leiceſter*. Then the Duke having taken his Leave of the King of *France*, return'd into *England* a little before *Chriſtmas*, and was kindly receiv'd by the King, and all his Royal Relations.

[1] H. Kn. ib.

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[1] T.W. Raynold. ad hunc An.
The Death of Pope Clem. VI. *who is ſucceeded by* Innocent VI.

As to Eccleſiaſtical Affairs, I find nothing worth noting, but [1] the Death of Pope *Clement* VI. who deceaſed at *Avignon* (as was ſuppos'd of Poiſon) on the ſixth of *December*, having ſate Pope ten Years and ſeven Months; and upon the Eighteenth of the ſame Month was choſen *Stephen Albert* a *Limouſin* by Birth, then Biſhop of *Oſtia*, and Prieſt Cardinal of St. *John* and St. *Paul*. He took upon Him the Name of *Innocent* the VI. who prov'd as partial, if not much more than his Predeceſſor, to the Intereſt of *France* againſt the King of *England*.

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[2] H. K. Col. 2607.
An extreme cold Winter, which is broke by a furious Tempeſt.

And that is ſucceeded by an unuſual Drought.

Yet by the Importation of Corn out of Hainault *and* Ireland, *a Famine is prevented.*
[3] Stow p. 254.

Having nothing of greater moment wherewith to begin this Year, I ſhall make ſome Obſervations on the Weather. [2] This Winter prov'd ſo extreme cold, that the Froſt continued from the ſixth of *December* till the twelfth of *March*, about which time it was broke by a furious Hurricane or Tempeſt of Wind, the like whereof had not been ſeen in *England*; for it tore up the Roofs of Houſes and Leads of Churches, overthrew Mills, Walls and Trees to the Ground, and did very much miſchief in ſundry Places: Beſides which there happen'd after it an unuſual Drought, ſo that from the beginning of *March* to *July* little or no Rain fell upon the Earth, whereby all manner of Seeds being loſt, there enſued a great Dearth of Fruits, Corn, and other Grain; inſomuch that *England*, which was commonly before ſufficient for it ſelf, was now fain to ſeek Aſſiſtance from other Countries; which being made known to *William* Duke of *Bavaria*, and Earl of *Hainault*, he out of his hearty Love to the *Engliſh* Nation, ſent ſeveral Ships laden with Wheat to *London*, to the mighty refreſhment of the People; [3] and ſoon after there were alſo great Supplies of Corn brought from *Ireland*, which being diſtributed into the Inland Parts, prevented a Famine, that would otherwiſe have happen'd.

[4] H. K. col. 2606.
An Inſurrection in Cheſhire *ſuppreſt by Pr.* Edward.

The Cheſhire *men ſubmit, and are ſeverely fin'd, and the Ring-leaders puniſh'd.*

About this time the *Cheſhire* men committed ſome great Inſurrection or Riot [4] upon the Servants or Officers of the Prince of *Wales* and Earl of *Cheſter*, tho the occaſion I do not find in my Author; only that the King being extremely incens'd againſt them, and reſolving to make them ſubmit to Law, or to the Sword, ſent forth Sir *Richard Willoughby* and Sir *William Shareſhal*, his Juſtices Itinerant at *Cheſter*, and at the ſame time order'd ſufficient Forces under the Command of the Prince his Son, attended with other Lords, to go down and prevent any Inſurrection that might happen upon that account. But when the *Cheſhire*-men found they were in fault, and that there was no contending againſt ſo great a Force, they ſubmitted themſelves, and compounded with the Prince for a Fine of five thouſand and ſixty Marks, upon condition that the Juſtices in Eyre ſhould not ſit among them: But when they believ'd themſelves wholly acquitted, the Juſtices ſat anew by the Statute of *Trayle-Baſton*, whereby they levy'd a great deal of Mony by Fines, *&c.* and many Lands and Tenements were ſeized into the Prince's hands; whereupon he returned into the South Parts.

A Parliament ſummon'd, with its Proceedings.
[5] Rot. Clauſ. 27 Ed. 3. m. 12. Dorſ.
[6] Rot. Parl. 27 Ed. 3. n. 1, 2, 3.

After which there happened nothing conſiderable till *September*, when, his Majeſty having in [5] *July* before ſummon'd a great Council to meet at *Weſtminſter* on *Monday* after the Feaſt of St. *Matthew*, or 23*d* of *September*, [6] the Lord Chief Juſtice, Sir *William Shareſhal*, ſhewed the Eſtates, that the cauſe of their Meeting was, that the Staple might be remov'd from beyond the Seas into the Realm. Then the

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[1] Ib. n. 6.

Sir Bar. Burgherſh *lays before the Parment his Propoſals to the Pope for a final Peace with* France.

the Parliament was adjourn'd till the ſeventh of *October*, [1] when the Prelats and Lords being again aſſembl'd in the White Hall, the Commons were called up, and Monſieur *Bartholomew de Burgherſh*, Lord Chamberlain, told them, that the King, thinking how He might beſt eaſe his People, that had been often charged with Impoſitions, and great Aids by reaſon of the War againſt his Adverſary of *France*, who detain'd his Rights and Heritage of that Crown from him, had ſent lately ſome of the moſt Noble and Excellent Peers of his Realm, *viz.* the Arch-biſhop of *Canterbury*, the Duke of *Lancaſter*, and other Prelats and Great Men, to *Guiſnes*, to treat with the Deputies of his Adverſary in preſence of a Cardinal, whom the Pope had ſent thither as a Mediator; and that after this Treaty, He had ſent his Confeſſor to the Pope, to let him know, "That conſidering the " many People that had been killed in this War, and deſiring to ſpend " the reſt of his time in another more holy War, to the Honour of " God, if his Adverſary would make reſtitution of the Dutchy of " *Guyenne* to Him, as intirely as any of his Anceſtors had enjoy'd it, " to hold it freely without any Homage or Service, He would be " willing after the end of the War, to reſign his Title to the Crown " of *France*. And that the Pope had moreover been deſired to ſound the *French* Adverſary's Inclinations towards a further Treaty; yet with Proteſtation, that if He ſhould not accept it, all his Rights ſhould be intirely ſav'd to Him, as if no ſuch Offer had been made, of which Meſſage the King not having as yet received any Account from the Pope, He had ſent his Chaplain, Maſter *William Wittleſey*, Arch-Deacon of *Huntington*, to know what had been done in this Affair, who brought back nothing worth the reporting.

Ibid.

He deſires a continuation of the Subſidy of Wools, which is granted for three Years longer.

Wherefore it ſeemed convenient to the King and the Great Men of his Council, that He ſhould prepare Himſelf for War againſt his Adverſary, as well for the Defence of *England*, as to recover his Rights, for which He ſhould have a great Sum of Mony. And the ſaid Chamberlain ſhew'd them further, that the late Tax or Subſidy of Wool, Leather, and Wool-fels, ending at *Michaelmas* laſt, it was not the King's intention to lay any new Tax or other Charge upon his People; yet He requeſted the Prelats, Great Men, and his Commons, to grant Him the Subſidy of the ſaid Wool, Leather and Wool-fels, for ſome longer time. Upon which Requeſt, after ſome deliberation had been between the ſaid Prelats, Great Men, and Commons, they unanimouſly agreed, and granted to the King the Subſidy of Wool, *&c.* to receive it as it had been taken formerly, for three years from *Michaelmas* laſt paſt, if the War ſhould continue ſo long; upon condition, that the Mony ariſing from this Subſidy, ſhould be ſafely kept for the War, and not imploy'd to any other uſe.

[2] Vid. Stat. Book 27 E. 3. c. 1.

The chief Statutes made in this Parliament.

[3] Ib. cap.

There were likewiſe divers good Ordinances made in this Council for the benefit of the Nation; as particularly, [2] that entitl'd of the *Staple*; whereby it was appointed, that the great Markets for Wool, Wool-fels, Leather and Lead, ſhould be held in *London*, *Weſtminſter*, and divers other Cities and Towns therein ſpecified, with ſeveral Rules and Reſtrictions for the well-ordering the ſame. There was alſo enacted another [3] Statute of Proviſors againſt Appeals to *Rome*, of both which I ſhall give a further Account at the end of this Reign.

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[1] P. 82.

Reign. There were alſo ſome Petitions of the Commons, for which, together with their Anſwers, I refer the Reader to [1] *Cotton*'s Abridgment.

[2] Od. Raynold. ad hunc An. Stow, p. 254.

Account of the late Treaties before the Pope's Legats, and the reaſonable Conditions propos'd by K. Edward.

But for the better explanation of what had been reported in this Council concerning the Treaty above-mention'd with the *French* King, the Reader may take notice, [2] that the new Pope *Innocent* had the laſt Spring ſent *Guy*, Cardinal of *Bologna*, as his Legat, to promote a Treaty of Peace between the Kings of *France* and *England*: And beſides this Cardinal the Pope ſent divers other Nuncios to both Kings, in order to make a final Peace between them: So that at laſt it was agreed in a Meeting of the Commiſſioners on both ſides, between *Calais* and *Guiſnes*, that the King of *England* ſhould reſign and renounce all the Right He had or claim'd to the Crown of *France*, transferring it intirely to the *French* King and his Heirs, in conſideration whereof the ſaid King ſhould receive and enjoy the whole Dukedom of *Aquitain*, with the City of *Calais*, and the whole Counties of *Artois* and *Guiſnes*, for Himſelf and his Succeſſors Kings of *England*, without doing any Homage, or making any acknowledgment for the ſame, to the Kings of *France*, or without holding them in any ſubordinate manner, otherwiſe than He held the Crown of *England* it ſelf, namely of God alone. To theſe Conditions thus agreed on, King *Edward* gave his Conſent; and for a firm Concluſion of the Premiſes, Ambaſſadors were to be ſent, as well from Him, as from the *French* King, to the Pope's Court at *Avignon*, a Truce being agreed on in the mean while to be kept in *England*, *France*, *Gaſcoigne* and *Bretagne*, ~~till Easter~~ next enſuing, during which time it was hop'd a full and final Peace would be eſtabliſh'd. But to conclude this Affair, tho ſome of the ſame Perſons abovemention'd were ſent afterwards Ambaſſadors to *Avignon*, yet all they had now done came to nothing, as you will find hereafter.

A Truce is agreed on.

+ from the tenth of March unto the first of August next ensuing as [illegible] sion of Guy [illegible] Ar Bp of Canterbury and Bp of Norwich & other Noblemen being appointed Commiss[illegible]

[3] H. K. col. 2607.

K. David *again treats with his Nobility, who are very refractory to his Propoſals.*

We ſhall now ſay ſomewhat of the Tranſactions with *Scotland*, whoſe King *David* being returned to Priſon (as you have already heard) and being deſirous of his Liberty, He [3] went this Year, by King *Edward*'s permiſſion, to *Newcaſtle* upon *Tine*, there to treat again with ſome of his Nobility concerning a Peace between the two Nations: but they ſhew'd themſelves ſo refractory to his Propoſals, that they plainly told Him, unleſs He ceaſed to follow the Advice of the *Engliſh*, they would withdraw themſelves from his Allegiance; and further threaten'd, that they would never redeem Him from Priſon, unleſs He would promiſe to pardon them for all Miſcarriages committed from the time of his Captivity.

[4] Id ib.

The King orders the Lords of the North to invade Scotland.

[illegible] by the [illegible]

[5] P. 254.

The Earl of Northampton *takes the Caſtle of* Lochmaban.

When [4] King *Edward* and his Council ſaw this Averſneſs of the *Scots* to cloſe with theſe reaſonable Propoſals, they reſolved that the Lords of the *North* ſhould invade *Scotland* under the leading of the Earl of *Northampton*; and that all thoſe who claimed any Lands or Inheritances in *Scotland* ſhould accompany the ſaid Earl, together with King *David*, into that Kingdom, to reduce the *Scots* to more reaſonable Conditions: but what He perform'd there the ſame Author doth not tell us, only [5] *Stow* relates (I know not from what Author) that the Earl above-mention'd, with the *Scottiſh* King in his Company, then enter'd the Marches of *Scotland*, and forced the Caſtle of *Lockmaban*, and other ſtrong Places to ſurrender, and in his march either eſcaped or

× ex Rot. Franc. [illegible] * [illegible] vid. [illegible] p. 720. dated the 10th day of [illegible]

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And comes to a Parly with the Scots.

or diſſipated ſeveral Ambuſhes which the *Scots* had laid for him, until at laſt they came to ſome Accommodation; then at a Parly in order to a Treaty, they declared, that they were willing to redeem their King, provided they did not bring Him as well as themſelves, into a worſe Captivity, by making their Country to be held by Homage of the Crown of *England:* This Requeſt ſeeming but reaſonable, a Truce was ſoon after concluded between the two Nations.* I find nothing elſe to have happen'd this Year worth giving account of, nor till late in the Spring the Year enſuing.

* But to lay the affairs of Scotland together, the ~~this~~ the year following it was agreed between the Commissioners appointed by both Parties that the King of Scots should be ransomed for the sum of 90 thousand marks to be paid in 9 years. yet I do not find [it] perfected & put in Execution till near 3 years after. vid Rot. Scot. [illegible]

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England affording us nothing remarkable in the beginning of this Year, we ſhall therefore ſay ſomewhat of the Affairs of *France*, ſince they had ſome influence over thoſe at home. [1] The King of *Navarre*, King *John*'s Son-in-law, a Perſon of a ſtrange mixture of good and evil Qualities, being now return'd into *France*, began to embroil the Kingdom with freſh Troubles; for he again purſued his Pretenſions to divers Earldoms (which were then otherwiſe diſpoſed of) eſpecially to that of *Angoleſme*, which the King had lately beſtow'd upon *Charles de la Cerda* of *Spain*, and then Conſtable, who diſſuaded the King from giving him ſatisfaction in any of the reſt. Whereupon the *Navarre* Prince retired diſcontented to his Caſtle of *Eureux*, and knowing the Conſtable was then at his Caſtle *da l'Aigle*, he undertook an Enterprize as bold as bloody; for carrying along with him about a hundred Horſe-men, he on the *16th* of *January* made a ſudden Aſſault upon it, and taking the Place, murder'd the Conſtable in his Bed; and when he had done thus, had the Inſolence to juſtify the Fact in Letters to the King's Council; and then raiſing men and fortifying his ſtrong Places, he ſollicited the neighbouring Princes to aſſiſt him.

[1] Froiſ. c. 154. Mezeray ad hunc An.

The [2] King was forced to diſſemble his Reſentments, and gave him fair words to bring him to *Paris*; but he was too cunning to be ſo caught, nor would he come thither till he had got the King's Pardon, and one of his Sons as a Hoſtage for his Safety: And all the Satisfaction he was to make for this, was, firſt to ask his Pardon before the Pope's Legate, and a Parliament of the Peers at *Paris*; which he did in a ſtudied Diſcourſe, made up rather of Complaints and Excuſes than of Acknowledgments of his Crime. However, the Conſtable had order to arreſt him for Form's ſake, whilſt they conſulted what Sentence to give; ſo he was at the interceſſion of the Queens Dowagers to the two late Kings, declar'd pardon'd and diſcharged, the Legate having firſt made him a grave Admonition, ſetting forth the greatneſs of his Fault.

[2] Id. ib.

for which he obtaining his pardon

Yet even this gentle Reprimand ſo exaſperated him, [3] that he preſently left the Parliament, without taking any leave of the King; and making a Journey to *Avignon*, he lay waiting for the coming of the Duke of *Lancaſter* and the reſt of the *Engliſh* Plenipotentiaries, who were expected there to treat of a Peace before the Pope. And that I may put all things concerning this Affair together, I ſhall here farther add, [4] that upon the arrival of the ſaid Duke at *Avignon* about the beginning of the next Year, he enter'd into a private Conference with him; and after ſome Complaints of ſeveral great Injuries and Damages he had ſuſtained from the King of *France*, he aſſured the Duke by an Oath, that he would enter into a ſtrict Confederacy with

[3] Id. ib.

[4] Id. ib.

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with King *Edward*; and for the confirmation of it, further promiſ'd, that ſo ſoon as the Truce was ended he would join him at the Iſle of *Jerſey* with all the Forces he could raiſe: But how well he obſerved that Engagement, you will find in due time.

Another Parliament held, and the Cauſes of it.

We ſhall now return to the Affairs of *England*, where on the fifteenth of *March* the King iſſued out Writs of Summons [1] for a Parliament to meet on Monday after the Feaſt of St. *Mark*, or the eight and twentieth of *April* following; which being accordingly [2] aſſembl'd in the Painted Chamber, Sir *William Shareſhal* publickly declared before the King, Lords and Commons, that the Parliament was called for three Cauſes: Firſt, for eſtabliſhing the * *Staple* within the Realm, and for confirmation of the Ordinances made at the laſt Great Council. Secondly, how they might treat of a Peace with *France*; for that by War the King ſaw his Subjects greatly waſted: And Thirdly, for receiving of Petitions, and redreſſing of Grievances; all which without a Parliament could not be effectually done.

Sir B. Burgherſh *ſhews the King's Proceedings in order to a Peace, and asks their Aſſent.*

Then [3] it was further ſhew'd to them another day by Sir *Bartholomew Burgherſh*, that there were great hopes of Peace between the King and his Adverſary of *France*, by means of certain Commiſſioners to be appointed on both Parts; yet the King would not conclude any thing without the Aſſent of the Great Men and his Commons. Wherefore he demanded of them on behalf of the King, whether they would aſſent and agree to a Pe[illegible], if it might be had by Treaty?

The Commons Anſwer thereto.

To which the Commons anſwered with one accord, *That what Iſſue it ſhould pleaſe the King and Great Men to make of that Treaty, ſhould be agreeable to them.* Then the Commons were asked again, if they would aſſent to a perpetual Peace, if it might be had? who all unanimouſly anſwered, † *Yea, Yea.* Whereupon Maſter *Michael Northburgh*, Keeper of the Privy Seal, commanded Sir *John de Swynely*, the Pope's Notary, that he ſhould make thereof a Publick Inſtrument, which was to be carried to *Avignon* to be laid before the Pope.

But I cannot here forbear obſerving, that Parliamentary Proceedings were not then reduced to that Form and Regularity, as they have been ſince that time; for we find the Commons to have here given their Conſent *vivâ voce*, and in the preſence of the Lords, to what the King ſhould do. As for the redreſs of Grievances, I do not find any thing then done, and therefore ſuppoſe there were none, but what had been remedied in the foregoing Parliament; yet there were many wholeſome Statutes made, for which the Reader may conſult our Printed Statute-Books, as alſo the Abſtract of them at the end of this Reign.

The former Judgments in Parliament againſt the Lord Mortimer *and E. of* Arundel *revers'd.*

As for private matters, all that is worth our noting was, that the [4] Lord *Roger Mortimer*, Grandſon to the Great *Roger Mortimer*, who was attainted and executed three and twenty Years before, was now reſtored in Blood, and the Judgment given againſt his ſaid Grandfather was revers'd, as being contrary to Law. The like Favour alſo [5] *Richard Fitz-Allen*, Son to *Edmund* Earl of *Arundel* (who had been attainted in the beginning of this Reign) obtain'd on behalf of himſelf and his ſaid Father. Which Examples may ſerve to ſhew us, that it is the Duty of following Parliaments to correct and reverſe whatſoever hath been unjuſtly and too ſeverely enacted by thoſe that preceded.

Not

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[1] Rot. Clauſ. 28 E.3. m.25. dorſ.

[2] Rot. Parl. 28 E. 3. n. 1, 2, 3.

* i. e. *The Place for ſelling the Wools to foreign Merchants.*

[3] Ib. n. 58.

† *In the* French Oil, Oil.

[4] Ib. n. 8, 9, 10, 11.

[5] Ib. n. 13.

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[1] T. W. ad hunc An.

The King ſends Ambaſſadors to treat with thoſe of France *be‑fore the Pope at* Avignon.

[2] Rot. Fran. 28 Ed. 3. m. 5 et 2.

Not long after the Diſſolution of this Parliament, the King in compliance with their Advice, as alſo to perform the chief Article agreed on by ~~the~~ a late Treaty and Truce at [1] *Guiſnes*, ſent his Ambaſſadors to *Avignon*, there to conclude a final Peace with the *French* King in the Preſence of the Pope, the Heads of which had been before agreed upon near *Calais*, as hath been already related. The Ambaſſadors appointed by the King for this purpoſe were ſome of the moſt noted for their high Quality or Learning, as [2] *William Bateman* Biſhop of *Norwich*, *Michael* Biſhop of *London*, *Henry* Duke of *Lancaſter*, *Richard Fitz-Alan* Earl of *Arundel*, ~~the Lord~~ Sr *Guy Brian*, ~~with ſome others, whoſe Names I do not find~~. Theſe being accompany'd by many Perſons of Quality, and a magnificent Retinue, went to *Avignon* about the latter end of this Year, where they arriv'd upon *Chriſtmas*-Eve, being met without the City by ſeveral Cardinals, Biſhops, Noblemen, and others ſent by the Pope, who alſo Himſelf received them with great outward kindneſs and civility, tho like a true *French*-man He prov'd much more inclinable to the Intereſt of *France* than that of *England* in this Treaty, as you will find by and by.

[illegible] ~~[illegible]~~ of April ~~[illegible]~~ had been agreed on [illegible] en Comm[illegible] [illegible] for both [illegible] to continue for one whole year [illegible] ing on the [illegible] April following

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[3] Froiſ. c. 154.

The French *arrive there; with the Demands of the* Engliſh.

But to come to the buſineſs about which this Treaty was appointed, [3] the *French* Ambaſſadors (who were the Arch-Biſhop of *Rouen*, the Duke of *Bourbon*, the Earl of *Armagnac*, and ſome other Lords) being alſo now arrived, the Pope held a Conſiſtory of all the Cardinels, at which the Ambaſſadors of both Kings were preſent, when thoſe for the King of *England* were very ſhort in their Demands, being no more than that thoſe for *France* would now ſolemnly confirm thoſe Articles which had been already agreed upon between *Calais* and *Guiſnes*: And then they produced the Articles themſelves; the chief of which was, That King *Edward* upon his leaving off, and renouncing his Title to *France*, ſhould enjoy the Dutchy of *Aquitain*, with all its Dependencies, free and diſcharged from any Homage to *France*.

[4] Id. ib.

The French *Ambaſſadors refuſe to conſent to them, tho they had formerly agreed to divers of them.*

The Reaſons why they could not diſcharge Aquitain *from depending on the Crown of* France.

To this Propoſal the Earl of [4] *Armagnac*, the Duke of *Bourbon*, and the reſt of the Ambaſſadors of *France* could return no other Anſwer, but by downright denying and retracting all that had been agreed on at that Treaty, altho divers of them there preſent had ſolemnly agreed to theſe Articles under their Seals, in the preſence of the Cardinal of *Bolognia*. The Sum of what theſe Ambaſſadors alledg'd for their juſtification was, "That they would gladly have a Peace, if it might "be upon equal Terms; but as for the cutting off *Aquitain* with the "other Territories demanded to be held without any Homage or "Dependence on *France*, neither their King nor they themſelves "could give their Conſents, that they ſhould by any means be wholly alienated from their former Dependance on the Crown of "*France*; ſince the King and they themſelves had already ſworn to "retain them in the ſame ſtate they now were, to the utmoſt of their "power: yet if the King of *England* would renounce his Pretenſions, and ceaſe to bear the Arms of *France*, they were content "that the Feudatory Dominion of the ſaid Dutchy and Territories "ſhould remain to King *Edward* after the ſame manner as his Anceſtors had held them, *viz.* ſaving the Sovereignty of *France* over "the King of *England* and his Heirs, who ſhould do Homage for "them.

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The Duke of Lancaſter's *Anſwer to the* French *Propoſals.*

To theſe new and unexpected Demands the Duke of *Lancaſter* reply'd in the Name of the reſt, “ That as for the Oath whereby “ they pretended to be ſo ſtrictly bound never to alienate thoſe Pla- “ ces from their Subjection to the Crown of *France*, they might ſoon “ for the ſake of Peace be by his Holineſs abſolved from it: And “ ſince the King of *England* their Maſter had ſo good a Right to the “ whole Kingdom, He was reſolved freely and abſolutely to enjoy, “ and have fully reſtor'd to Him, that part of it which was indeed “ his own already; otherwiſe that both the Title and Arms of *France* “ which He had already taken, He would never relinquiſh for the “ fear or pleaſure of any man living. Neither was it reaſonable that “ He ſhould do Homage to that Perſon over whom by Hereditary “ Right He claim'd a Superiority; yet if they would propoſe any “ more equal and reaſonable Terms of Agreement, and would be “ more conſiſtent with themſelves, and conſtant to their own Con- “ ceſſions than they now ſeem'd to be, the King their Maſter, as a “ Lover of Peace, would be ready to embrace them. To which the *French* Lords in a heat reply'd, “ That if they had nothing elſe to “ propoſe, their King and all good *French-men* were both ready and “ able to defend their Country againſt the *Engliſh* for ever. And ſo they offer'd to riſe up and be gone; but thro the Mediation of the Pope and his Cardinals, their Heat was ſomewhat qualified, and at laſt they agreed ſo far, as that the Truce ſhould be prolonged until Midſummer following; and in the mean time the Pope promis'd to do his endeavour to promote the Peace, and would for that end again ſend his Nuncios to both Kings, to require them to diſpatch other Commiſſioners to propoſe ſome Conditions of Peace that might prove more equal and acceptable to both Parties.

[1] Id. c. 154. *The Truce is prolong'd.*
[2] H. K. Col. 2608.

But in the mean time [1] all the Pope could do, was to perſuade the preſent Ambaſſadors of both Crowns to conſent to prolong the Truce till Midſummer following, and ſo they broke up for that time. Then [2] the Duke of *Lancaſter* (having with ſome difficulty eſcap'd the Snares the *French* had laid to ſurprize him) returned with all the reſt of his Company into *England*, except [3] *William Bateman* Biſhop of *Norwich*, who died at *Avignon*: He was a Prelat very well skill'd in the Canon and Civil Laws, and founded *Trinity Hall* in *Cambridg* for a Seminary for Profeſſors in thoſe Faculties.

[3] God. de Praſ. *The Death of the Bp of* Norwich, *and his Character.*

[4] T. W. Aveſbury ad hunc An. *The* Engliſh *Hiſtorians are more expreſs in their Relations of this matter.*

This is *Froiſſart*'s Account of this Tranſaction; but our [4] own Hiſtorians are more plain and expreſs in this matter, and ſay, that when the Ambaſſadors of *England* appear'd before the Pope, in hope He would confirm the former Treaty at *Guiſnes*, it all came to nothing thro the Fraud and Deceit of the *French*, and the ſecret Favour and Connivance they found from his Holineſs Himſelf. Which is very probable, ſince we do not find by any Author, that He any ways ſeemed concern'd at the *French* Inconſtancy, or blam'd them for departing from what they themſelves had already agreed to. And this will appear much plainer, if *Polydore Virgil*'s Relation of this Affair be true (tho I know not from what Author he had it) that the Pope having heard the Allegations of the Ambaſſadors of each King, and found they both required that which was indeed indiviſible, to wit, the *French* Crown; his Judgment was, that both Kings ſhould for the future deſiſt from making War upon each other, ſince they had already done ſuch Miſchiefs, as might ſufficiently warn them from falling into the like again. And tho *Polydore* may be out in the former part of his Relation, that King *Edward* inſiſted then upon no leſs than the whole Crown of *France*, yet the other part of it might be true enough, that He enjoyn'd both Parties to lay down their Arms, until He could decide the Controverſy between them; which was indeed to give the Advantage to the *French* King, who detain'd thoſe Rights from King *Edward*, that could never be recover'd but by the Sword.

The French *take little notice of this Tranſaction, and the reaſon of it.*

The *French* Hiſtorians both Antient and Modern, take little notice of this great Tranſaction before the Pope, becauſe I ſuppoſe not making for their King's Advantage; only [a] *Du Cheſne* ſlightly touches it, and ſays, That the Ambaſſadors of *France* and *England* having met this Year before the Pope, about the Concluſion of the Peace between their Maſters, the Treaty broke off, becauſe the Demands of the *Engliſh* were ſo unreaſonable: but omits that which was certainly urged by them at that time, *viz.* That thoſe Demands were no more than what had been already agreed on at a former Treaty near *Calais*. As for all our Hiſtorians near that time (as well in Print as in Manuſcript) they agree, that the Year before there was a Concord or Agreement concluded between the Kings of *England* and *France*, and that confirm'd by Oath, which being reduced into certain Writings Indented, there wanted nothing but their putting their Seals to them; by which King *Edward* was freely to enjoy all his Lands in *Aquitain*, on condition He would renounce all his Right and Claim to the Crown of *France*. But how this Treaty came to break off, I need not repeat; but ſhall only give you the Authority of an Antient Manuſcript Author in the *Vatican* Library at *Rome*, cited by [b] *Odoricus Rainoldus*, who expreſly lays the breaking off this Treaty to the King of *France*: the Paſſage is to this effect, That in the time of this Pope *Innocent*, *Guy* Cardinal of *Bolognia*, by the conſent of the Pope, and at his own deſire, went into *France*, to treat of a Peace between the ſaid King of *France* and *Edward* King of *England*; for the concluſion of which Treaty, the Duke of *Bourbon* with other Ambaſſadors on behalf of the King of *France*, and the Duke of *Lancaſter* with others on behalf of the King of *England*, came to *Avignon* in the Sixth Year of this Pope, to finiſh and compleat thoſe things, which had been already ordain'd and agreed to before by the ſaid Cardinal, concerning the Peace between the two Kings; but when they came before the Pope, they could not agree, ſo that their Ambaſſadors went away in diſcord from the Court to their ſeveral Countries: and this was done thro default of the King of *France* (as was commonly ſaid) He then denying thoſe things which had been treated on, and Sworn and Sealed to by ſome of thoſe very Ambaſſadors, in the preſence of the ſaid Cardinal, by the *French* King's conſent, and that of his Council; to which our [c] Author adds as follows. "What dreadful Slaughters King *John* "brought upon himſelf and Country, by thus revoking the Articles "of Peace made with the *Engliſh* Commiſſioners, will appear hereafter, "ſince now the War broke forth afreſh, whereby *France* was embroi-"led for ſo many Years.

The P. of Wales appointed to go into Gaſcoigne.

[d] But it is time to look back into *England*, where preſently after *Eaſter* the King held a great Council of his Noblemen at *Weſtminſter*, in which it was ordained, that the Prince of *Wales*, being now in the

[a] Ad hunc An.

[b] Ad An. 1353.

[c] Odor. Rain. ibid.

[d] R. Aveſ. c. 92.

x as the [illegible] his [illegible] Lieutenant of Aquitain
vid: Rot. Vascon. 29. E. 3.
m. 1. Rs. [illegible]
p. 829. 830.

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the four and twentieth Year of his Age, ſhould paſs over into *Gaſcoigne*, there to carry on the War againſt the *French* King; but of this I ſhall ſpeak further by and by.

An Account of the great Fray at Oxford *between the Townſmen and Scholars, of whom many were kill'd.*

In the mean while, for want of Affairs of greater moment, I ſhall give you an Account of the great Quarrel, that happened in the beginning of this Year between the Scholars and Townſmen of *Oxford*, in which many of the former were killed; the occaſion of which was, [1] That on the Tenth of *February*, certain Scholars came to a Tavern called *Swinſtock*, which was then and is ſtill the Sign of the *Mermaid*, at *Quatervois* (from the Four Ways or Streets that meet there, now corruptly called *Carfaix*) where not liking their Wine, they called the Vintner and ask'd for better; but he inſtead of complying with their deſires, gave them rude and ſawcy Language, with which they being provoked, one of them ſtruck the Pot about his Ears; whereupon he ran down, and not only rais'd his own Servants but all the Neighbours, who came into his Aſſiſtance: ſo that in a ſhort time great part of the Town, reſolving to make it a general Quarrel, rang out the Bell of St. *Martin*'s (then, as now, the Town-* Church) whereupon the Chancellor of the *Univerſity* went to them, and did his endeavor to perſuade them to be quiet, promiſing them all reaſonable Satisfaction: but when nothing would do, and that he and thoſe that were with him were ſhot at by their Arrows, he cauſed the Univerſity Bell of St. *Mary*'s to be rang alſo; and then the Scholars and Townſmen being armed with Bows and other Weapons, had a Scuffle, until Night parted them. But as yet no great harm was done; but the next day, the Countrymen near *Oxford*, to the number of about two thouſand, came in to the Aſſiſtance of the Townſmen, with a black Banner born before them; whereupon the Scholars fled to their Colleges and Halls, but the enraged Multitude breaking into ſome of the weaker Houſes or Hoſtels, ſlew many of them whom they flung into their Bog-houſes, and then tore and deſtroy'd their Books and Writings, and carried away their Plate, and what elſe they pleaſed; and there were the Names of more than eight and twenty Univerſitymen ſlain and wounded, not long after given into the Biſhop of *Lincoln*, beſides thoſe who being ſecretly buried, were reckon'd at near forty more.

The Townſmen break into their Houſes, kill many of the Scholars, and deſtroy their Books and Writings.

The King upon complaint of this Riot ſeizes the Liberties of the City.

On Complaint of this Riot, the King (then at *Woodſtock*) ſeized the Liberties of the City; the greater part whereof were afterwards granted to the Univerſity, which they enjoy to this day: however for that time the Univerſity was in a manner diſſolved, all Scholars (except thoſe of *Merton* College) going to their Friends and Relations, where they continued for a Year or two after. In the mean while the Biſhop of *Lincoln* interdicted the City from having any *Maſs* ſung in it before the Layety, and the King ſending his Juſtices thither to ſit upon this Riot, there were [a] divers both of the Scholars and Townſmen Indicted, and *John Bereford* the Mayor with the two Bayliffs were committed Priſoners to the Tower, who being alſo turn'd out, a new Mayor and Bayliffs were choſen; and the High Sheriff of the County was alſo diſcharged, and another put in his Place, becauſe he had not come in to the Aſſiſtance of the Scholars as he was required. But to put an end to this troubleſome Affair the Iſſue of it was, That the Univerſity reſign'd her ſelf and Privi-

His Juſtices ſent thither, the Mayor and Bayliffs put out and committed to Priſon.

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[1] T. W. Hyp. Neuſt. A. Wood Antiq. Oxon. l. 1. p. 174.

* *This is corruptly called* Carfaix.

[a] Id. p. 176.

leges into the King's Hands, and the Townſmen did the ſame; but much more particularly, for they did not only do that, but by a Solemn Reſignation ſurrender'd up all their Liberties, Perſons and Goods moveable and immoveable, with their *Guilds* or Companies, and all their Rights, entirely to the King's Diſpoſal; and this they did (as they confeſs in their Surrender) *becauſe if they ſhould be proceeded againſt by any way of Law, and a ſtrict Examination of their Cauſe, it would tend to their greater Confuſion and Puniſhment*, &c.

The Univerſity and Town both reſign their Privileges into the King's hands, and ſubmit to His Majeſty's Judgment.

Theſe [a] Surrenders being made before the Biſhop of *York* and *Wincheſter*, and others of the King's Council, were accepted of by the King; and as for the Univerſity, He, upon a full Hearing, dealt very graciouſly by it, and pardon'd all that the Scholars had done, either in the ſaid Tumult or before, as his Letters Patents teſtify, bearing date the Twentieth of *May*, and ſtill extant among the Archives of that Univerſity. But as to the Townſmen, it did not go ſo well with them; for tho ſeveral of the Nobility interceded for them, yet this matter held until the Seventeenth of *July* following, and then the whole was again ſolemnly heard before the King's Council at *Weſtminſter:* they having conſideration of the Premiſes, to avoid the Decay and Ruin that might otherwiſe enſue to the ſaid Town, made this final Concluſion betwixt the Parties, "That the Commonalty of the ſaid Town ſhould be bound to pay to the Maſters and Scholars damnify'd in the ſaid Tumult, for Amends and Reparation of their Injuries, and Loſſes ſuſtained (Death and the Maim excepted) Two hundred and Fifty Pounds *Sterling*; beſides their Goods taken away were forthwith to be reſtored: this Mony was to be pay'd to the ſaid Chancellor, Maſter and Scholars by the Feaſt of St. *James's*, or elſe ſufficient Sureties given for the Payment thereof at certain Terms, as the Parties ſhould agree upon: in Conſideration whereof, the Perſons impriſon'd were releas'd upon Bail, until the next Seſſions of Goal-Delivery, on condition, that the ſaid Sums of Mony be pay'd, or Surety be put in for the Payment as before; or elſe the Bodies of the ſaid *John Bereford* and *John Norton* were to be return'd to Priſon, within three Days after the Feaſt of St. *Peter ad Vincula* or Firſt Day of *Auguſt*, there to remain in manner as before they did. And it was further agreed by the Deputies of the Univerſity, That all Townſmen who were Indited for ſuch Felonies and Tranſgreſſions above-mention'd, ſhould yield themſelves to the King's Priſon, to be try'd by Law, and all others that were now impriſon'd ſhould be let out, upon ſufficient Bail, that they would appear to be try'd by Law at the next Seſſions of Goal-Delivery. This was the Subſtance of the Order or Sentence of the Council, which I ſuppoſe was punctually obey'd.

He pardons the Scholars by his Charter.

The whole matter again heard before the King's Council, and their final Sentence againſt the Townſmen.

I muſt alſo take notice, That to this Day the Mayor and Sixty three of the Burgeſſes of *Oxford*, are oblig'd to come to St. *Mary's* Altar or Communion-Table, on the Feaſt of St. *Scholaſtica* the Virgin, or Tenth of *February* (the Day on which this Riot and Murther was committed) and there to offer at the High Altar Sixty three Pence, which were antiently appointed for ſo many Maſſes to pray for the Souls of ſo many Scholars as were then found to be killed in this Tumult. But I do not find this to have been any part of the above-recited Sentence of the King's Council, and therefore ſuppoſe it to have

The Mayor and Burgeſſes of Oxon *obliged on St.* Scholaſtica*'s Day to offer ſixty three Pence at St.* Mary*'s Altar.*

been

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[a] Id. ibid.

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been ſome time afterwards impos'd upon them by the Biſhop of *Lincoln*, before they could be abſolv'd from his Excommunication; otherwiſe it is not probable, that the Mayor and Aldermen would ever have ſubmitted themſelves voluntarily to ſo mean an Acknowledgment. But I ſhall nowreturn to Matters of more Publick Concernment.

[1] H. K. col. 2608.
The King ſends over the Prince his Son with three large Commiſſions.
[2] Rot. Parl. 29 E. 3. m. 6.

A little after *Whitſontide*, or about the end of *May*, when the Truce between the two Kings was near expiring, they began again to put themſelves into a poſture of War; and King [1] *Edward* to ſecure his Territories in *France*, reſolv'd in a great Council at *London* to ſend over the Prince his Son, as his Lieutenant into *Aquitain*, with a thouſand Men at Arms, and fourteen hundred Archers; and in order thereunto, the King iſſued three ſeveral [2] Commiſſions to the Prince all of the ſame Date; by the firſt of which he made him his Lieutenant of that Province, and all other Places in *France*, whither he ſhould happen to march for the Recovery of his Territories poſſeſs'd by the Rebels: A ſecond gave him Power to make Leagues and Alliances with all Perſons of what Degree ſoever, to retain Men into his Service and pay them: The third was to give him Authority in the King's ſtead to receive the Homages and Fealties of the Nobility and others within the ſaid Dutchy of *Aquitain*. ⅄

⅄ whereupon the King seeing the renewal of the war was now inevitable, sent letters to the Arch Bps. of Canterbury and York and to all the Bps. of England [illegible] the dealing of the French in denying the Agreement [illegible] which he had been ready to confirm in the Popes presence [illegible] to require the war in his own defence and [illegible] he require them to put up their prayers for [illegible] Rot. Cl. 29. E. 3 m. 19. D. vid. Rl. col. p. 416.

[3] T. W. ad hunc An.
The Prince ſets Sail for France *with his Forces.*

Then there being got ready a ſufficient [3] Navy to tranſport the Prince and his Forces, he, attended by the Earls of *Warwick*, *Oxford*, *Salisbury* and *Suffolk*, ſet Sail from *Plymouth* on the laſt of *June*, being bound for the River of *Garonne*. But whilſt they purſue their Voyage, we will look into *France*, and ſee what the King of *Navarre* has acted there in purſuance of his late Agreement with the Duke of *Lancaſter* at *Avignon*. In the [4] beginning of this Year, he ſent over (among others) his Uncle *Giles* of *Champagne* to the Duke with Letters, earneſtly beſeeching him to come ſpeedily into *Normandy* to his Aſſiſtance, and to receive his Oath of Fidelity, to ſerve King *Edward* againſt all Men. Then the Duke by the King's Order muſter'd up a good Fleet of forty Sail, which was got ready at *Rutherhive* (now *Redriff*) furniſh'd with three Months Proviſions; the Duke of *Lancaſter* being to go Admiral, and alſo Chief Commander of a great many choice Men at Arms and Archers, yet the Place for which they were bound was kept ſecret. But tho he ſail'd from *Greenwich* on the tenth of *July*, yet the Winds continuing in the Weſt or Southweſt, he did not arrive at *Sandwich* till the fifteenth of *Auguſt*, and got with great difficulty as far as the Iſle of *Wight*; [5] where (as ſome Authors relate and [6] further appears on Record, that) the King Himſelf with his Son the Duke of *Clarence* and *John* of *Gaunt*, went on Board the Fleet not in a publick manner but privately, without any State, becauſe it ſhould not be commonly known: then they ſet Sail for the Iſles of *Guernſey* and *Jerſey*, where He was to meet the King of *Navarre*, and ſettle all points for carrying on the War againſt the *French* King; but after the Fleet had lain cruiſing thereabout for ſome time, waiting for the King of *Navarre*, and he failing in his Promiſe to come thither at the time appointed, and the Winds proving contrary and tempeſtuous, the whole Fleet return'd back to *Portſmouth*; and the King and his Sons went on Shore, and ſtay'd there till He receiv'd certain Intelligence (about the middle of *October*) of the King of *Navarre*'s Reconciliation with his Father-in-Law of *France*; and that if the *Engliſh* went over thither, they

[4] Stow's Chro. p. 254.
The King of Navarre *deſires K.* Edward's *Aſſiſtance in* Normandy, *who thereupon ſets out a good Fleet.*

[5] H. K. col. 2619.
Chro. R. Aveſ.
[6] Rot. Parl. 29 E. 3. m. 9.
The King goes on Board Incognito, *but is deceiv'd by the King of* Navarre.

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they ſhould be treated as Enemies. Thereupon the Duke return'd to the King, but the Men and Fleet were reſerved for another Expedition, that was preſently after undertaken.

But to give a more ſatisfactory Account of the reaſon of this Failure of the K. of *Navarre* in his Oath and Promiſe, ſo ſolemnly made: you are to take notice, [1] that when K. *John* and his Council ſaw that his Son in Law had now got together a good Body of Men, which he had chiefly brought from his own Kingdom, and that he had fortify'd divers Places in his Territories in *Normandy*, and thence began to ſpoil the adjacent Country, and was juſt ready to give the *Engliſh* Footing in it; they thought it high time to make the beſt Terms with him they could: and *Charles* the *Dauphin* knew ſo well how to ſweeten him, that by complying with moſt of his Demands, He for the preſent ſeemed ſatisfied, and diſbanding his Forces, accompany'd the *Dauphin* to *Paris*; but it was impoſſible long to hold or oblige ſo fickle and inconſtant a Prince, as you will find the next Year.

But however the King of *France*, to prevent any Deſcent of the *Engliſh* [2] into *Normandy*, had already diſpos'd his Forces in ſeveral Places and Ports along the Coaſt: but they lying there moſt part of this Summer, burthened and waſted the Country almoſt as bad as the Enemy; till at laſt, all the Forage and Proviſions being conſum'd, they were forc'd to march off; inſomuch that when King *Edward* ſhortly afterwards landed in thoſe Parts, the *French* King had no Forces there able to oppoſe Him.

Pr. Edward *marches with his Army from* Bourdeaux, *and over-runs all the* French *Territories.*

Prince *Edward*, being arriv'd in *Gaſcogne*, after He had ſpent ſome Months in ſettling the Affairs of that Country, and increaſing the number of Forces He had brought over with Him: [3] on the 5th of *October* marched from *Bourdeaux*, attended by the Earls that came along with him, as alſo by Sir *Bartholomew Burgherſh*, the younger, Son to the King's Chamberlain (who was then lately dead) together with the Lord *Liſle*, and ſeveral other Barons of a like Martial Temper. The Army was drawn up in three Battalions, and conſiſted in all of about ſixty thouſand Men; ſo that notwithſtanding the Earl of *Armagnac*, Lieutenant for the *French* King in thoſe Parts, and *Gaſton Phœbus* Earl of *Foix*, with other Chief Noblemen of *France*, commanded a greater Army, yet durſt they not encounter the Prince in the Field, either for fear of him, or (as *Mezeray* ſoftens it) out of Jealouſy of each other: wherefore the Prince finding no oppoſition, over-ran all the Country at his pleaſure as far as *Beziers* and *Narbonne*, taking and deſtroying very many ſtrong Towns and Caſtles; all which are particularly enumerated by * Sir *Thomas de la More*; tho the Names of the Places are ſo corruptly written, as one cannot well tell what they were; for which cauſe, as alſo for the dryneſs and prolixity of the Relation, we think better to omit it: but by a [4] Letter of Sir *John Wingfield*'s, who was in this Expedition, written to a Nobleman of *England*, it appears, that the Prince and his Army then burnt and deſtroy'd the Town of *Plaiſance* in *Rovergne*, together with the Country round about; as He did alſo in the Counties of *Eſterac* and *Cominges*, where He took and burnt the great Town of *St. Bertrand*. The like they did in the County of *Lille*, marching thro which, they paſſed the River *Garonne* above *Tholouſe*, but left that City, becauſe the Conſtable of *France* and the Count *de*

A full Relation of the Prince's Expedition from a Letter of Sir John Wingfield's.

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[1] Mezeray ad hunc An.

[2] Stow p. 255.

[3] Id. c. 155.

* *Cited by* Holing. *p.* 952.

[4] *At large in* C. R. Avesbury, *cap.* 100.

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Clermont were there with a Potent Army. Then paſſing into the Country of *Carcaſſone*, they burnt the City that bears the ſame Name; and going from thence to *Narbonne*, they did the like to that City; ſo that the King of *France* had never receiv'd a greater loſs, during all the War, of Cities and good Towns, which yielded Him conſiderable Revenues, than by this Expedition. This too being ended, the Prince return'd to *Bourdeaux* toward the beginning of the next Year.

[1] H. K. col. 2608. C. Rob. Aveſ. c. 95.

King Edward *ſummons all his Military Tenants, but is long kept back by contrary Winds, yet at laſt paſſes over to* Calais *with his Army.*

But we ſhall now return back into *England*, where in the mean while [1] K. *Edward* had reſolved upon another Expedition into *France*; and to this end had ſummon'd many of his Great Men and Military Tenants, to be ready at *Sandwich* by *Michaelmas* Day, in order to paſs over to *Calais:* but having been kept back by contrary Winds and other accidents, He could not take the Sea with his Army till the end of *October*, when He went, and was joyned by Sir *Henry Eam* of *Flanders*, Sir *Frank Van-Hall*, and many other *Germans* and *Brabanders*, to the number of a thouſand Men of Arms, inſomuch that the King's Forces amounted in all to ſeven thouſand Men at Arms, two thouſand Croſs-bows on Horſeback, beſides Long-bows, Archers on foot in a greater number; and the City of *London* at that time ſet out at their own Charge five and twenty Men at Arms, and five hundred Archers on Horſeback, all in one Livery. The King took with Him in this Expedition two of his Sons, *viz.* Lord *Lionel* of *Antwerp* Earl of *Ulſter*, and Lord *John* of *Gaunt* now Earl of *Richmond*; the former then in the Seventeenth Year of his Age, and the other in the Fifteenth; together with *Henry* Duke of *Lancaſter*, the Earls of *Northampton* and *Stafford*, and Sir *Walter de Manny*, with many Young Noblemen and Gentlemen.

[2] Froiſ. c. 154.

The King marches towards St. Omers, *the Marſhal* D'Endreghan *comes to view his Forces.*

[3] Rob. Aveſb.

And diſſuades K. John *from coming to a Battle, whereupon King* Edward *returns to* Calais.

[2] Then on the Firſt of *November*, the King having heard that his *French* Adverſary with his Army was come to *St. Omers*, marched towards that City with all his Forces; but when He was arrived between *Guiſnes* and *Ardres*, [3] there came to Him the Marſhal *D'Endreghan*, the Lord *Bouciquault* and others from King *John*, that under pretence of diſcourſing him, they might take a full view of all his Forces; and accordingly they return'd with ſuch a Report of his Strength, that the *French* King was now determin'd not to hazard a Battle with Him, but rather to retreat before him breaking the Bridges, and gathering up or deſtroying all ſorts of Proviſions, that ſo the *Engliſh* might be forced for want thereof to return back for that time. Which Deſign had that Succeſs, and K. *Edward* was ſo ſtreighten'd thereby, that after He had ravaged and deſtroyed *Bolognois*, as far as the Town of *Heſdin*, which he could not take; He was obliged to return to *Calais*, His Army havin drank nothing but Water for three Days together, and all other Proviſions being extreme ſcarce. Here the *French* [4] Writers from *Froiſſar* (for I am reſolved to diſſemble nothing) ſay, That King *John* by th Marſhal *D'Huthain* and certain other Knights, offer'd King *Edwar* either to fight Him Body to Body, or Army to Army, whenſoever H Himſelf ſhould appoint; but that K. *Edward* declin'd the Offer, and ſ went home again for *England*. This ſeems very improbable, becau King *Edward* was not now many Years older, nor leſs Valiant tha when He challenged this King's Father to a ſingle Combat; and i plainly appears by the *French* King's Retreat at firſt, that He declin' fighting. And therefore I ſuppoſe [5] *Avesbury*'s Relation of this Tran actio

[4] Mezeray ad hunc An.

The French *Relation of* K. John*'s Challenge to fight* King Edward *ſeems an Error.*

[5] Ibid.

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The Relation of our Engliſh *Hiſtorians more probable.*

action better deſerves our Credit, *viz.* that on the eleventh of *November* after the King's Return to *Calais*, the Conſtable of *France* and others met the Duke of *Lancaſter*, the Earl of *Northampton* and Sir *Walter Manny*, at the end of the Cauſway of *Calais*, and by Letters of Credence from their King, offer'd Battel to the King of *England* on Tueſday following: Then the *Engliſh* Lords anſwered by their King's Command, that it was His Intention, as much as He could, to avoid the effuſion of Chriſtian Blood; and therefore deſired to fight Body for Body with his Adverſary, ſo as the whole Right to the Crown of *France* might be decided by this Battel between them two: And if this was not approv'd of, that each of them ſhould take to Him his eldeſt Son; and if He lik'd not that, then both to chuſe two, three or four Knights, the neareſt to them in Blood, to be join'd with them and their Sons, that ſo the Right to the Kingdom of *France* might be finally determin'd, and that He who was conquer'd ſhould yield it to the Conqueror. Which Offers the *French* refuſed, ſtanding to their Propoſal of giving Battel on Tueſday. The *Engliſh* offer'd to fight the next day, or Saturday: The *French* ſtill perſiſted in their firſt Offer, which the *Engliſh* accepted, upon condition, that if the *French* could not bring their King to a Battle on that day, they ſhould render themſelves Priſoners to the King of *England*; as in like manner they would render themſelves Priſoners to the King of *France*, if they brought not then their King to conſent to a Battel on that Day. But the *French* Conſtable refuſed this Offer, and the *Engliſh* Lords thought they only trifled with King *Edward*, that by delay and putting him to great Expences, He might be weary of the War. The King ſtaid and expected the *French* all Tueſday, but none of them came. This Relation deſerves our notice, as being not only more probable, but is alſo written by an Author of that time; and the Reader may uſe his Judgment in the choice which to believe, either our *Engliſh* or the *French* Hiſtorians, whoſe beſt Authority is that of *Froiſſart*, who, I confeſs, ſeldom writes to the diſadvantage of King *Edward* or his Cauſe. But this is moſt certain, that the [1] *Engliſh* Noblemen then with the King, ſeeing that the *French* had no intention to fight, as they at firſt pretended, but only by delays to ſpin out time, and put their Maſter to charges, thereby to make both Him and them weary of the War, adviſed Him to think of returning home: So that all that could be further done at preſent was, the ſtriking up a ſhort Truce between the two Kings, to continue till Eaſter. However the King ſtaid till the 17*th* of *November*, when having paid all the Strangers that came to his aſſiſtance their Wages, and ſeeing there was no more to be done on that ſide the Water, He embark'd for *England*, being incited to make the more haſte, by reaſon of what the *Scots* had lately acted againſt Him during his Abſence.

The King ſtrikes up a ſhort Truce with France. *and returns home,*

The Scots *invade* England, *defeat a Party belonging to* Berwick, *&c.*

They [2] having received a ſtrong Body of *French* Soldiers, and four hundred thouſand Crowns in Gold, to excite them to renew the War upon *England*, perform'd it accordingly; and marching into the Borders near *Berwick*, a Party of that Gariſon ſally'd out upon them to get a Booty of Cattel which the Enemy had drove near that Place on purpoſe, whereby the *Engliſh* fell into an Ambuſh the *Scots* had laid for them, and were all cut off, except Sir *Thomas Grey* their Commander, and Sir *John Dacres* his Son-in-law, with ſome other

[1] Id ib. Froiſ. ib.

[2] H.Boeth. l.9.

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Gentlemen, whom they kept Priſoners in order to a Ranſom. Then early the next morning before day the *Scots* (encouraged by this Succeſs) approached the Town of *Berwick*, and when the Watch was aſleep, ſet their Ladders to the Walls, and mounted and enter'd the Place: Thoſe few *Engliſh* whom they found awake and able to reſiſt, they fell upon and ſlew, tho not without loſs to themſelves of divers Knights and Officers, whoſe Names it were needleſs to relate. But tho the *Scots* thus ſurprized the Town, yet they could not take the Caſtle, becauſe the Bridg being drawn up, the Gariſon had quickly notice of what they had done; ſo that it held out till King *Edward* could come to their relief, which He did with all poſſible ſpeed as ſoon as ever He came out of *France*, and could hold a Parliament at *Weſtminſter* [1] on the 12th of *November*, or Monday after the Feaſt of St. *Martin*, according to the Summons that had bin iſſued juſt before his laſt going over.

The King returns out of France, *and holds a Parliament.*

[1] Rot. Clauſ. 29 E. 3. m. 9.

[2] Rot. Parl. 29 Ed. 3. Cot. Abridgment, p. 90.

Wherein Sir Walter Manny *declares the Succeſs of the King's Affairs.*

This Parliament [2] having bin by reaſon of the King's abſence, and ſome other Cauſes, put off by ſeveral Adjournments till the five and twentieth of *November* following, they were then told by Sir *William Shareſhul* the Chief Juſtice, that it was his Majeſty's pleaſure, that Sir *Walter Manny* ſhould declare to them the preſent State of the King's Affairs, as being beſt able to do it, and which he did to this effect. He firſt gave them an account of the late Treaty before the Pope, and how it had been broke off thro the fault of his Adverſary of *France:* Then he proceeded to the Negotiation that had been between the King of *Navarre* and the Duke of *Lancaſter* at *Avignon*, to meet the ſaid Prince at *Jerſy*, and of the reaſon of the failure of that Deſign. Then Sir *Walter* concluded with a ſhort Relation of the King's late Expedition into *France*, and the Iſſue of it, as it has been already related, and the reaſon of his ſo ſpeedy Return.

[3] Ibid.

Sir W. Shareſhul *requires the Commons to conſider how to ſubdue the* Scots, *and attain a Peace with* France.

After this Relation, [3] Sir *William Shareſhul* ſpake again to them, and required the Commons to weigh and conſider the King's unwearied conſtancy in labouring for their Defence, and that He was now ready to repel the Inſolence of the *Scots*, who had lately ſurprized the Town of *Berwick* (as News had been then brought to Him) and he willed them alſo forthwith to adviſe, how He might be the beſt enabl'd, not only to gain a compleat Victory over that ſtubborn People, but alſo how to attain an advantageous Peace with *France*, which He greatly deſired for His own Honour, and their Quiet and Benefit: and then gave them time till Friday following to give in their Anſwer, and in the mean while to prepare their Bills and Petitions, and to bring them into Parliament. On which day the Commons came into the Preſence of the King, the Prelats and Great Men, into the White Chamber; and after a ſhort Conference with them, unanimouſly granted the King the Subſidy on Leather, Wool, and Woolfels for ſix years next coming; ſo that during that time the King ſhould not put any other Impoſitions or Charges upon the Commons. And then they brought their Petitions before the King, who returned His Anſwers to them, which together with the Statutes that were then made, I need not here recite. I have no more to add concerning this Subſidy or Cuſtom upon Leather, Wool, &c. only that it was ſo conſiderable, that *Rob. Aveſbury* obſerves, that upon a juſt calculation the King could

The Lords and Commons grant the King a vaſt Subſidy on Leather, Wool, &c. *for 6 Years.*

could during theſe ſix Years expend more than a thouſand Marks every day in the Year.

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The Parliament being ended, the King goes for Scotland.

When the Parliament had thus diſpatch'd the King's Buſineſs and their own, they broke up about the end of *November*, ſo that it did not hold above four or five days; and as ſoon as it was over King *Edward* having got ready his Forces, took his Journy for *Scotland*, and reſted not till He came to *Newcaſtle* upon *Tine*, where he kept his *Chriſtmas.* ✗ but ~~before~~ when he ~~went~~ arrived at Durham, he sent out writs to the sheriffs of York [illegible] Derby, Lincoln and Leycestershire to make proclamation, that all men [illegible] arraying from 16 ~~years~~ [illegible], should be ready with [illegible] their [illegible] for said [illegible] renunciation [illegible] Rot. Scot. 29 Ed. 3 m. 3 [illegible]

Anno Dom. MCCCLVI.

The King arrives before Berwick, and lays cloſe Siege to it.

The Scots ſurrender it on Conditions.

So ſoon as that Solemnity was over, He[1] departed thence with his Army to *Berwick*, and came thither the fourteenth of *January*; and his Navy being alſo arrived, He beſieged it both by Sea and Land, and the Caſtle ſtill holding out for him, He enter'd with his Guards, deſigning to let down the Draw-bridg, and aſſault the Town that way, while the Army from without ſhould attempt the Walls. Sir *Walter Manny*, (who arrived there ſome time before the King) was alſo at the ſame time imploy'd in ſpringing a Mine by certain Miners he had brought out of the Foreſt of *Dene*, thereby to get entrance that way, if Force ſhould fail. Upon this the *Scots* within being terrified with theſe dreadful Preparations, and ſeeing it impoſſible to hold out againſt ſuch powerful Forces, and ſuch various Attacks, began to capitulate, deſiring only to be ſecured of Life, Limb and Liberty, and they would forthwith yield up the Town; which Conditions the King accepted, and they marched out accordingly. But [2] the *Scotiſh* Hiſtorians (who ſeldom fail to write for the advantage of their Country) relate, that when the *Scots* within the Town heard how King *Edward* was coming in Perſon to its relief, they diſmantl'd the Walls, ſet fire on the Town, and ſo made their eſcape with all the Spoil they had gotten, which is not at all likely, ſince our Hiſtorians give us ſo many pregnant Circumſtances to the contrary, that it is improbable it ſhould have been otherwiſe than as they write.

The King marches further into Scotland.

However King *Edward* being now repoſſeſs'd of the Place, having left behind him ſufficient Forces both for the defence thereof, and to repair what was wanting in the Fortifications, [3] marched with his whole Army further into *Scotland*, reſolving (if poſſible) to reduce that Nation entirely to his Subjection. [4] Whilſt he continued at *Roxburgh*, King *E. Baliol*, who attended Him in this Expedition, being weary of the long Oppoſition of the *Scots*, and finding that He was never likely to enjoy more than the empty Title of a King, and that he was alſo in Years and without Iſſue, therefore upon theſe Conſiderations, ~~about the end~~ upon the 20th of *January*, ✗ granted and confirm'd for Him and his Heirs, to *Edward* King of *England* and his Heirs for ever, the Kingdom, Government, Title and Crown of *Scotland*, together with the Iſles, and all manner of Royalties, Dignities, Prerogatives, *&c.* and all other things which belong'd to that Crown, with its Apurtenances: ✗ and then he put him in ~~poſſeſſion~~ thereof by the ſurrender of his Golden Crown, and delivery of ~~Poſſeſſion~~ by ſome of the Soil of the Kingdom, *&c.* in conſideration whereof King *Edward* was to allow him two thouſand Pounds Sterling for his Life, to be paid quarterly. There were ſeveral long [5] Inſtruments drawn up about this Grant, as alſo an Exemplification of the main Indenture of Agreement between the two Kings, dated at *Bamburgh* Caſtle the twentieth of *February* following. There is alſo extant

E. Baliol ſurrenders up his Right to the Crown of Scotland to K. Edward.

See the Char[illegible] by great [illegible]

✗ vid: the Instrument [illegible] in Rot. [illegible] 4 [illegible] [illegible] 29 E. 3. m. 1.

[1] H. K. Col. 2611. Rob. Aveſb. c. 103.

[2] H. Boeth. ib. Buchan. ib.

[3] Hollingſh. ib.

[4] H. K. col. 2611.

[5] Rot. Scot. 29 E. 3. m. 12.

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[1] Ib. m. 30.
[2] Ib. m. 8.

tant King *Edward*'s[1] Releaſe of the Homage done to Him by *Edward Baliol*, dated the twelfth of *March* next after at *Weſtminſter*, with a [2] Proclamation, that notwithſtanding this Grant, the People of *Scotland* ſhould enjoy, and be govern'd by their old Laws and Cuſtoms as before, without any Change, or the leaſt Alteration; dated at the ſame Place, on the fifteenth of the ſame Month. All which Inſtruments are enter'd upon the Rolls call'd *Rotuli Scotiæ*, now extant in the Tower.

[4] H. K. ib.
The Scotiſh *Nobility make as if they would ſubmit to King* Edward, *but do not.*

Whilſt King *Edward* continued thus at *Roxburgh*, [3] Earl *Douglas* with many of the chief Nobility of *Scotland* came to Him, and treated with Him, as if they deſigned to ſubmit to his Terms; and accordingly a Day was appointed for a full and final Agreement, in order to which the King allow'd them eight Days reſpite: But in the mean while the crafty *Scots* convey'd the beſt of their Moveables beyond the *Frith*; and then *William* Earl *Douglas* ſent the King word, *That he would never ſubmit to his Peace while he lived.* King *Edward* being thus deluded, marched on with his Army divided into three great Battalions, burning and deſtroying the Country round about Him, as He paſs'd, until He came to *Haddington*; but the *Scots* had carry'd off or ſpoil'd all ſorts of Proviſion, ſo that for fifteen days together the *Engliſh* could get little Meat, and no Drink but Water, a very thin Diet at that cold time of the Year. But the *Scots* were always ready, both on their Flank and Rear, to cut off whoſoever went forth from the Army to forage. While King *Edward* thus tarried at *Haddington* waiting for his Navy, wherein were the Proviſions for his Army, his Soldiers did their utmoſt to ſpoil the Country, tho it turn'd to very little advantage, for the *Scots* had already removed whatever was conſiderable: Wherefore the King and his Forces were fain to return home, after having endured a great deal of hardſhip in *Scotland* for want of Victuals.

The King purſues the Scots.

[4] Boeth. l. 15.
The King's Navy which carried the Proviſions ſuffer'd much by a Tempeſt.

But that which chiefly contributed to their Neceſſities, was, [4] that the King's Navy being to attend the Army with Proviſions, ſuffer'd much damage by a great Tempeſt, whereby moſt of the Ships were either deſtroy'd or diſpers'd, and not only the Men, but the Proviſions loſt. This *Hector Boethius* aſcribes to the Sacrilege of the *Engliſh* in robbing the Church of our Lady at *Haddington*, and alſo complains of the great Wickedneſs which King *Edward*'s men then committed in robbing and burning Churches and other Religious Houſes: but this is not very probable, ſince the King was always averſe from Sacrilege, and is related by our Hiſtorians to have cauſed ſeveral of his men to have been hang'd at other times for the like Crime.

K. Edward *incens'd at his ill Succeſs, ruins* Edinburg, *&c.*

[5] Id.

But this is certain, that King *Edward* being incens'd by the late Diſaſter, diſcharg'd his Fury upon *Edinburgh*, ***Haddington***, and other Towns of *Lothian*, which He quite ruined; ſo that He left ſuch marks of his Diſpleaſure in thoſe Parts, that [5] this Deſolation happening about the Feaſt of our Lady's Purification, the *Scots* ever after called it the ***Burnt Candlemas***.

He returns into England *with the Ld* Baliol.

When King *Edward* had thus reveng'd Himſelf upon ***Scotland***, and ſettl'd his Affairs in thoſe Parts, as well as He could, He return'd into *England* with the Lord *Edward Baliol* (for ſo I ſhall now call Him) in his Company, which was not done (as the *Scotiſh* Writers idely relate) becauſe the King fear'd leſt he ſhould make new ſtirs, ſince

He

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The Miſtake of the Scotiſh Writers concerning it confuted.

He had already upon good Conſiderations voluntarily reſign'd up all his Right to King *Edward*, and it was now too late to repent; or if He had, it would have been to no purpoſe; for He was ſo odious to the *Scots*, who never ſubmitted to Him but for fear, that had He not been ſupported by the King, He had been long ſince intirely ruined, having been deprived of all his Eſtate both in *France* and *Scotland*: So that being tired out with the long oppoſition of ſo ſtubborn and reſolute a People, He now went into *England*, where he lived quietly for the reſt of his Life, which was about ſeven Years, upon the Penſion of two thouſand Pounds *per Annum*, which was (as I have already ſaid) allowed Him by the King, in conſideration of his Reſignation of the Crown of *Scotland*; by which notwithſtanding the King reap'd no more advantage, than what his Grandfather *Edward* the Firſt had long ſince done by the like Reſignation of *John Baliol*, Father to this *Edward*.^ all I can find more upon [illegible] concerning the late [illegible] King of Scots [illegible] Kingdom to K. E. and he in return [illegible] him a Charter dated March 12 of Release of the Homage & fealty due to him [illegible] Rot. [illegible] 30 Ed. 3. [illegible] quitted [illegible] of those [illegible] who had acknowledged [illegible] Edward [illegible] Kingdom [illegible] sently after [illegible] proclaimed in the Marches [illegible] & all other parts yt owned the Kings [illegible] Crown, in the manner above mentioned, yet that the King did no ways intend thereby to change the Laws and Customs of that Kingdom but that they should be governed by them in the same manner [illegible] Rot. Scot. [illegible]

[1] Rob. Aveſ. c. 108.

Simon Sudbury, Auditor of the Pope's Rota, is ſent to renew a Treaty of Peace with France.

So ſoon as [1] the King could return to **London**, He there met Maſter *Simon Sudbury*, Auditor of the Pope's Court call'd the *Rota*, being lately arriv'd as a Nuncio from his Holineſs, with Letters offering again to renew the Treaty of Peace between Him and the *French* King, and further to ſend two Cardinals Legats for that purpoſe. But after ſome weeks conſideration the King returned a civil Anſwer to the Pope's Letter, giving Him to underſtand, that He was always deſirous of Peace, whenever it might be had upon ſafe and honourable Terms; yet tho He had often conſented to ſuch Treaties as his Holineſs had propoſed, He had always found no other Iſſue from them, but fruitleſs Delays and loſs of time, to his great prejudice: and what Succeſs his Envoys had met with in the very laſt Treaty, his Holineſs very well knew. He therefore beg'd his Pardon, if being now compel'd to carry on the War to the utmoſt of his Power, He could not without great danger to the whole State of his Affairs comply with his Holineſs's Deſires. This Letter was dated on the ſecond of *May* this Year. ^

[2] Id. ib.

The Clergy grant the King a Tenth.

But to ſay ſomewhat of Eccleſiaſtical Affairs, [2] on the ſixteenth of the ſame Month, the Arch-biſhop of *Canterbury* held a Provincial Synod at St. *Paul's*, to which the King ſent his Meſſengers, deſiring the Tenths of the Clergy for ſix Years; but the Inferior Clergy would grant them for no more than one Year, and the Biſhops for two Years to come, which (ſince He could have no more) the King accepted of.

[3] Froiſ. c. 155.

Tumults in France *by reaſon of the Taxes, eſpecially at* Arras.

Having done with the Affairs of **England**, we ſhall now look into *France*, which produced freſh Diſturbances this Summer, and by their Civil Diſſenſions gave great Advantage to the *Engliſh*, who by that means, as well as a great Succeſs in Battel this Year, had more than one Victory over the **French**. The occaſion of theſe Diſturbances was, that King [3] *John* having been lately forced for the Maintenance of the War, to impoſe great Tallies and other Impoſts upon his Subjects, as alſo an annual Tax upon all Lands, Benefices, Offices and Sallaries (even to the Wages of Servants) all over *France*; theſe extraordinary Subſidies, tho granted by the Aſſembly of Eſtates, cauſed Tumults and Seditions in divers Places, eſpecially at *Arras*. [4] But the Marſhal *d'Endreghan* being enter'd the Town with his Guards, under the colour of a Peace-maker, ſeiz'd upon about a hundred of the moſt ſeditious, and

[4] Id. ib. Paul. Æmil. p. 285.

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and cut off the Heads of about twenty of the chiefeſt of them.

The King of Navarre *begins to raiſe freſh Troubles.*

[1] Froiſ. c. 156.

After which the King of *Navarre* began to raiſe freſh Troubles, upon the common pretence of all Reformers, *the Redreſs of Grievances, and the Good of the Publick*; but the *French* King having notice of his Deſigns, had laid a Snare to entrap Him; and notwithſtanding all his Cunning, [1] He was enticed by the *Dauphin* to the Caſtle of *Rouen*, together with *Lewis* Count of *Harcourt*, and ten or twelve more of their Confederats: But they were no ſooner got thither, and the King had notice of their Arrival, but He came upon them on the ſudden, and entring a Poſtern, ſurpriz'd them as they were juſt going to Dinner in the Hall of the Caſtle. The King only made his Son-in-law the King of *Navarre* a cloſe Priſoner; but as for the Count *d' Harcourt* and four other Lords, that Prince's chief Confidents, He ordered them to be carried in two Carts without the City, and there to be beheaded in the open Field without any manner of Proceſs: And as for the King of *Navarre*, He was content to ſend Him under a ſtrict Guard to the Caſtle of *Galliard*, but being often threaten'd with Death, He was removed from thence to divers other Priſons.

But is ſurprized by the King, and made cloſe Priſoner.

The Ld de Harcourt *and four other Lds of his Party are beheaded.*

[2] Id. ib.

K. of Navarre's *Brother, and* Geoffry *Brother to the Ld* de Harcourt *call in the* Engliſh.

[3] Du Cheſne p. 665.

with the [illegible] of St. Savior and Dangon vile in Constantin not onely acknowledged King Edward for their Sovereign but also did him Homage, & when seizing vid: Rot. Franc: 30 Ed: 3. m 8. vid: Rd. Cok p 846.

So violent a Blow as this had very bloody Effects; [2] for *Philip* Brother to the King of *Navarre*, and *Geoffry* Brother to the Count *d' Harcourt*, ſeizing upon divers ſtrong Places in *Normandy*, call'd in the *Engliſh* to revenge the Outrage that had been done to their two Brothers: tho I cannot here omit, that this Lord *Geoffry* is related by the [3] *French* Hiſtorians to be ſo touched with remorſe for what he had done by bringing the *Engliſh* into *Normandy*, and the Miſchief that follow'd it at the Battel of *Creſſy*, that not long after he preſented himſelf to King *John* with a Halter about his Neck, begging Pardon for his late Treaſon; which tho the King then graciouſly granted, yet it ſeem'd the next Provocation made him again relapſe into the ſame Crime. But to proceed in our Hiſtory, the two [4] *French* Lords laſt mention'd, having got together divers Troops in the Iſle of *Coutantine* in *Normandy*, ſent to the Duke of *Lancaſter*, [5] then newly arrived as Lieutenant of *Bretagne*, for the young Earl of *Montfort* to come to their aſſiſtance, which ~~He~~ immediately did, together with the Earl himſelf at the Head of above four thouſand men, and had ſo good ſucceſs, that he raiſed the Siege of *Ponteau de mer* belonging to the King of *Navarre*, as alſo that of *Breteville*, and other Places, which were then beſieged by the *French*; and not contented with this, he took the City of *Verneuil* by Storm, and plunder'd and burnt great part of it. But whilſt he laid cloſe Siege to the Caſtle, upon the News of the King of *France*'s approach with a great Army, He raiſed the Siege, and marched off; and (as [6] one of our Writers relates) the *French* King following him as far as *Conches*, ſent two Heralds to him to bid him not ſpoil the Contry as he had done, but to ſtay and give Him Battel; which the Duke accepted of, and ſtaid there expecting the coming up of the King of *France*, who he heard was not above five Leagues off; but upon the receiving of the News of Prince *Edward*'s Ravages in *Gaſcogne*, King *John* let the Duke alone, and immediately marched towards thoſe Parts to put a ſtop to the Prince's further Succeſs. Yet this Relation doth not ſeem probable, that the Duke having but ſmall Forces with him in compariſon of the *French*, ſhould

[4] Froiſ. ib. Mezeray ad hunc An.

[5] Rob. Aveſ. c. 112.

And ſend to the D. *of* Lancaſter *and* E. *of* Montfort *to come to their aſſiſtance.*

They take Verneuil, *except the Caſtle, and raiſe the Siege of it on the* French *King's approach.*

[6] H. K. col. 2612.

ſhould dare to ſtay to give them Battel; and therefore I rather give credit to what * *Froiſſart* and the other *French* Hiſtorians relate, that King *John* purſued him for two Leagues beyond *L' Aigle*; but then finding that the Duke and his Men had taken ſuch thick Foreſts, that they might thereby eaſily entrap Him into ſome diſadvantage, the Paſſages being ſo dangerous to the Purſuer, He returned back to ſtop the furious Career of the Prince of *Wales*. But this is agreed by all, that the [1] Duke then retired to *Montebourg* in *Coutantine*, and there continued till he heard of Prince *Edward*'s Victory at *Poictiers*; and from thence he went to *Hennebond* in *Bretagne*, where he for ſome time continued with the Counteſs of *Montfort*.

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* C. 156.
K. John *purſues the* D. *of* Lancaſter.

[1] Froiſ. ib.
Who retires into Bretagne.

It is now time to give you an account of the Actions of the Prince of *Wales*, [2] who having imploy'd the Winter Seaſon in repairing and fortifying the City of *Bourdeaux*, and other Towns and Caſtles in *Gaſcoigne*, and cauſed great Quantities of Gold and Silver to be coin'd, according to a Commiſſion from the King his Father, for the payment of his Soldiers; preſently after *Candlemas*, [3] ſent the *Captal de Buche* with ſufficient Forces into the County of *Perigort*, which ſo ſoon as the Earl of it heard, he deſired the Cardinal his Brother to uſe his Intereſt with the Pope to obtain a Forbearance from the Prince for the City of *Perigort*, that it ſhould not be aſſaulted: and for this Favour he offer'd the Prince a great Sum of Mony. But tho the Pope alſo wrote to him for that purpoſe, yet his Anſwer was, that the King his Father was rich enough, and wanted neither Gold nor Silver; and therefore he was reſolved to perform what he had come over for, which was, to reduce the King his Father's Rebels in *Aquitain* to their former Allegiance. So the *Captal* having received Orders to beſiege that City, it was taken by him within a few days: And not long after, *viz.* on the ſixth of *July*, the Prince in Perſon began [4] his March from *Bourdeaux* with an Army of twelve thouſand men, whereof only three thouſand were natural *Engliſh*: but moſt Writers agree, that his Forces amounted to little more at this time than eight thouſand men, which was for certain the utmoſt Number he had at the Battel of *Poictiers*; and * *Froiſſart* reckons them to be but two thouſand Men at Arms and ſix thouſand Archers. With this ſmall, but well choſen Army (having left the Lord *Bernard de la Bret* his Lieutenant in *Gaſcoigne* with ſufficient Power) the Prince march'd thro *Quercy* and *Auvergne*, where He found plenty of all things, burning, plundering and deſtroying all before him in hoſtile manner; tho what ſhould be the reaſon that the Prince ſhould bring ſo great an Army into the Field the laſt Campagn, and ſo ſmall a one now, I cannot underſtand; unleſs it were, that He ſuppos'd the *French* King being taken up in *Normandy*, would not be able to give Him any great Diſturbance in thoſe Parts; but if it were ſo, this falſe Conſideration had like to have proved his Ruin, had it not been for his extraordinary Valour and good Fortune, as you will find hereafter.

[2] Stow, p.259.
The Prince of Wales *makes great Preparations for War.*

[3] Rob. Aveſ. c. 106.
On the March of the Captal de Buche *into* Perigort, *the Earl of it endeavours to put off the Siege.*

Pr. Edward's *Anſwer to the Pope's Propoſal.*

[4] T. W. Mezeray ad hunc An.
The Pr. marches from Bourdeaux *with a ſmall Army.*
* C. 157.

Thus the Prince marched on without any Oppoſition, [5] until He came to *Bourges* the chief City of *Berry*, which being well defended, He could not take, any more than He could the ſtrong Caſtle of *Iſſodune*, which He briskly aſſaulted, but was repulſed by the great Valour of thoſe within; but He had better Succeſs at *Vierzon*, which

[5] Id. ib.
The Prince could not take Bourges *nor* Iſſodune, *but takes* Vierzon.

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But upon News of K. John*'s approach, he retires towards* Bourdeaux.

He took and plunder'd, and finding great ſtore of Proviſions in it, ſtaid there three or four days to refreſh Himſelf and his Army. Whilſt the Prince was here, He received News of the *French* King's being come from *Paris* to *Chartres*, in order to his March againſt Him; and knowing He was not ſtrong enough to give Him Battel, He was adviſed by his Council to turn off on the Left hand into *Poictou*, and by that way to return thro *Saintogne* to *Bourdeaux*.

[1] Id. c. 158. *The Town of* Romorantin *is taken, and the Caſtle ſurrender'd.*

[2] Id. c. 158.

He marches thro Tourain *and* Anjou, *till he approaches near* Poictiers.

In his March towards thoſe Parts, [1] the Prince's Van-Couriers took the Town of *Romorantin*, but the Caſtle being too ſtrong for them, ſo ſoon as he arrived with his Army, He laid cloſe Siege to it: Yet it being valiantly defended by the Lord *de Craon* and other *French* Noblemen, He was often repulſed with loſs, until at laſt an Eſquire whom he loved being kill'd hard by Him with a Stone from an Engine, He [2] ſwore that He would never raiſe the Siege, till He had taken the Place; and to make good his Oath, He batter'd it ſo ſeverely with his Engines, with which He alſo ſhot Wild-fire, that the Roof of the Caſtle being ſet all in a flame, and the Commanders not only ſeeing that, but themſelves like to be burnt, they ſurrender'd to Mercy, and were all made Priſoners, together with a great many of Quality; but the common Soldiers were diſmiſs'd, becauſe they would not burden themſelves with too many Priſoners, having already taken above ſix thouſand in this Expedition, who had been all ſent to *Bourdeaux* in order to be exchanged. After the taking of *Romorantin*, the Prince marched on as before, thro *Tourain* and *Anjou*, on this ſide the *Loire*, deſtroying the Country, till He came to a Place not far from *Poictiers*, which was ordain'd to be remarkable for the Great Victory He there obtain'd, and which I ſhall now proceed to relate.

[3] Froiſ. c.159. K. John *marches after the Prince, and overtakes him near* Poictiers.

[4] Id. c. 161. O. Raynold. ad hunc An. *Two Cardinals ſent from the Pope, mediate a Peace.*

[5] Froiſ. c.160.

* *In* Froiſſart *it is* 16000, *but that is certainly an Error of the Copyer.*

K. John *orders his Army to be drawn up in Battalia.*

King [3] *John*, having whilſt He ſtaid at *Chartres*, raiſed a vaſt Army of the Flower of the Nobility of *France*, marched from thence to *Blois*, where He reſted two days, and then went by ſeveral other Places to *la Hay en Tourain* (his Army paſſing the *Loire* at the Bridg of *Orleans*) and there reſolving to give Prince *Edward* Battel, advanced forwards without any great ſtay, till He had paſſed the River *de la Creuſe*, at the Bridg of *Chauvigny*, where thinking to have found the *Engliſh* before Him on the other ſide, He was miſtaken, for they were encamp'd near a little Village on the Right hand of *Poictiers*; but for all that King *John* perſued them with great Heat and Confidence, being attended by near fifty thouſand Horſe, beſides the Foot, which were as many more. [4] When King *John* arrived at *Poictiers*, there came again to Him the two Cardinals of *Perigort* and *St. Vitalis*, who were ſent by the Pope to mediate a Peace between Him and the Prince of *Wales*; but the *French* Noblemen of the Council were ſo confident of the Victory, that at firſt they ſlighted their Mediation. Then [5] the King order'd his Army to be drawn up in three Battalions, the leaſt of which conſiſted of * ſix thouſand Men at Arms, beſides Foot: The firſt of which was led by the Mareſchals of *Clermont* and *D' Endraghan*, accompany'd with the Duke of *Orleans*, being then about twenty Years of Age. The ſecond was commanded by *Charles* Duke of *Normandy* and *Dauphin* of *France*. The third, conſiſting of thirty thouſand Foot and Light Horſe, was led by the King Himſelf; and here were the Prime Nobility of *France*. When the Army was thus drawn up, the King made thoſe that were about

Him a ſhort Speech, telling them, "that whilſt they were at *Paris*, "and on their March, He had heard them ſpeak very big words, "what they would do to the *Engliſh*, whenever they came in their "way: That now they were not far off, and therefore He would "quickly lead them thither; and now He hoped to ſee ſutable "effects of what they had ſo long threaten'd.

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He makes them a ſhort Speech.

In the mean while, [1] Prince *Edward* ſeeing there was no way to eſcape without fighting, was reſolved to make the beſt He could of the great Diſadvantage He had in Numbers, and to do that by Policy and prudent Conduct which could not be obtain'd by Force; and to this end being now come into the Fields of *Beauvoir* and *Maupertis*, within two ſmall Leagues of *Poictiers*, He there choſe out a Place for the Encampment of his Army (which were chiefly Foot) where He knew He could not be aſſaulted without great diſadvantage to the Enemy: It was among Incloſures ſet thick with Vines and Buſhes, and here He reſolved to ſtay, and expect the Arrival of the Enemy. But as for the Number of the *Engliſh*, and the Order in which they were drawn up, I ſhall refer you to the Account [2] which the Lord of *Ribemont* gave of it, who being with other *French* Lords ſent out to view the Number and Order of the *Engliſh* Army, at his return made this Report to the King: "That as far as they could "judg there were not eight thouſand in all, drawn up in one Body "or Battalion, but very wiſely order'd: For the Hedges being all "lin'd with their Archers, none could march by without great Dan"ger: That there was but one Avenue or Paſs which led to the "Place, which was alſo lin'd on both ſides with Bows, and could "not receive above four Horſemen abreaſt: At the end of this Lane "ſtood a Body of Men at Arms all on foot, within a long ſquare Bo"dy of Archers before them; ſo that it would be very hard to enter "upon, and break them. Then the King asking his Advice, what was beſt to be done on this occaſion; his Anſwer was, that he thought the chief of the Nobility ſhould alight and fight on foot, except eight hundred of the choiceſt and beſt arm'd Horſe, who ſhould firſt enter the Lane, to break the Ranks of the Archers; upon which the Men at Arms ſhould march in boldly after them on Foot, and then fight the *Engliſh* hand to hand; only the *German* Cuiraſſiers were to remain ſtill on Horſe-back, to aſſiſt the Mareſchals of the Army, if need ſhould be. This Advice was well received by the King, and He order'd it to be put in execution.

[1] Froiſ. ib. *Pr.* Edward, *when he could not avoid fighting, encamps his Army as ſtrongly as he can.*

[2] Id. ib. *The number of the* Engliſh, *and the Order in which they were drawn up.*

When the Armies on both ſides ſtood thus ready prepared for a Battel, the [3] Cardinal of *Perigort* came once more to King *John*, and kneeling before Him, deſired leave to go to the *Engliſh*-men, and ſee if he could get them to yield themſelves upon Conditions. The King gave Him his Conſent, provided he would make a ſpeedy return. Then the Cardinal immediately rode away to the Prince of *Wales*, whom he found at the head of his men, within the Encloſure of a Vineyard, where after a ſhort Salutation he told him, that conſidering the great diſadvantage upon which He was now like to fight, he hop'd he would give him leave to endeavour to compoſe Matters between the *French* King and Him. The Prince reply'd, that He was willing to agree to any thing, *that might conſiſt with his own Honour and that of his Country.* Whereupon the Cardinal return'd back

[3] Id. c.161. *The Cardinal of* Perigort *endeavours to bring the Prince to yield to the K. of* France's *Conditions.*

to the *French* King, and deſired a Truce until the next Morning, to ſee if he could in the mean while compoſe matters between them; which at laſt the King conſented to, tho with ſome Reluctance, for ſeveral of his Council oppoſed it.

[1] Id. ibid.

The high Demands of the French *King.*

All [1] that Day being Sunday, the Cardinal ſpent in riding to and fro between the two Armies, but without any Succeſs, the *French* Demands were ſo high; for King *John* at firſt inſiſted to have four of the Principal *Engliſh* Noblemen at his Mercy, and that the Prince and all the reſt ſhould yield themſelves his Priſoners: this haughty Demand was received by the Prince with Scorn and Diſdain; yet He freely offered, That if He might be permitted to march back with his Forces to *Bourdeaux*, He would reſtore all the Caſtles and Places He had taken this Summer, together with the Priſoners, and would alſo ſwear not to bear Arms againſt the *French* for Seven Years after; and alſo (as ſome Authors have it) to pay all the Charges the King had bin at in this Expedition, but this He would by no means accept; and his laſt peremptory Demand was, That the Prince and an hundred of his Principal Noblemen and Knights ſhould ſurrender themſelves Priſoners; but that all the reſt might go whither they pleaſed, or elſe He would uſe his utmoſt Advantage againſt all of them, the Prince's Perſon only excepted. To which unworthy Motion, the Prince replied with a contemptuous Smile, That He hoped to Conquer; but if not, He could but die, yet would never yield to loſe his Honor, which He valued above his Life. So when the Cardinal ſaw that all his Endeavors for Peace were in vain, having laboured all Night until it was dark, he retired to *Poictiers*, intending to renew his Mediation the next Morning, as indeed he did, until it became ſo ungrateful to the *French*, that they threatned if he would not deſiſt, not to have any farther regard to his Character; ſo that leaving their Camp, he went to Prince *Edward*, and gave Him an Account how He had found his Enemy not to be farther perſuaded: however theſe Delays proved ſomewhat to the Advantage of the *Engliſh*, who during that Day and the Night following, made new Ditches, and Hedges about their Archers, to render them more ſecure againſt the *French* Horſe.

The Offers the Prince made, provided he might return to Bourdeaux, *all which are refuſed by the* French.

The Prince's Reply to the French *Demands.*

Who utterly refuſe the Cardinal's farther Mediation.

[2] Id. c. 162.

The Prince encourages his Men. His Speech to them.

[2] When the *Engliſh* Prince ſaw that He muſt have a Battel, He preſently mounted his Horſe, and rode thro the Ranks, and put them in mind, "That tho they were but a ſmall number in reſpect of their Enemies, yet Victory was in the hands of God, and was not always "to be gain'd by a Multitude; which if they obtain'd, they ſhould "win perpetual Honor, or if not, they could but die, which all of "them ſooner or later muſt expect; and concluded that *England* "ſhould never pay his Ranſom, ſince for his part He reſolved either "to die or Conquer. Theſe and the like Courageous Speeches highly raiſed the drooping Spirits of his Soldiers, ſo that the Prince had nothing more to do, but to put his Men in Battel Array; and [3] when He had divided his ſmall Forces into three ſeveral Bodies, beſides theſe He order'd the Lord *John de Greilly* (commonly called the *Captal* of *Buſche*) to march with three hundred Men of Arms, and as many Archers on Horſeback, and ſecretly to coaſt round about an adjoyning Hill, to be ready to fall upon the Back or Flank of the Enemy in the heat of the Action, which he did accordingly; and lying in Ambuſh

[3] Id. c. 161. Stow p. 261.

He draws up his Army in three Diviſions, and the Stratagem he uſed.

buſh among the Buſhes till the Armies were engaged, he then did the Enemy no ſmall prejudice.

In the mean while [1] the *Engliſh* kept themſelves quiet and ready to receive the firſt Charge of the *French*, which was began by the three hundred Select Horſe, that were order'd to break in upon the Archers; which they endeavouring to do, met with that ill ſucceſs, that many of them were killed or wounded, tho ſome of them got within the Encloſure, as far as the ſquare Body of Archers that ſtood before the Prince; but theſe poor *French* Gentlemen being not timely aſſiſted, were either killed with Arrows, or cut in pieces by the Men at Arms. Then one of the main Bodies of the *French* Army being commanded by the two Marſhals of *France*, would have enter'd the Encloſure at a gap, and thought to have come in upon the backs of the *Engliſh* Van-guard, led by the Earl of *Warwick*; but the Earls of *Saliſbury* and *Suffolk*, who brought up the Rear, obſerving it, preſently ran up to ſtop their entrance, which they did with ſo good effect, that it produced a terrible Conflict who ſhould have the better, till the *Engliſh* Archers ſtarting up from behind the Hedges, ſhot ſo furiouſly upon the Enemy, that at laſt the whole Battalion was put to flight, and the Marſhal *D'Endreghan* being taken Priſoner, the Marſhal *de Clermont* was there ſlain, together with the Earl of *Dowglas*, and ſeveral *Scotiſh* Commanders, who had brought about three thouſand *Scots* to that Battel, but they were all either routed or killed. Thus the Marſhal's Battalion was wholly diſcomfited, and fell foul on one another; and thoſe who were behind, not being able to advance forward, were forced to retire back upon the ſecond Battalion that was led by the *Dauphin*, and much diſordered them. Whilſt the *Engliſh* thus charged the *French* in the Front, the *Captal de Buſche* came down the Hill on their backs with his Archers and Men at Arms, whereat the *Engliſh* were ſo mightily encouraged, and the *French* ſo confounded, that by a freſh Volly of Arrows which the Archers then gave them, they alſo began to give way, and the *Engliſh* by little and little gain'd Ground upon them.

[1] Froiſ. ib. Mezeray.

The Engliſh *receive the Charge of the* French *Cavalry, and put them to the rout.*

One of the main Bodies of the French *endeavour to force the* Engliſh *Van-guard, but are prevented.*

The French *Battallion is put to flight.*

The Captal de Buſche *charges the* French *in the Rear, which makes them give ground.*

At [2] this time, when the Lord *John Chandois* ſaw the firſt Battalion of the *French* routed, and the ſecond like to follow it, he adviſed the Prince (who had hitherto ſtood upon the Defenſive) to mount his Horſe, and advance towards the main Battalion of the Enemy, where the *French* King was, for there lay the whole Streſs of the Fight; which He immediately did, commanding his Standard-Bearer to march, when in their way thither they came where the Duke of *Athens* and the Conſtable of *France* were engaged with a ſmall Squadron of *Engliſh*; but upon the Prince's coming up to their aſſiſtance, the Duke himſelf was ſlain, and his Men put to flight. Then the Prince falling upon the Body of *German* Horſe, under the Conduct of the Earls of *Saltzburg*, * *Naſſau* and *Neydo*, they were immediatly ſhatter'd and broken; the Archers ſhooting ſo wholly together, that none durſt abide them, the Earl of *Naſſau* was taken Priſoner, but the two other Earls were ſlain outright, as were many other Knights and Eſquires of their Party, few or none in that hurry being taken to ranſom. Then the *Dauphin*'s Battalion (as I have already ſaid) being hard put to it, when they ſaw the Prince alſo approaching to charge them in the Flank, the *Dauphin* himſelf thought it not beſt to ſtay any longer, but immediately

[2] Froiſ. ib.

The Prince advances againſt the main Battalion, where the K. of France *was.*

The Prince routs the German *Horſe.*

* *In* Froiſart *it is* Noſto, *but that is an error, for there was no Earl of that Name.*

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fled out of the Field with his two Brothers, towards *Chavignie*, being followed by eight hundred Lances.

[1] Id ib.

The Prince receives the charge of K. John.

[1] When the *French* King ſaw that his three Sons had left the Field, and that the *Engliſh* were like to gain the Day, He then immediately commanded his Standard-Bearer to march forward, vowing that He would not forſake the Field, till He had his Revenge, unleſs He was either ſlain, or taken Priſoner. Then the Prince with his ſmall and almoſt tir'd Battalions, was forc'd to receive the Charge of King *John*'s, conſiſting of twice his number of freſh Men; and here the Fight was renew'd with greater Fury than ever, and the Prince and his Forces would in all probability have been loſt (tho they defended themſelves with all the Gallantry imaginable) had not the Earls of *Warwick*, *Saliſbury* and *Suffolk* juſt then return'd with their Squadron from the perſuit of the *French* that fled; but yet the *Engliſh* Archers were ſo put to it, that their Quivers being ſpent, they were forced to pick up Arrows in the Field from among the Bodies of the Dead; and [2] theſe being not ſufficient, many of the Soldiers took up Stones that lay in the Field to fling at the Heads of their Enemies: ſo that there was a fierce and deſperate Engagement on both ſides, until at laſt by the Valour of the *Engliſh*-men at Arms, but chiefly by the Skill and Gallantry of the Archers, the *French* Army was entirely defeated, moſt of them quitting the Field without fighting a ſtroke; [3] but K. *John*, behaving himſelf moſt valiantly with a weighty Battel Ax in his hand, was taken by ~~a Knight~~ of *Artois* called ~~Sir~~ *Denis de Morbeque*, to whom he gave His Gantlet, a sa Token that He was his Priſoner; and with Him was alſo taken his Youngeſt Son *Philip*, who, tho but about thirteen Years old, now ſhar'd in his Father's Misfortune; and not far from the King's Perſon, the Valiant Lord *Charney* his Standard-Bearer, as alſo the Earl of *Damartin*, with divers other Lords and Perſons of Quality were ſlain; yet the Lords that were taken Priſoners were far more numerous, than thoſe that were killed; the Chief of whom were the Earls of *Eu*, *Tankerville* and *Ponthieu*, with the L. *James* of *Bourbon*, and divers other Earls and Barons, whoſe Names you may find in my [4] Author, as well as thoſe that were ſlain.

He is relieved by the Earls of Warwick, *&c.*

[2] T. W.

[3] Froiſ. c. 164.

King John *is taken priſoner with his Son* Philip; *many of the* French *Nobility are ſlain, and the whole Army routed.*

a certain
Gentleman
or Esqr of
[illegible] ~~for~~ y
he was not
then a Kt. the Author
is not makes him one
vid. [illegible]
[illegible]

[4] H. K. Col.
72.

[5] T. W. Froiſ. ib.

When [5] the Prince had thus perform'd the Parts both of a Prudent General, as alſo of a Valiant Soldier, and that the Fight was now over, He ſat down to repoſe Himſelf under a ſmall Pavilion pitched on purpoſe in the Field; where the News was brought Him by the Earl of *Warwick* and Lord *Cobham*, whom He had ſent to ſcowr the Field, that the *French* King was taken Priſoner, and that there was ſuch contending between thoſe who laid Claim to Him, that He was in ſome danger of his Life, by their ſtriving who ſhould have Him; whereupon the Marſhals of the Field immediately ordered, that no Man ſhould touch or approach his Perſon: Then being mounted, they conducted Him and his Son *Philip* to the Prince of *Wales*, who receiv'd them with great Honor and Reſpect; yet He was not at all elated at this Extraordinary Succeſs, [6] but cauſing Wine and other Refreſhments to be brought, He Himſelf would needs ſerve the King with Drink, who afterwards was ſafely kept in his own Quarters.

The Fr. King is brought priſoner to the Prince, who receives him with great Reſpect.

[6] Id. c. 165.

The gerat Battel at Poictiers, *with the cauſes of the Victory*

Thus was this Memorable Battel won in the Fields of *Beauvoir*, about two Leagues from the City of *Poictiers*, on the nineteenth Day of *September*, being Monday; it began about Nine in the Morning, and ended *on the* Engliſh *ſide, and the Defeat of the* French.

ended a little after Noon; which Victory as it was chiefly owing to the great Conduct of the Prince, and Courage of his Commanders and common Soldiers, ſo was it alſo to be aſcribed to the Raſhneſs and Temerity of King *John*, and his principal Counſellors, who rejecting all reaſonable Conditions, being blinded with Paſſion, inſtead of hemming in that ſmall Body of *Engliſh*, and forcing them to ſurrender for want of Proviſions, as they muſt have done in a ſhort time (who were already in great want thereof) the *French* King with the Fury of a Lion rather than a General, muſt needs ſet upon the *Engliſh* in their Entrenchments, and thereby meet with that remarkable Defeat, which ſo great an Arrogance juſtly deſerved.

There [1] were ſlain at this Battel divers of the Chief and ~~the~~ moſt Valiant of the Nobility of *France*, among whom were the two Dukes of *Bourbon*, beſides many Counts and Barons, five, or (as ſome ſay) ſix thouſand Men of Arms, thoſe of the common ſort not being number'd, tho ſome reckon them about eight thouſand more; but the Chief Noblemen were afterwards buried in the Convent of the *Jacobines* at *Poictiers:* yet the Slaughter was far leſs here than at *Creſſy*, becauſe the *Engliſh* were not half ſo numerous now, and the Prince durſt not perſue the Chaſe too far, till He had compleated the Victory; by which time all of the meaner ſort had quitted the Field, and thoſe of the better were either ſlain or taken. The place of Battel was left free to the *Engliſh*, and more [2] than an hundred Warlike Banners or Enſigns were brought away in Triumph. When the *Engliſh* were all return'd from the Chaſe, they found how they had twice as many Priſoners as themſelves, the Chief whereof were the *French* King, and the Lord *Philip* his Son, [3] Seventeen Earls, beſides Barons, Knights and Eſquires to the number of Fifteen hundred, or (as others ſay) two thouſand Men of Arms; wherefore 'twas thought fit, becauſe of the great charge and danger of keeping ſo many Priſoners, that they ſhould put ſeveral of the leaſt conſiderable of them to Ranſom in the field, and their bare Paroles taken for the Mony; for they found the *Engliſhmen* and *Gaſcoigners* very courteous, many being let go only upon their words, to return again between that and *Chriſtmas* to *Bourdeaux*, with their appointed [4] Ranſoms, which were very eaſy and reaſonable; for the *Engliſh* ſaid, they would not ſet ſo high a Price upon a Knight or Gentlemen, *but that he might ſtill be left able to live after his Rank, and to follow the Wars in an Equipage agreeable to his Quality.*

[1] Mezeray. T. W.

The Quality and Number of the ſlain on the French *ſide.*

[2] Pol. Virgil. Lib. 19.

The great number of Priſoners taken of all ſorts.

[3] Paul. Æmyl. T. W. p. 197.

Many of the Priſoners let go on their Paroles to pay eaſy Ranſoms.

[4] Froiſ. c. 169.

But to ſay ſomewhat more of the *Engliſh*, I do not find how many of them were killed in all; but certainly they were not many, ſince I do not ſee them particularly mention'd, no more than I do the Names of any Perſons of Quality that fell that Day: But as for thoſe who were moſt remarkable for their Valour, they were theſe, the Earls of *Warwick*, *Suffolk*, *Saliſbury*, *Stafford*, Sir *James Audeley*, and Sir *John Chandois*, &c. who behaved themſelves very bravely; but beyond others the Earl of *Warwick*, Sir *James Audeley* and Sir *John Chandois*; ſince [5] the Firſt of theſe not only put the Enemy to flight, but alſo reliev'd the Prince when He was in the greateſt Danger; and the Second attended by four of his Eſquires began the Fight, and (according to a Vow that he had made) boldly engag'd with that part of the *French* Army that was led by the Mareſchals *de Clermont* and *D'Endreghan*, till being quite ſpent with loſs of Blood, he was forc'd to be carry'd out

Very few ſlain on the Engliſh *ſide.*

The Names of thoſe Engliſh *Noblemen who behaved themſelves gallantly.*

[5] Froiſ. c. 162.

out of the Field: But as for the laſt of theſe, he never ſtir'd from the Prince's Perſon, but by his Valour and Advice was a great means to gain the Victory; and for the Prince Himſelf, *Froiſſart* ſays, He was as courageous as a Lion, and took pleaſure to fight with and chaſe his Enemies; ſo that his Courage and Conduct was that day moſt remarkable and extraordinary. But to return to our Relation,

[1] Id. c. 169.
The Engliſh *uſe their Priſoners well.*

[1] That night the Army encamped hard by the Place of Battel, having diſarmed all their Priſoners, and appointed certain in every Quarter to ſtand to their Arms, beſides the uſual Watches: and every man made much of his Priſoners; for whoever had taken any Priſoner that day, he had him clear to himſelf, either to acquit or ranſom him at his Pleaſure; except only the *French* King and his Son, [2] or whoever elſe, whoſe Ranſom exceeded ten thouſand Crowns: For by Law of Arms, thoſe whoſe Redemption was valued at more than that Sum, belonged to the King. The [3] Night after the Battel, the Prince order'd a noble Supper to be provided for the *French* King, and the Priſoners of the higheſt Quality; and this might be eaſily done, for tho the *Engliſh* were in great want of Proviſions before the Fight, they were now Maſters of the *French* Camp, in which there was plenty of all things: But the Prince was ſo courteous and well-bred, that He not only cauſed the *French* King to ſit down at the Table with Prince *Philip* his Son, and the Lord of *Bourbon* and ſeveral other Princes of the Blood bearing him Company, whilſt the reſt of the Lords and Knights ſat at other Tables; but He would needs alſo wait on the King at Supper, and being deſired by Him to ſit down, his Reply was, *That He was not worthy to ſit down with ſo great a Monarch as his Majeſty was.*

[2] Vid. Seldeni Mare clauſ. l.1. c.26. p.171.
[3] Froiſ. c.168.
The Prince makes K. John *a noble Supper, and waits on him himſelf.*

The Prince's handſom Speech to the French *King.*
[4] Du Cheſne, p. 678. Paul. Æmil. p.197.

But when for all this He perceived, that the King's Countenance was much dejected, He endeavour'd to raiſe his Spirits by ſpeaking to this effect: “ [4] That his Majeſty being one of the braveſt of Chriſtian Kings, had no cauſe to be penſive or concern'd: For tho his Arms had not been favour'd by Him, who is the Diſpoſer of Victory, yet his Gallantry muſt be acknowledg'd, and his Royal Dignity ſtill preſerv'd inviolable: That tho among ſo many Battels He had been in, ſome had ſucceeded otherwiſe than He expected, the Inſtability of Fortune would have it ſo, which ſometimes baffles Multitudes, and gives Victory to a few, notwithſtanding the Oppoſition of the greateſt Forces.

“ That as in relation to Himſelf, He promiſed that the Realm of *France* ſhould always find Him grateful to her which had produced and nouriſhed ſo many of his Progenitors, and towards his Majeſty (if He would permit him to glory in that Title) He would ſtill ſhew himſelf a moſt obſequious and reſpectful Kinſman: That as to the King his Father, there were ſo many Reaſons to create Love and Friendſhip between his Majeſty and Him, that knowing his private Thoughts and Affections, He (the Prince) could not but have great hopes of their coming to a ſpeedy and reaſonable Agreement: That as for Himſelf, He wiſhed the King might no longer own Him for his Son, when He ceaſed to expreſs the ſame Honour, Reverence and Reſpect to his Perſon, as to that of the King his Father.

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This wonderful Submiſſion in a conquering young Prince, little more than five and twenty Years of Age, [1] did melt the captive King into Tears; and when the *French* Lords ſaw the Prince ſo humble in ſo high a Gale of Proſperity, and heard the generous Language He ſo obligingly utter'd, they began to whiſper among themſelves, *that He had ſpoken bravely, and that in all probability He would prove a moſt accompliſhed Prince, if God would grant him Life.* When [2] King *John* ſaw that He was not unhappy in falling into the hands of ſo obliging a Conqueror, tho inwardly afflicted in mind, yet He forced Himſelf to a civil Smile, and looking kindly on the Prince, He ſaid, "That "ſince (to his ſorrow) it had been his chance to have been over-"come, yet it was ſome alleviation of his Grief, that He had not "behav'd Himſelf unworthily, and that He was fallen into the hands "of ſo valiant and courteous a Prince; who thereupon did what He could to comfort Him with all the kind and obliging Expreſſions that were poſſible, as by admiring his Vertue and extolling his Valour above that of the chiefeſt of his Commanders. After which King *John* ſpoke little, [3] but highly commended the Valour of the Lord *Audeley*, who having behav'd himſelf very gallantly, was then grievouſly wounded. Then after ſome civil Diſcourſe with the Prince, He roſe from Supper, and was conducted to his Pavilion.

The French *King,* &c. *mightily taken with his Noble Carriage.*

[1] Froiſ. ib.

[2] Paul. Æmil. p. 197.

K. John's *handſom Reply to the Prince's Speech.*

[3] Stow, p. 263.

I have been the more particular in this Relation, becauſe it is one of the greateſt Examples of Humility and Generoſity that we find recorded in Hiſtory, and is an excellent Example for conquering Princes to obſerve on any like occaſion.

The day following [4] the Prince order'd his whole Army to march, with their Priſoners and Baggage, with which they were ſo laden, that He not thinking it ſafe again to venture ſo noble a Prey, marched by the City of *Poictiers* without aſſaulting it, or committing any Act of Hoſtility in his Return; during which they alſo met with no Reſiſtance, the whole Country was ſo terrified with the late wonderful Succeſs. So that by many days eaſy Marches thro *Poictou* and *Saintogne*, He paſſed the River *Garonne* at *Blaye*, and from thence went to the City of *Bourdeaux*, [5] where the Prince wrote Letters to the King his Father, to give him a full but modeſt account of his Victory, promiſing the next Spring (God willing) to return with his Priſoner into *England*, hoping by that time to provide a ſufficient Fleet for that purpoſe. When King *Edward* received this News, it is not to be queſtion'd but He was highly pleas'd, and not only returned thanks Himſelf to God for ſo ſignal a Victory, but [6] alſo enjoin'd the Arch-Biſhops of *Canterbury* and *York*, that for eight days together they ſhould thro their ſeveral Provinces cauſe publick Proceſſions and Prayers to be made for the Souls of thoſe who fell in the late Battel; and alſo to return ſolemn Thankſgiving to God for ſo ſignal a Victory vouchſafed unto the *Engliſh* Nation.

[4] Froiſ. c. 169.

The Prince marches with his Army without doing any Act of Hoſtility.

[5] Pol. Virg. l. 19.

He gives Edward *an account of his Victory.*

[6] Id. ib.

Not long after the Prince's arrival at *Bourdeaux*, [7] the Cardinal of *Perigort* again apply'd himſelf to Him as Legate from the Pope, in order to ſettle ſome Truce or Agreement between the two Realms; but the Prince at firſt would not be ſeen by him, becauſe ſeveral of the Cardinal's Relations and Retinue had been engag'd againſt Him in the late Fight, ſome of whom had been kill'd, and others taken Priſoners: But at laſt, upon the Cardinal's proteſting, that it was done

[7] Froiſ. c. 169.

The Cardinal would again mediate a Truce, but is refuſed by the Prince, and why.

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The Cardinal ranſoms his Relations and Retinue.

[a] Odor. Rain. ad hunc An.

The Pope writes to the Prince in favour of the French.

without his Privity or Conſent, he was not only admitted to ranſom the Priſoners at eaſy Rates, but alſo to the Prince's Preſence, by whom he was received with that Sweetneſs and Humanity, that he could not but highly commend Him in his Letters to the Pope, in which he alſo ſet forth his great Kindneſs and Moderation towards the King of *France*; whereupon [a] the Pope himſelf not long after wrote Letters to the Prince, not to congratulate his good Fortune, but to exhort Him to ſhew farther Clemency to the Conquer'd, and amidſt his Triumphs to accommodate his Mind to Peace, and to return thanks to Almighty God. Theſe Letters were writ by this Cardinal as his Nuncio, on 5 *Non. Octob. Anno Pontif. IV.* being this very Year.

[1] Froiſ. c. 169.

The Prince being arrived at Bourdeaux, *lodges* K. John *in the Abby.*

He decides the difference between them that pretended to take him Priſoner, and nobly rewards him who did it.

When Prince *Edward* was thus arrived at *Bourdeaux*, [1] He lodg'd the *French* King in an Apartment of the Abby of St. *Andrew*, whilſt He Himſelf kept his Court in another Quarter of it. Not long after there aroſe a great Conteſt between Sir *Denis de Morbeque*, and divers Knights and Eſquires of *Gaſcoigne*, who ſhould have the Honour of taking the *French* King Priſoner; ſo that it was like to have come to a Combat between them, had not the Prince expreſly forbad them, ſaying, He would leave it to the determination of the King his Father. However in the mean while this Generous Prince, conſidering that Sir *Denis*, being a baniſhed man, had but little to live on, except what he could get in the Wars, cauſed ſecretly to be deliver'd into his hands two thouſand Nobles, to ſupport him handſomly againſt the time he ſhould appear in the Court of *England*; and to make an end of this matter, the next Year when King *Edward* and his Council had determin'd this Diſpute in his favour, the Prince gave him five thouſand Crowns more in Gold, tho he could not claim any thing as of Right, becauſe of the Law already recited concerning Priſoners.

[2] Id. c. 173.

The Prince keeps his Chriſtmas at Bourdeaux *with great Magnificence.*

The Prince continued all the Winter at [2] *Bourdeaux*, where he kept his Chriſtmas with great Splendour and Magnificence; thoſe Knights and Soldiers who had been at the late Battel of *Poictiers*, being every where received with high Reſpect, whilſt the *French* Commanders and Men of Quality, who had fled from thence, were in all places treated by their Country-men with Obloquy and Contempt.

[3] Id. c. 156.

The Actions of the D. of Lancaſter *in* Bretagne *after the late Victory.*

[4] H. K. col. 2812, 2615.

x who having been in England was up- on his return into [illegible] ap- pointed the King's Captain General in that Dutchy. See [illegible] Rot: Franc. 30 Ed. 3. m. 5. vid. Rt. Col. p. 841.

But I ſhall now give you ſome account of what happen'd in the other Parts of *France* in the mean while. [3] The Duke of *Lancaſter* continued in *Normandy* all the time of the Prince's late Expedition, and together with Prince *Philip* of *Navarre*, x ~~and~~ the Lord *Geoffry* of *Harcourt*, would fain have got to the Prince, but fearing that the Paſſages of the *Loire* were ſo ſtrictly guarded, that there was no getting over, they were fain to continue at *Monteburgh*; but [4] upon the News of the Victory of *Poictiers*, the Duke return'd into *Bretagne*, to aſſiſt the Counteſs of *Montfort*, and about the end of this Year laid Siege to the City of *Rennes*: It being then the midſt of Winter, the Soldiers endured great Hardſhips, tho the Place was taken at laſt, after a long Siege, as you will find anon.

[5] Froiſ. c. 170. Mezeray ad hunc An.

Great Confuſions in France.

In the mean while the Affairs of *France* fell into great confuſion and diſorder; [5] for the Dauphin having under the Title of the King's Lieutenant, not long after his Impriſonment ſummon'd an Aſſembly of the Eſtates of the Kingdom, upon a Declaration to them of the common Dangers and Neceſſities thereof, he found, that which is always the effect of a careleſs and bad Government, nothing but Remonſtrances

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monſtrances and Complaints: Nor would they grant any Aſſiſtance for the Redemption of the King from his Captivity, unleſs the *Dauphin* would turn out the Arch-Biſhop of *Rouen* from being Chancellor, *Simon de Bucey* from being firſt Preſident, with ſix or ſeven other of the principal Officers of State, whoſe Goods they would alſo have confiſcated, as the Authors of all their late Oppreſſions: and farther, that He ſhould ſet the King of *Navarre* at liberty, and govern all Affairs by a Council of their choice. But the *Dauphin* durſt not conſent to ſo great an Alteration in the State, without the King his Father's Conſent; and He being wrote to on purpoſe about it, returned anſwer, *That He had rather continue Priſoner to an honourable Enemy, than return home and be a Slave to his own Subjects.* Whereupon the *Dauphin* was forc'd to diſſolve the Eſtates, without doing any thing for which they were aſſembl'd.

[1] Froiſ. c.172. *The Ld* Geoffry de Harcourt *is met by the Dauphin's Forces, and kill'd on the Place.*

All the good Succeſs that the impriſon'd King's Affairs met with this Year, was, [1] that during the ſitting of the Eſtates, Complaints being made to the *Dauphin*, that the Lord *Geoffry de Harcourt* ſent out Troops from his Caſtle of St. *Sauveur le Vicomte*, ſpoiling the Country to the very Suburbs of *Caen* and *Eureux*; the *Dauphin* was ſo far aſſiſted by the Eſtates, as to ſend out ſome Commanders with ſufficient Forces to reduce him, who meeting with him and his Men near *Coutance*, defeated them, and ſlew him on the Place, tho he made a ſtout Defence; for he was ſenſible, that it was much more honourable for him to die in the Field by the Sword, than by an Ax upon the Scaffold: Upon which theſe Parts of *Normandy* were pretty well quieted for a time, the Party of the King of *Navarre* being almoſt intirely reduced. The Death of this Lord was a great diſappointment to that Prince, as alſo to the King of *England*, [2] to whom he left a great Eſtate in *Normandy* by his Teſtament, diſinheriting his Nephew, Son to the Earl of *Harcourt*, becauſe he had not join'd with him to revenge the Death of his Father.

[2] Id. c. 173. *He leaves K.* Edward *his Heir, and why.*

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[3] Id. ib. Speed, p. 582. *Pr.* Edward *tranſports himſelf and the* French *King his Priſoner into* England.

I find nothing to have happened in the beginning of this Year worth obſerving, [3] till the end of *April*, when Prince *Edward*, having got ready a ſufficient Navy for tranſporting his Royal Captive into *England*, left the Dutchy of *Aquitain* under able Lieutenants during his Abſence, and ſet ſail from *Bourdeaux* with certain Lords of *Gaſcoigne*, and a great number of *Engliſh* Officers and Soldiers. The *French* King was in a Ship by Himſelf, leſt He ſhould receive any diſturbance; but He was ſo well guarded, that there were no leſs than two hundred Men at Arms and two thouſand Archers diſpos'd in other Ships round about Him; for the Prince was afraid that the Eſtates of *France* would ſet out a Fleet to reſcue Him out of his Hands. But after a tedious Paſſage of eleven days at Sea, [4] they landed on the fifth of *May* at *Sandwich*, or as [5] others relate more truly, at *Plimouth* in *Devonſhire*, from whence they went by eaſy Journies to *London*, where [6] King *John* made a publick Entry mounted on a ſtately white Courſer, the Prince of *Wales* riding by his ſide upon a little black Nag, [7] being received by *Henry Picard* Lord Mayor of *London*, and all the Companies in their beſt Liveries, their Shops and Streets as they paſſed along being ſet out with their richeſt Plate and Tapiſtry, and alſo adorned with their choiceſt Weapons and Armour: and the Concourſe of People was ſo great to behold ſo unuſual a Spectacle, that

[4] Froiſ. ib.
[5] T. W.
[6] Froiſ. ib.
K. John *with the Pr. of* Wales *makes his publick Entry into* London.
[7] Speed, p. 594. H. K. col. 2615.

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He preſents his Royal Priſoner to the King his Father, who receives him with much Reſpect.

[1] P. Virg. l.19. *A ſolemn Proceſſion on the day of the Prince's Entry.*

that the Cavalcade held from three of the Clock in the Morning till High Noon, about which time the Prince got to *Weſtminſter-Hall*, where He preſented unto the King his Father, then ſitting on his Royal Throne, the Perſon of King *John* his Priſoner: Yet *Edward* could not long retain the ſevere Aſpect of a Conqueror; for when the *French* King came near the Throne, and bowed with ſuch a manly Submiſſion as became his preſent Fortune, the King was immediatly touched with a due conſideration of the Inſtability of human Affairs by the ſight of ſo great a Prince, whom He now beheld in this low Condition; and ſo riſing haſtily from his Throne, He met and careſs'd Him with as much Honour and Reſpect, as if He had only come to give him a Viſit. Nor did this great King make uſe of this ſolemn Entrance of his Royal Captive as a matter of his own Triumph, but rather of a devout Proceſſion; for by his Order, [1] that very day the Clergy of *London* went forth to meet the Prince with their Croſſes, ſinging Anthems in a ſolemn Proceſſion; and after that, for two days together, publick Supplications and Prayers with Thankſgiving, were celebrated thro the Cities of *London* and *Weſtminſter*.

[2] Id. ib. *The* French K. *is lodged in the* Savoy, *with the reaſon of its Name.*

Then King *Edward* treated the *French* King and his Son with the reſt of the *French* Priſoners after a Princely manner, ordering an Apartment for the King in his own Court, [2] till the Houſe now call'd the *Savoy* could be prepared for Him, being at that time a moſt ſplendid and magnificent Structure, belonging to the Duke of *Lancaſter*, and ſo called from its firſt Founder *Peter* Earl of *Savoy*, Father to *Boniface* Arch-Biſhop of *Canterbury*, who was Uncle to *Eleanor*, K. *Henry* the Third's Queen. So ſoon as this Palace could be got ready, the King was carried thither, where He was honourably attended, and often viſited by the King, Queen and Prince, who provided all ſorts of Exerciſes and Diverſions to take off his Melancholy for the loſs of his Liberty, tho without any great effect. Thus was King *John* and his Son, and the chief of the Captive Nobles of *France* entertain'd in *England*, whilſt divers of the other Priſoners of leſs note, were preſently releas'd upon King *John*'s giving his Security on their behalf, and the reſt were ſeverally beſtowed in ſafe Cuſtody.

[3] Froiſ. c.175. *The Siege of* Rennes *continued by the D. of* Lancaſter.

Count Charles *endeavours to raiſe it, but in vain.*

[4] H. K. Col. 2616.

But we ſhall now paſs to ſomewhat more material in *Bretagne*, ſince *England* affords us nothing elſe worth our notice. [3] The Duke of *Lancaſter* having beſieged the City of *Rennes* ever ſince the beginning of *Decemb.* the laſt Year (as has been already related) the Siege ſtill continued great part of this Summer, but with ſmall effect; for beſides the natural Strength of the Place, Count *Charles* of *Blois* had put a ſtrong Gariſon into it, under the Viſcount of *Rouen*, with other Noblemen of *Bretagne*. In the mean while Count *Charles* himſelf being in theſe Parts, was very ſolicitous to raiſe the Siege, and beſides his own Forces, daily importun'd the Regent of *France* for a ſtrong Reinforcement; but the Regent had his own hands ſo full, that He was not at leiſure to do any thing conſiderable: So the City began to be greivouſly ſtraiten'd; but when the Siege had continued for near nine Months, [4] Count *Charles* approached the Place with ten thouſand Men to raiſe it; but he found the Duke ready to receive him in the Field, and yet at the ſame time able to make good the Siege with another part of his Army, and ſo perceiving it not likely to ſucceed, he retired. Upon which the Beſieged ſeeing

their

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their Caſe almoſt deſperate, took the firſt opportunity by means of a the Biſhop then in the Town, to treat with the Duke, and being kindly received, they at laſt agreed to deliver the Town on theſe Conditions: That the Inhabitants, upon the Payment of a hundred thouſand *Scutes* of Gold to the Duke for the Charges he had been at in the Siege, ſhould be ſafe as to their Bodies, Goods and Eſtates; and that then they ſhould deliver up the Town to ſuch Captain ~~or Officer~~ and Soldiers. as the Duke ſhould appoint to receive it: All which was perform'd accordingly. ~~And thus the Duke of *Lancaſter* became poſſeſs'd of this ſtrong Caſtle and Town, when it had been in the hands of the *French* for above a dozen Years.~~

The Town ſurrender'd on Conditions.

But the City did not continue in the Poſsession of the English, for immediately after they agreement, the Duke of Lancaster receivd the Kings Letters, giveing him notice of the [illegible] had been already concluded [illegible] the [illegible] Adversary of France and therefore commanded him to raise the Seige of [illegible] Place. but the Duke having finisd the agreement and received the money agreed on by the Town, all he could do farther was to deliver [illegible] the [illegible] for the [illegible] of the ~~King~~ Count De Blois

And indeed this Succeſs happen'd very luckily; for not [1] long before there came a Cardinal from *France*, to put the King in mind of the Agreement that had been made at *Bourdeaux* between his Son the Prince of *Wales* and King *John*, that upon the renewing a Treaty of Peace that was then reſolv'd on, the Siege of *Rennes* ſhould be rais'd: and at that very Juncture came hither from the Pope the abovemention'd Cardinals of *Perigort* and St. *Vitalis* to aſſiſt at the ſaid Treaty, which was then to be ſet on foot. Theſe Cardinals were preſented to the King at *Weſtminſter-Hall*, as He ſat in great ſtate upon his Throne; then one of them began his Diſcourſe with a Text out of the *Pſalms*, *Honor Regis Judicium diligit*, i. e. *The King's Honour loveth Righteouſneſs*. After which they propoſed what was intruſted to them by their Commiſſion, which was to this effect: *That King* Edward *ſhould have the Lands reſtor'd which his Predeceſſors had held in* France, *on Condition that Peace and Concord might be ſettled between the two Crowns*. To which King *Edward* anſwered briefly, *That altho ſome of the Lands of his Predeceſſors had been loſt for a time, yet He doubted not of recovering them again, when it ſhould pleaſe God; but that He would have nothing to do with them, unleſs they came to the point in hand, concerning the Crown of* France, *which He claim'd*. They anſwered, their Commiſſion extended not ſo far; and ſo the matter reſted, till they could hear from the Pope again, which they did not before the nine and twentieth of *Auguſt*. But in all theſe Treaties the Pope appeared notoriouſly partial to the *French* King's Cauſe; and that his Holineſs ſent theſe Cardinals hither for his own Intereſt more than to promote the publick Peace, appear'd by the Bull they brought over with them, enjoining every Biſhop by Papal Authority to make a Viſitation throughout their ſeveral Dioceſſes, and to pay their Procurations to the Legats: And it was ſaid, that this Sum was by the Pope intended for the aid and ſuſtaining of the *French* Intereſt; and indeed this pretended Peace-making was ſo chargeable, that at *Michaelmas* theſe Cardinals had of the Clergy of *England* Four-pence out of every Mark, as well of Spiritual as Temporal Eſtates; and yet no final Peace was made, ~~only at laſt with much ado they procured a Truce~~ onely the a truce. [illegible] concluded with [illegible] ~~[illegible]~~ France & Edward in France between the two Kings, and all their Allies ~~(except the Lord *Philip* of *Navarre* and his Friends, as alſo the Counteſs of *Montfort*, and the Lord *Charles* of *Blois*) to endure till the Feaſt of St. *John Baptiſt*, or the four and twentieth of *June*, which was to be in the Year 1359.~~ and was to commence from the day of the date, viz: the 23d of March, to Easter day enſuing & from thence for two years ~~[illegible]~~ viz: till Easter 1359. as appears by the Letters, or Instrument of this Treaty, under the Seals of the sd Cardinals & the Kings: viz: R's Coll: Protectors, as also of the Earls of [illegible]wick and Suffolk for ~~[illegible]~~ other noblemen for King Edward. and the Cardinall of Rouen, & the Bp. of Sens, with other French Lds for King John. this [illegible] dated at Bordeaux A.D. 1356.

Two Cardinal Legats have Audience of the King, and make freſh Propoſals of Peace with France.

The King's Anſwer.

The Pope notoriouſly partial to the French.

A vaſt Tax raiſed on the Clergy.

A Truce between the two Crowns.

I cannot alſo omit taking notice, that the ſame [2] Author tells us, that the Pope was now pleaſed to demand the Arrears of the Tribute of

Rot: Fran: 31 E: 3. m. 14. 15. vid. R's Coll: vol. VI. p. 3. to p. 10.

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[1] H. R. col. 2615.

[2] Id. col. 2617.

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The Pope demands the Arrears of his Tribute from the King.

of the Realm of *England*, being the Annuity of a thouſand Marks granted by King *John* of *England* to the Court of *Rome*, when He reſign'd his Crown to the Legate *Pandulphus*. But to this Propoſal the King returned a courageous Anſwer, *That He would never pay any Tribute to any Man whatſoever, becauſe He held his Kingdom without ſubjection to any one, but only to God.* But ſince this Relation is found in no other Author except *Knighton*, I much doubt the truth of it; for we ſhall find this very Pope to make the ſame Demand within two Years after, which it is not likely He would have done, had He received ſo reſolute a Denial at this time.

K. John is remov'd to Windſor Caſtle.

Upon this Truce the [1] *French* King had leave to remove with his Family to *Windſor* Caſtle, where He and his Son the Lord *Philip* diverted themſelves with Hunting and Hawking; but the other Priſoners continued ſtill at *London*, and they had liberty to go to Court when they pleas'd, only they gave their Paroles to be true Priſoners, and by no means to endeavour their Eſcape.

The Q. of Scots endeavours the ranſoming of her Husband.

David King of *Scots* having been ever ſince the Battel of *Durham* Priſoner in *England*, there had been by the earneſt Mediation of his Queen *Joan*, Siſter to King *Edward* (who had her Brother's leave to come into *England* laſt Year) ſeveral Treaties ſet on foot for the ranſoming her Husband; and near two years ſince it was ſo far advanc'd [2] by Commiſſioners on both ſides, who had met at *Newcaſtle*, that the Articles were agreed on, and reduced into Writing; the chief of which were, That King *David* ſhould be ranſomed and ſet free for ninety thouſand Marks of *Sterling* Silver, to be paid in nine Years, by equal Payments; and that during that time there ſhould be a firm and inviolable Truce between the two Kings and the Subjects of their reſpective Dominions. But this Treaty (as divers others had done before) came to nothing, becauſe the *Scots* would not conſent to all the Terms and Conditions propoſed for their King's Releaſe. Yet this Year the Treaty was again renewed with better ſucceſs, x ~~by the Interceſſion of the Cardinal Legate; for on the third of *October* Commiſſioners on both ſides met at *Berwick*~~: On the behalf of King *Edward* were *John* Arch-Biſhop of *York*, *Thomas* Biſhop of *Dureſme*. *Gilbert* Biſhop of *Carliſle*, *Henry de Piercy*, *Ralph de Neville*, *Henry le Scrope*, and *Thomas Muſgrave*: And for the Lord *Robert Stuart* then Guardian of *Scotland*, and the Prelats, Lords and Commons of that Kingdom, *William* Biſhop of *St. Andrews*, *Thomas* Biſhop of *Cathneſs*, *Patrick* Biſhop of *Brechin* Chancellor of *Scotland*, *Patrick* Earl of *Marche*, *Robert de Irſkin* and *William de Levingſton* Knights; where it was agreed (among & other matters of leſs moment) to this effect.

Commiſſioners appointed to treat with thoſe of Scotland concerning this Affair.

x for in order to a treaty of Peace & Truce was [illegible] agreed on between the [illegible] and the [illegible] [illegible] Scotland to begin on the day of the date of the instrument, viz: [illegible] with Martinmass next ensuing as appears by the ~~Record~~ instrument which was mutually seal'd by the Bps. of Winchester and Rochester and other Lords Commissioners for ye King and the Bps. of St. Andrews, and the Bp. of Brechin, and other Barons on behalf of the Earls & Barons of Scotl. Rot: Scot: 31 Ed. 3. m 10

some months after which the Estates of Scotland being again assembled [illegible] Bps and noblemen to be their Commissioners to treat and agree [illegible] [illegible] King of England [illegible] setting free and delivery of [illegible] coming to Berwick were there met by those of England: on the behalf were

vid: Rs. p. 40. p. 46.

The Conditions on which he was to be releas'd.

I. That King *David* ſhould be releaſed, ſet free, and ranſomed for a hundred thouſand Marks Sterling Mony, to be paid yearly by ten thouſand Marks, the firſt Payment to begin at Midſummer next following at *Berwick*, ~~if it were then in the hands of the Engliſh~~.

II. That there ſhould be a firm Truce kept and obſerv'd in *England*, *Scotland*, and the Iſle of *Man*, until the Mony was paid; and that *Edward de Baliol* and all King *Edward*'s Allies ſhould be included in this Truce.

III. That there ſhould be a Free Trade and Intercourſe between the two Nations during the ſaid Truce.

IV. That

[1] Froiſ. c. 173.

[2] Rot. Scot. 28 E. 3. m. 4.

The Articles of which being near agreed, are broke off.

[3] Rot. Scot. 31 Ed. 3. m. 6. ~~dorſ~~

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IV. That none of the Subjects of both theſe Kings ſhould take Priſoners, or exact Ranſoms of any Perſon, Town or Country belonging to either of them during the ſaid Term.

V. That for the true Payment of the abovesaid Sum, according to this Agreement, the King of *Scots* ſhould ſend hither twenty Hoſtages particularly named in this Article, being the Sons and Heirs of the Earls, and other great Men of *Scotland.*

VI. That for the better ſtrengthening and enforcing the ſaid Agreement, upon the delivery of the King of *Scots*, three of the eight Earls therein named ſhould alſo become Hoſtages for Him, and ſhould inſtantly remain in *England* till three others of the ſaid Eight ſhould come in their ſtead, and in exchange of them: And this from time to time, till the whole Sum of one hundred thouſand Marks were entirely paid; beſides which the ſaid King of *Scots*, with the Prelats and Great Men therein named, being preſent at his deliverance, ſwore and obliged themſelves by their Oaths to ſend the ſaid twenty Hoſtages therein named, without any fraud or delay; yet with liberty to exchange them for others, as there ſhould be occaſion: And that if any of them went away without leave of their Keepers, they were to be ſent back again.

VII. That if the Mony was not paid at the Terms agreed on, the King of *Scots* ſhould then return into *England*, and render Himſelf Priſoner, there to remain till all the Arrears of his ſaid Ranſom were diſcharged; but in caſe He were any ways hinder'd from coming hither, that then He ſhould ſend in his ſtead three others of the eight Earls therein mention'd (beſides the three that were here before) who were all to remain till full Payment was made as aforeſaid.

VIII. By the 8*th* Article it was agreed, that if any Caſtle or Town were taken by either of thoſe Princes Subjects during this Truce, they ſhould be immediately reſtored; and if it was not then done, the King that fail'd in the performance ſhould forfeit forty Pounds Sterling to the other for each day that ſuch Place was detain'd after demand made thereof.

IX. The 9*th* provides for the ſending freſh Hoſtages in the ſtead of thoſe that ſhould die before the King's Ranſom was paid.

X. By the 10*th* the King of *Scots*, with his Lords and Prelats and Merchants make themſelves liable to the Cenſures of the Church, on failure of Payment of the ſaid Mony, and in that caſe farther oblige themſelves to the Pope or his * *Auditor* in the Sum total above-mention'd, to be applied to the uſe of the King of *England*, beſides the Sum of ten thouſand Florins to the ſaid Chamber of the Pope: and they alſo covenant not to recall their Procurators, whom they had appointed for that purpoſe; and the ſaid King, Prelats, Lords and Merchants, do each of them acknowledg themſelves obliged as principal Debtors to pay the ſaid Sum at the Place and Time agreed on.

* *That is, to the Auditor of the* Rota.

XI. The 11*th* being of no great moment, I omit.

XII. The 12*th* provides, that none of the People of *Scotland* ſhould either by themſelves, or any other, procure Letters from the Pope contrary to this Agreement; and that if any ſuch be granted, they ſhould not be accepted, or any ways made uſe of by them.

XIII. But in caſe the Prelats of *Scotland* ſhould be negligent, or durſt not do it, or be otherways hinder'd from putting the Pope's

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Cenſure in execution, He then himſelf ſhould execute it.

XIV. The 14*th* I paſs by for the ſame Reaſon as before.

XV. The 15*th* provides, that if the King of *Scots* ſhould die before the full payment and diſcharge of the ſaid Sum of one hundred thouſand Marks due for his Ranſom; yet neverthleſs all the ſaid Obligations ſhould remain in full force againſt all the Parties ſo obliged, and the Hoſtages not be diſcharged until the whole Sum be fully paid.

XVI. By the 16*th* it is mutually agreed, that the Rebels of either King ſhould not be receiv'd, maintain'd or ſupported by the other, their Miniſters or Officers.

XVII. The ſeventeenth gives the King of *England* Power by his Letters Patents to arreſt the Merchants of *Scotland* in *Flanders*, or elſewhere beyond Sea, for the payment of the aforeſaid Sum.

XVIII. The eighteenth chiefly concerns the Prince of the *Orchades*, otherwiſe called *John of the Iſles*, from being liable to have the ſaid Ranſom levied upon his Lands and Territories. But it is further there recited, that for the better aſſurance of the Matters aforeſaid, the Lords *Piercy* and *Neville* having full Power, have ſworn to theſe Alliances on behalf of the King of *England* and the Prince of *Wales* his eldeſt Son; as alſo the King of *Scots* hath ſworn on the Holy Evangeliſts truly to obſerve and accompliſh all the Points aforeſaid, without any Fraud or Deceit, and alſo to cauſe their Subjects to obſerve the ſame, to their power; and the above-mention'd Prelats and Lords of *Scotland*, have likewiſe ſworn to the ſame purpoſe as far as in them lies.

XIX. By the nineteenth it is agreed, that the ſaid King and Prince on their Parts, and the King of *Scots* on his part, ſhould confirm this Indenture by their Letters Patents under their Great Seals, and ſhould ſend them to *Berwick* by the Feaſt of St. *Martin* next enſuing, or within eight days after: In teſtimony of which, to that part of this Indenture remaining with thoſe of *England*, the Biſhops and other Commiſſioners for *Scotland* put their Seals; as did alſo the Arch-Biſhop and other Commiſſioners on behalf of the *Engliſh*, on ~~the Day and Year aboveſaid~~: And in ~~purſuance thereunto~~, theſe Articles were not long after reduced into Letters Patents bearing date at *Weſtminſter Oct.* 5. this Year, as further appears by the Rolls of [1] *Scotland* in the Tower.

having been ~~before~~ some months before

This Truce [2] ~~being now~~ publickly proclaim'd with the uſual Ceremonies, and King *David* ~~was~~ diſcharged from his Impriſonment at *Odiam* Caſtle in *Hampſhire*, ~~and~~ being honourably conducted to the Borders of his own Kingdom by ſeveral *Engliſh* Noblemen, had been ~~was~~ met at *Berwick* at *Michaelmas*, by the chief of the *Scotiſh* Nobility, ~~who brought thither one Moiety of the King's Ranſom along with them, as~~ alſo the Hoſtages that were to remain in *England* till the first payment ~~reſt of~~ it ſhould be paid. + Not long after the King's return, He [3] called a Parliament for the Puniſhment and Diſgrace of thoſe who had fled from the Battel of *Durham*; and He made his own Nephew the Lord *Robert Stuart*, the firſt Example of his Severity; and for deſerting him at that time, He cauſed that Act of Parliament to be reſcinded, whereby the Crown was entail'd upon the ſaid *Robert* and his Heirs: and then He made his other Nephew, *Alexander* Son to the Earl of *Southerland* by

Jane

[1] Rot. Scot. 31 Ed. I. m. 2. dorſo.

[2] Froiſ. c. 174. *The King of Scots being diſcharged from his Impriſonment, returns home.*

[3] H. Boeth. l. 15. *He holds a Parliament, wherein he reſcinds the Act of Entail of the Crown on the Ld* R. Stuart.

+ whose names being the Sons & Heirs of divers Earls and [illegible] of Scotland you may see in [illegible] 35.

note, that after he [illegible] and being again [illegible] [illegible] by another [illegible]

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Jane his younger Siſter, to be declar'd Heir apparent of *Scotland*; but this young Lord being then a Hoſtage in *England* for the King his Uncle's Ranſom, dy'd the Year following of the Peſtilence, which then raged again in *England*; after which the Lord *Robert*, being reconciled to the King, was reſtored to his Right of Heir apparent of *Scotland*: but this did not happen till two Years after, tho I mention it here, as belonging to the Subject now before us.

The miſchiefs that befel France *by reaſon of the Soldiers called* Companions.

One of the Chief of them marches to Avignon, *and makes the Pope compound with him*, &c.

In the mean while the Kingdom of *France* ſuffer'd extremely, as well by Troops of Robbers, as Civil Diſſenſions; for upon the late Defeat of the *French* King, and the Truce that followed it, [1] many Soldiers that had neither been formally diſbanded, nor yet paid off as they ought to have been, thereby took occaſion to deſert in great numbers, and calling themſelves the *Companions*, marched where they pleaſed, not only pillaging the Country, but alſo taking divers Towns and Caſtles that were too weak to reſiſt them; infeſting the Roads, and robbing all they could light on: theſe being divided into five or ſix ſeveral Bodies, were led by divers Captains, who by Plunder got vaſt Riches; the Chief of whom was one *Arnauld de Cervoles*, who call'd himſelf the *Arch-Prieſt*. He muſtering up his Forces, marched to the City of *Avignon*, and there put the Pope and his Cardinals into ſuch a terrible fright, that He was forced to compound with him for the ſum of forty thouſand Crowns, to ſave the Country from being pillaged; and beſides he obliged Him to give him Abſolution, and to treat him at His own Table, with the ſame Reſpect as if he had been a Sovereign Prince.

The K. of Navarre*'s Brother ſurprizes* Honfleur, *which is endeavour'd to be recovered by the L. of* Clermont, *but in vain.*

The ſudden Riſe of Sir Robert Knolles.

The Caſtle of Evreux *is ſurprized.*

Near the ſame time [2] about ſix hundred Men at Arms and ſome Archers belonging to ſeveral Gariſons, both in *Bretagne* and *Gaſcoigne*, joyning together, went into *Normandy*, and revolting from the *French*, took part with *Philip* Brother to the King of *Navarre*, and quickly after ſurprized the ſtrong Town of *Honfleur*; upon which the Lord *Robert* of *Clermont* marched againſt them with eight hundred Men of Arms, and five thouſand Foot, making a briſk Aſſault upon the Town, but with ill Succeſs, for he loſt there five hundred Men; yet ſtill he endeavoured to carry the Place: but whilſt he lay there, Sir *Robert Knolles* and Sir *James Pipe*, who were the Duke of *Lancaſter*'s Lieutenants in *Normandy*, came ſuddenly upon the *Frenchmen*'s backs, and with the ſlaughter of a thouſand more of them, put the Marſhal and the reſt to flight. And by the way I cannot but obſerve of this Sir *Robert Knolles* above-mention'd, that [3] *Walſingham* tells us, That he thrived ſo well in theſe Wars, that from a poor common Soldier, he arrived to the Riches of a Noble Man; and he muſt certainly have been a Man of great Courage and Conduct, being afterwards employ'd by the King in his Wars, and within a few Years after by the King and the Prince his Son, in the moſt Conſiderable Commands both at home and abroad. Not long after this, [4] the ſtrong Caſtle of *Evreux*, belonging to the King of *Navarre*, was ſurprized by the contrivance of the Sieur *de Granville*, and the aſſiſtance of ſome of the Principal Burgeſſes and Townſmen, who joyn'd in that Deſign; and killing the Governor, made the Gariſon Priſoners.

In the mean while, [5] the City of *Paris* was no leſs diſtracted with Inteſtine Seditions; for the Provoſt of the Merchants pretending to make wonderful Reformations, aſſembled a great number of the com-

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[1] Froiſ. c.177. Mezeray ad hunc An.

[2] H. K. col. 2616.

[3] Ad An.1358.

[4] Froiſ. c.176.

[5] Mezeray ad hunc An.

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The City of Paris *diſturbed by the Inteſtine Seditions of the* Common People.

The Provoſt de Marchands *and his followers murder three of the* Dauphin's *Confidents.*

He changes Caps with the Dauphin.

mon People at *Paris*, to whom he gave party-coloured Caps, half red and half Sky-colour, for a diſtinction of his Party; and then with about three thouſand of them, he marched to the *Dauphin*'s Palace, where complaining of the evil Government of the Eſtates and Nobility, he deſired him to take the Regency, and to defend the Kingdom againſt the Incurſions of the *Companions*; but whilſt he made ſome difficulty to do it, the Provoſt and his Followers fell upon the Perſons of the *Sieurs de Conflants* and *de Clermont*, with *Simon de Bucey* Preſident of Parliament, three of the *Dauphin*'s greateſt Confidents, and murther'd them before his Face, ſo that the Blood guſhed out upon his Clothes; at which Action this Prince being very much frightned (as well He might) the Provoſt to comfort Him, bid Him not be afraid, for they had only puniſhed theſe Men for converting the Revenues of the Crown to their own uſe, as alſo for giving Him ill Advice, to the prejudice of the People. And then to let Him ſee, that He muſt become a perfect Citizen, if He would expect their Favour, he made Him wear their Livery, and clapping his own party-coloured Cap upon the *Dauphin*'s Head, took His (being embroider'd with Gold) and put it upon his Own, and ſo abruptly taking his Leave, left the *Dauphin*'s preſence, who tho ſufficiently mortified with this Affront, was alſo forced to pardon the Citizens for thus diſpatching his moſt truſty Servants.

[1] Id. c. 180.

The K. of Navarre *reſcued from his Impriſonment.*

[2] Mezeray ib.

The Dauphin *forced to grant him Safe-conduct to come to* Paris, *where he harangues the People.*

[3] Froiſ. c. 181.

The effect of his Speech.

Not long after this, [1] the King of *Navarre* was reſcued from his Priſon in the Caſtle of *Arleux* in *Picardy*, by the contrivance of ſome of his People, and by the conſent of the Lord of *Picquigny*, to whoſe care King *John* had committed the Cuſtody of that Prince: The *Dauphin* [2] was highly ſurpriz'd at his Eſcape, fearing nothing ſo much as his Reſentment for the Death of his Friends, and ſo long an Impriſonment; neverthelеſs being prevail'd on by the Importunities of the Council of State, and the Interceſſion of the two Queen Dowagers, the *Dauphin* was forced to grant him his Safe-Conduct to come to *Paris*, where he was lodged at the Abby of St. *Germain des Prez* without the City. Then ſome Days after, toward the end of *November*, He gave publick notice that he would make an Harangue to the People in the place of the *Liſts*, which lay between the Abby of St. *Germans* and *Le Pré aux Clercs*; where a vaſt multitude being aſſembled to hear Him, He mounted [3] the Scaffold from whence the King uſed to behold the Tourneaments, and from thence made a Pathetick Speech to the Prelats, Knights and Students of the Univerſity in *Latin*, ſetting forth, with that Eloquence he was Maſter of, the Injuſtice of his Impriſonment, and the Tyrannical Execution of his Friends, together with the Zeal He had ſtill expreſs'd for the Publick good of the Kingdom; but above all his particular affection to *Paris*, the Capital City thereof. This flattering Speech had the greater effect upon the People, becauſe they were ſenſible He had been treated with too much Rigour; and the next day He was receiv'd into the City with great Rejoycing: whereupon the Council of State, the Provoſt of the Merchants, and the Univerſity it ſelf, all joyned in their Importunities to the *Dauphin* to make Him ſatisfaction for the Injuries that had been done Him; which that Prince was forced to agree to. But when the King would have reenter'd thoſe Places that had been taken from Him, thoſe that held them for the King of *France*, refuſed to deliver them; which together with ſome new Diſcontents, gave an occaſion to break out into an open War the Year following. I have been the more particular in the Relations of the Troubles of *France*, not only becauſe they are very extraordinary, but alſo to ſatisfy thoſe Readers, who perhaps giving too much credit to a Modern * *French* Author, may believe that *England* (and particularly *London*) had been the greateſt, if not the only Scene of popular Tumults and Commotions.

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* Pere D'Orleans *Revolutions* d'Angleterre.

In the beginning of this Year, [1] King *Edward* iſſued forth his Royal Proclamation throughout *England*, That all Foreign Knights and Gentlemen from any part of the World, who had deſire to come to the Feaſt of St. *George*, to be ſolemnly held by Him on the twenty third of *April* at *Windſor*, ſhould have his Letters of Safe-Conduct to paſs in and out of the Realm at their pleaſure for the ſpace of three Weeks, without the leaſt Impediment or Danger, there to partake of thoſe Martial Honors and Prizes, which ſhould attend the Exerciſes of thoſe Solemn Juſtings and Tourneaments, that He then intended to celebrate; ſo that preſently after, there came over into *England* the Duke of *Brabant*, with many great Lords and Knights of *Germany*, *Flanders*, *France* and *Scotland*; the Queen of which Kingdom came alſo into *England*, to viſit her Brother, and to be a ſpectatrix of theſe Martial Entertainments, which were ſaid to be made to ſet forth the King's Grandeur, as alſo to divert the Captive King of *France*, who yet ſeemed not much tranſported with theſe Shews, the Expence of which He thought muſt chiefly be defray'd by his Ranſom; wherefore [2] He ſaid merrily, *That He never ſaw ſuch Great Entertainments without an after Reckoning.* But the Charge was at preſent born by the Subjects of *England*; * for the King not long after ſet forth a Proclamation, whereby He ſummoned all thoſe who poſſeſſed Lands or Rents to the value of forty Pounds *per Annum*, to appear before Him, there to receive the Order of Knighthood; and by the Fines which moſt Perſons refuſing to accept that Dignity then pay'd, He raiſed a great ſum of Mony.

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[1] H. K. col. 2616, 2617. Mat. Villani L. 8. c. 47.

K. Edward *proclaims a Solemn Tourneament at* Windſor.

The Q. of Scots *comes into* England *to viſit her Brother the King.*

[2] MS. C. Ben. c. 230.

* Rot. Parl. 32 E. 3. Part. 2. m. 25.

The K. ſummons all that held Lands to 40 l. per An. *to be made Knights.*

So ſoon as theſe Solemnities were over, [3] King *Edward* removed his Court to *London*, and there began to treat ſeriouſly with King *John* about a firm and laſting Peace, which was generally hoped for, yet it was long before matters could be brought to any tolerable iſſue: [4] for King *Edward* required Homage of that King for the Realm of *France*, as holding it of Him, whoſe Right it was; and upon this Condition He profer'd him his Liberty, and a perpetual Friendſhip: but this King *John*, having not loſt his Courage by Adverſity, utterly refuſed, ſaying, He would leave the Kingdom of *France* as free to his Children, as He had receiv'd it from his Father; and that as to Himſelf, He ſhould always prefer the Preſervation of *France* before his own Life. This Generous Magnanimity in a Captive Prince, gave King *Edward* occaſion not only to commiſerate his Calamity, but alſo more tenderly to reſpect and honor Him, as a Perſon worthy of a better Fortune: ſo that at laſt, eſpecially by the Interceſſion of the Prince of *Wales*, who was reſolved to made good the Promiſe that He had made to him the Night after he was taken Priſoner, it was agreed, That upon the *French* King's Releaſe, [5] ſeveral Countries and Territories (ſome of which were already in the *Engliſh* poſſeſſion) ſhould be given up to King *Edward*, free from any Homage or other

[3] H. K. Col. 2618.

He treats with K. John *about a Peace.*

[4] Du Serres ad hunc An.

The great difficulties that aroſe in this Treaty.

At laſt they agree upon equal Conditions.

[5] Mat. Vil. L. 8. c. 51.

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Duty to be done for them, and He ſhould thereupon for ever renounce his Claim and Title to the Crown of *France*. But King *John* was alſo to pay the King of *England* for his Ranſom three millions of Crowns of Gold, which amount to Five hundred thouſand Pounds *Sterling*; a vaſt ſum in thoſe days.

But ſince theſe Articles did not then take effect, I ſhall refer the further mention of them to another Place, and here only take notice, that theſe (or much the like) were the next Year ſent over to the *Dauphin*, to be communicated to the Eſtates of the Kingdom; and what reception they then met with, you will find hereafter.

In the mean while the Agreement between the two Kings was eſtabliſhed by Oaths interchangeably made, and with their mutual kiſſing each other: yet for all this on one ſide or other, Sincerity was ſuppoſed to be wanting; the Writers of theſe Times repreſenting thoſe matters according to their particular Intereſt or Inclinations; [1] ſuch as favour the *French* lay the blame upon King *Edward*, as that He fomented the Commotions in *France*, and that He might put the breach of the late Agreement upon the *French*, hinder'd them from raiſing of the Mony for their King's Ranſom; and that He ſecretly aſſiſted the King of *Navarre* with Men, to enable Him the more to embroil that Kingdom, that He might at laſt ſubdue it for Himſelf.

The various repreſentations of theſe matters by Writers of different Parties.

[1] O. Raynold. ad hunc An. M. Vill. L. 8. c. 101.

But theſe Relations ſeem to be the effects of Malice or Miſtake; for as to any ſtopping or hindrance of the raiſing of the Mony, [2] *Knighton* tells us, That ſoon after the Departure of the Cardinals out of *England*, there came certain Perſons from *France* with Twelve hundred thouſand Crowns (tho I ſuppoſe it ſhould be but ſixty thouſand) in part of Payment for their King's Ranſom; but King *Edward* refuſed the Mony, becauſe they had not brought the Hoſtages with them for the reſt, as it had been agreed on. But they in their Defence anſwered, that a great part of *France* was ravaged by the *Engliſh*, contrary to the Form of the Agreement, ſo that the People of *France* durſt not go to their own Houſes. To this the King reply'd, That ſuch *Engliſhmen* who made War in *France* after the Agreement made, were Outlaws and Robbers, out of his Protection, nor would He juſtify them; but that He was not in the fault, appears by the *Dauphin* and the Eſtates of *France*, refuſing to perform the Terms which their King had now agreed to, as you will find hereafter.

[2] Id. ib.

We ſhall now look into *France*, and obſerve the ſad condition of that Kingdom; [3] for about this time the Common People or Peaſants, having been cruelly uſed and pillaged by the *Nobleſſe* or Gentry, and reduced to Beggary and Deſpair, took what Arms they could light on, and gathering together in great Companies, ſwore to extirpate all the Nobility. This Fury began in *Beau-voiſin*, where the Peaſants having choſen for their Head a certain Fellow of their own Condition, called *Gailliet*, they then named themſelves *La Jaquerie*; for the Derivation of which Nick-name, ſince the *French* Authors themſelves differ about it, I ſhall not pretend to give it you; it is ſufficient they were ſo cruel and miſchievous, that had the Towns and Cities joyn'd with theſe Levellers, there had been an end not only of the *French* Nobleſſe, but the Monarchy too; but by good fortune they ſhut their Gates againſt them, fearing to be plunder'd; and tho they ſeiz'd on *Senlis*, and ſome other weaker Towns and Caſtles, yet their endea-

[3] Froiſ. c. 182. Mezeray.

The ſad condition of France *by the riſing of the Peaſants in Arms.*

vours

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vours upon ſtronger Places proved altogether in vain; and they now became ſo odious for their horrid and brutiſh Cruelties, that the Gentry of all the three Parties, *French*, *Engliſh* and *Navarrois*, combin'd together againſt them; and the King of *Navarre* defeated that Body of them that was headed by *Cailliet*, who being taken and crown'd with a red-hot Trivet, was then executed; and not long after the *Dauphin* cut in pieces above twenty thouſand more at ſeveral times; ſo that this Rebellion was quaſhed on the ſudden.

The King of Navarre *defeats a great Body of them.*

The[1] reſt of this Year was ſpent in Quarrels and Civil Wars between the *Dauphin* and the King of *Navarre*, who had again taken Arms, becauſe (as I ſaid before) his Towns and Caſtles in *Normandy* were not reſtor'd to Him, according to the late Agreement; wherefore joining with the Faction of the Provoſt of the Merchants, He was again admitted into the City of *Paris*, where He made another Speech to the People, who thereupon declar'd Him their General; which ſo provok'd the Nobleſſe, who looked upon themſelves as ſlighted, that they join'd themſelves more firmly to the *Dauphin* in order to beſiege *Paris*: but the Heads of the Faction being advertiſed of it, obliged the Univerſity to go to that Prince and intercede for them, offering any Satisfaction that He could in reaſon deſire. But this He utterly refuſed, unleſs He might have twelve of the chief Mutineers deliver'd intirely to his Mercy; whereupon they confederated more firmly than ever, and joining themſelves with the King of *Navarre*, made a vigorous Reſiſtance, and fortified the City anew againſt the *Dauphin*.

[1] Id ib.

He joins with Faction of the Provoſt de Marchands, *who make him their General.*

Whereupon the Nobleſſe join with the Dauphin.

But[2] He ſoon found means to break this good Correſpondence, for ſome of his Party within the Town raiſed Jealouſies in their Heads againſt the King of *Navarre*, becauſe He retain'd ſo many *Engliſh* in his Pay; whereupon the ordinary Townſmen riſing on the ſudden, kill'd above three hundred of them; but *Marcel*, the Provoſt of the Merchants, being wholly of the King of *Navarre*'s Faction, reſcued the reſt under pretence of putting them in Priſon, and then let them eſcape in the Night, who getting to the reſt of their Countrymen that were then quarter'd at *St. Denis*, reveng'd their Deaths upon all the *Pariſians* they could meet with; who being highly provok'd at this, conſtrain'd the King of *Navarre* and the Provoſt to lead them out of Town to be reveng'd on the *Engliſh*. But they having notice of their coming (whether by Treachery of their Chiefs, or otherwiſe, I cannot determin) laid an Ambuſh for them, into which the Citizens falling, above ſix hundred of them were kill'd upon the ſpot, which ſo enrag'd the reſt, that they put the King out of all Command, and would not admit Him again into the City; and as for their Provoſt, they had been in that ſuſpicion, that upon his going about to let in that Prince and his *Engliſh* Soldiers into the City, he was taken in the Act, and being quickly diſpatch'd by ſome of the *Dauphin*'s Party, his Body was drawn by the Heels about the Streets, and after the Execution of ſeveral others his Accomplices, the *Dauphin* was again admitted into the City, and own'd as Regent of the Kingdom.

[2] Id. ib.

The ordinary People of Paris *kill* 300 Engliſh.

Whereupon the reſt revenge their Deaths on all the Pariſians *they could meet.*

The King of Navarre *is ſhut out of the City, and the Provoſt* de Marchands *murder'd.*

When the King of *Navarre* heard of the[3] Death of his Friend the Provoſt of the Merchants, He was very much incens'd at it, and being reſolv'd to revenge it, He ſent to defy the *Dauphin* and all the *Pariſians*;

[3] Froiſ. c. 187

Anno Dom. MCCCLVIII.

The King of Navarre *renews the War afreſh againſt the* Dauphin *with various Succeſs.*

[1] Id. c. 189, 191.

[2] Id. c. 197.

[3] Id. c. 198. *The* French *Cardinals imploy their Mediation to make Peace.*

Philip *that King's Brother refuſes to be included in this Peace, and joins with the* Engliſh.

ſians; and raiſing freſh Forces, He renewed the War more hotly than ever, beſieging and taking many Towns: But his Party met with various Succeſs, for tho they were defeated in the Biſhoprick of *Laon*, and loſt the Town of *St. Valery*, and were alſo [1] diſappointed in ſeizing *Amiens*, *Chalons*, and other Places; yet were they ſtill ſo powerful, that being poſſeſs'd of a great many ſtrong Towns and Caſtles in *Brie*, *Champagne*, and other Provinces, [2] tho the *Dauphin* ſent the Conſtable *de Fiennes*, the Earl of *St. Paul*, the Marſhal *d' Endreghen*, and divers other *French* Noblemen, with a Body of three thouſand Men, to beſiege *Melun* (which lying upon the River *Seine*, very much ſtraiten'd the City of *Paris*) yet upon Prince *Philip* the King's Brother's bringing freſh Forces to raiſe the Siege, the *Dauphin* ſent more to reinforce his own, that were there already; but before the two Armies could meet and come to blows, the [3] Cardinals of *Perigort* and *St. Vitalis* ſo well imploy'd their Mediation between the Regent and the King of *Navarre*, that they were, tho with great difficulty, once more reconciled, upon condition that the *Dauphin* ſhould pardon above three hundred Perſons of Quality of his Party, unleſs it were ſome few who were particularly excepted; by which Treaty of Peace divers Caſtles and Towns, as eſpecially *Mante* and *Melun*, were to remain to the King of *Navarre*, who thereupon ſwore to the Peace, and to continue firm to the *French* Intereſt. Yet notwithſtanding theſe advantageous Terms, *Philip* the King's Brother refuſed to be included in this Treaty, plainly telling Him He was under an Incantation; and preſently leaving his Party, rode away to *St. Saveur le Vicount*, where he was kindly received by the Governor, who highly applauded his Conſtancy to the *Engliſh* Intereſt. The *French* Hiſtorians relate this ſudden change of the King of *Navarre*'s Mind, as a particular Favour of Heaven at that time; but I ſuppoſe there was no greater Myſtery in the matter, than that finding He was not like to have any aſſiſtance from K. *Edward* (who was jealous of his Pretenſions to the Crown of *France*) and that he was offer'd good Conditions from the Dauphin, he thought it beſt to accept them.

[4] Mezeray ib. *Divers of the K. of* Navarre's *Gariſons declare for the* Engliſh.

[5] T. W. *He is call'd by* Froiſſart *and other* French *Writers* Robert Canulles. *Sir* R. Knolles *makes an Incurſion into* Berry.

~~But~~ Al tho this Peace gave ſome eaſe to *Paris*, [4] yet it yielded very little Relief to the neighbouring Provinces; for the Gariſons of thoſe Places that had held them before for the King of *Navarre*, to the end that they might continue their Plundering, declar'd themſelves for the *Engliſh*. Thus the Lord *d' Ambreticourt* and *Heynalder* ravaged *Champagne*, by the means of divers Caſtles which he was poſſeſs'd of on the Rivers of *Marne* and *Seine*, until *Broquard de Feneſtrage*, a Knight of *Lorrain*, who then ſerv'd the *French*, commanding a ſtrong Party, defeated and took that Lord Priſoner in a great Fight near *Nogent ſur Seine*, and thereby freed the adjacent Country; tho it had no great effect, becauſe there were ſo many more left of the ſame Trade, among the chief of whom we may reckon [5] Sir *Robert Knolles*, who from a common Soldier (as I ſaid before) had by his Valor raiſed himſelf to great Riches and Reputation, and about this time made an Expedition from the Borders of *Bretagne* with a ſmall Army of three thouſand Men; and marching along by the River *Loire* till he came into *Berry*, he paſs'd on burning and ravaging the Country: So that long after in memory of Him, the ſharp Points and Gable-ends of overthrown Houſes and Churches were call'd *Knolles*'s Miters. But before his Paſſage into *Berry*, he burnt and plunder'd the Suburbs of *Orleans* on the *Loire*, none daring to come forth of the City againſt him; and his Name was ſo terrible at that time, that he had viſited *Avignon*, and made even the Pope and Cardinals redeem themſelves, had he not received Intelligence, that divers Noblemen of *France* had raiſed a powerful Force againſt him, from whom he and his Party retired in time into the Marches of *Bretagne*, from whence he ſet out.

Let us now return to the Affairs of *England*, and here we ſhall find as much Peace and Tranquillity as there were Wars and Commotions in *France*; for [1] the King of *Scots* by the Conſent of his Nobility came hither about *All-hollantide* to give King *Edward* a Viſit, and He offer'd to accompany him whither He pleas'd in his Wars, provided his Kingdom might be eas'd in ſome meaſure of the great Ranſom which had been ſet upon Him by the King: He alſo deſired a free Trade between the Merchants of both Nations, and that the *Scotiſh* Scholars might come ſafely to ſtudy in our Univerſities. Moſt of which Requeſts being but reaſonable, K. *Edward* granted; but as for his Service in the Wars, He ſaid, *He hoped there would be no occaſion of making any farther War in* France, *there being now great hopes of Peace between the two Nations.* Yet King *David* continued ſeveral Months in *England* together with his Queen, and during his ſtay here, there were divers amicable Viſits made between Him and his Brother of *France*; ſo that K. *Edward* kept his *Chriſtmas* with them both at *London*, where at a great Entertainment made on purpoſe, He ſat between the two Kings at one Table; but not, as [2] one of the *Scotiſh* Hiſtorians relate, as Captives, in a vain oſtentation of his good Fortune; for it appears by our Hiſtories as well as Records, theſe two Kings were never Captives together in *England* at any one *Chriſtmas*; King *John* being brought Priſoner into *England* in *May*, and King *David* was releaſed the *September* following: Nor was it any mark of Arrogance in King *Edward* kindly to invite both theſe Princes (one of whom was his Brother-in-law, and the other his near Kinſman) to an Entertainment at this Solemnity: and He might very well ſit in the middle between them, tho the moſt honourable Place, not only to avoid any Competition about Precedency, but as taking Himſelf for true King of *France*, and *David* of *Scotland* as a Homager to *England*; nor do we find theſe Princes took it ill at his hands, ſince they ever after continued to expreſs a great Kindneſs and Reſpect for Him, as long as they lived. This Paſſage properly belongs to the next Year (according to our Account) tho to continue our Relation of theſe Affairs without interruption, I have put it under this.

The K. of Scots comes into England *to viſit* K. Edward, *with the Offers made by him.*

Bp Leſley*'s Miſtake concerning K.* Edward*'s dining with the two Kings as his Captives.*

I ſhall conclude this Year with the Deceaſes of two Queens: [3] *Iſabelle*, Queen Mother of *England*, Daughter to *Philip* the Fair, King of *France*, who departed this Life on the twenty ſeventh of *November*, in her ſixty third Year, after almoſt twenty eight Years Confinement at the Caſtle of *Riſings* near *Lyn*[illegible]ne, as having been ſuppos'd to be privy to the Death of the King her Husband. Her Body was buried in the Choir of the *Grey Friars*, now called *Chriſt-Church* in *London*, leaving the Character of a Princeſs of greater Beauty than Vertue, tho ſhe was not ſo bad, nor came to ſuch an ill end, as[1] a *Flemiſh*

The Deceaſe of Iſabelle *the King's Mother, with her Character.*

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[1] H. K. Col. 2619.

[2] Leſley de Reb. Geſt. Scot. p. 245.

[3] H. K. Col. 2618.

Anno Dom. MCCCLVIII.

[1] Meier. Annal. l. 12. p. 152. *The Miſtake of* Meierus *as to her Death.*

[1] *Flemiſh* Hiſtorian falſly relates, as that the King her Son finding Her to be great with Child by *Mortimer*, cauſed Her to be put to death many Years before; when all our Hiſtorians with one conſent agree, that ſhe died a natural Death about the end of this Year: but her Marriage with *Edward* King of *England*, as it proved fatal to her Husband, ſo her having by Him a Son, the preſent King, proved as unfortunate to her Country, ſince He thereby derived his Claim to the Crown of *France*; from whence commenc'd ſo cruel and laſting a War between the two Kingdoms, as was not extinct for near a hundred Years after.

[2] Sandford Gen. Hiſt. p. 155. *The Deceaſe of* Joan *Queen of* Scots, *with her Character.*

[3] Id ib.

Not long after [2] deceaſed her eldeſt Daughter *Joan*, Queen of *Scots*, during her ſtay here with her Husband; but for all ſhe had no Iſſue, yet her Memory remains as a ſhining Example of Conjugal Affection above the common rate of Princes: She was married to Him very young, but however ſtill expreſſed that tender Affection for Him, that ſhe would ſcarce ever forſake him during his long Exile in *France*, nor yet near his eleven Years Impriſonment in *England*. [3] She was buried in the ſame Church with the Queen her Mother.

[4] T. W. *The Controverſy between the two Univerſities and the Mendicant Friers determin'd by the Pope.*

As for Eccleſiaſtical Affairs, I cannot but take notice, how that this Year [4] that great Controverſy between the Clergy and the two Univerſities of *England*, and the four Orders of *Mendicant* Friers, was ſolemnly debated before the Pope by *Richard Fitz-Ralph* Arch-Biſhop of *Armagh*, and Primate of *Ireland*, and repreſented as a great Prejudice to all the ſecular Clergy; for the Friers truſting to their Privileges, not only inſinuated themſelves into the Houſes of dying men, but alſo enticed away young Scholars from the Univerſities and publick Schools; ſo that many Perſons forbore ſending their Sons to either of theſe Places, for fear they ſhould be inveigled away by ſome of thoſe Orders, where they were bred up in great Ignorance, Lazineſs, and Superſtition. But notwithſtanding all the Remonſtrances of this worthy Prelate, theſe Orders all joining together, ſo prevail'd by their joint Purſes, that the Pope, inſtead of reſtraining or ſuppreſſing them, further enlarg'd and confirm'd their Privileges.

Anno Dom. MCCCLIX.

[5] Froiſ. c. 201. *Agreement betwixt the two Kings confirm'd.*

[6] Du Cheſne p. 681.

The late [5] Agreement between the Kings of *England* and *France* was now again renewed and more ſolemnly confirm'd at a new Treaty held at *London* between King *Edward* with his Son the Black Prince, and King *John* with the Lord *James* of *Bourbon*, about the beginning of this Year. The Conditions were theſe:

I. That [6] *Aquitain* ſhould remain intirely to King *Edward* and his Heirs for ever, together with *Gaſcoigne*, *Poictou*, *Touraine*, *Santogne*, *Perigort*, *Quercy*, *Limoſin*, *Angouleſmois*, *Calais*, *Guiſnes*, *Boulonis*, and the Earldom of *Ponthieu*, without any Reſort, Homage, or Tribute to be paid therefore, even as abſolutely as He held his Kingdom of *England*.

II. That King *John* ſhould pay four Millions of Crowns of Gold for the Ranſom of Himſelf, and the other *French* Lords, Priſoners in *England*; that is to ſay, three Millions for Himſelf, and a fourth for his Lords.

III. In conſideration of all which, King *Edward* was to give up and wholly remit all his Right in and to the Dutchy of *Normandy*, *Anjou* and *Maine*; and to renounce and lay aſide the Claim He had to that Crown; and never after take upon him the Stile, Quality or Title of King of *France*.

This [a] Agreement was ſign'd and ſealed by both the Kings on the twenty fourth of *March*, and a Copy thereof ſent into *France* by the Lord *James* of *Bourbon*, and the Lord *Arnold d' Endreghen*, which latter was ſtill a Priſoner, but had now obtain'd leave to go over upon his Parole to ſollicit his Ranſom, and to carry the above-recited Articles; [t] with which theſe Lords immediately went to *Paris*, and deliver'd them to the *Dauphin* and the King of *Navarre*, who was now again reconcil'd to him, and engag'd in the *French* Intereſt; and this Prince's Opinion was, that the Eſtates of the Kingdom ought to be conſulted in ſo weighty an Affair. Theſe being preſently aſſembl'd, ſoon agreed in their Reſolution, that the Terms propos'd were too hard and grievous to be born or aſſented to; with whom the *Dauphin* and the King of *Navarre* alſo concurring, they return'd their final Anſwer by the ſame Lords that brought them, That the Articles above-mention'd were ſo highly prejudicial to them and their Country, that they had much rather endure far greater Miſeries than they had already done, than ever ſuffer ſo conſiderable a Loſs and Detriment to the Realm of *France*; and that they could not either in Honour or Conſcience deſire the Liberty of their King, when it could not be effected without enſlaving the Kingdom.

These Articles are ſent to the Dauphin *and* K. *of* Navarre, *who thereupon call an Aſſembly of the Eſtates.*

Upon [a] the return of theſe Meſſengers, not only King *Edward*, but the *French* King was very much concern'd at theſe Proceedings; and highly blaming his Son's and the Eſtates unkindneſs to Him, plainly told King *Edward*, that He fear'd there was no way to conquer this obſtinacy of his Subjects, but by Arms; only He bewail'd his own Misfortune, who had no way left to regain his Liberty, but by the Succeſs of his Conqueror: And King *Edward* Himſelf being much incens'd at this Treatment, openly proteſted, that He would before the end of Winter enter *France* with a powerful Army, and ſtay there till He ſhould put an end to the War either by his Arms, or elſe by making an honourable Peace. Whereupon He again ſent over to the *Dauphin*, bidding Him look to Himſelf; for as ſoon as the Truce was ended, x He would give Him a Viſit at *Paris*, to ſee how able He was for a War, which Himſelf had thus pulled upon his own Head. At which time He made greater Preparations than ever He did before; about which we ſhall now leave Him imploy'd for a while, and relate what was done in the mean time in *France*, where the War being ſtill carried on by the ***Companions*** as hotly as ever, one of the chiefeſt of whoſe Leaders was the ſame Sir *Robert Knolles* abovemention'd, that had even during the Truce in the former Year, as alſo in this, poſſeſs'd himſelf of a great many ſtrong Places in *Bretagne* and *Normandy*; for which fearing he ſhould be call'd to a ſevere account by the King, he had no way to make his Peace, but by the mediation of ſome Friends at Court; when about the time the Truce expir'd, [3] he offer'd the King to ſurrender up all he had got, both Towns, Caſtles, and other Booties, into his hands, without any Conditions: By which frank and handſom Submiſſion he ſo much gain'd his Favour, that He not only pardon'd him, but alſo made him a Grant of divers Caſtles and Lordſhips, in conſideration

K.Edward and the Fr. King both diſpleas'd that theſe Articles are not accepted.

K. Edward*'s Meſſage to the* Dauphin.

x which [illegible] pro-
longed by [illegible] sent of both
Kings till Midsummer [illegible].
Rs vol. p.12

The Actions of Sir R.Knolles.

He is pardon'd by the King.

[a] Id. ib.

[t] Froiſ. ib.

[a] Id. ibid.

[3] H. K. Col. 2619.

of his great Valour and Abilities, as alſo that he had caſt himſelf entirely upon the King's Goodneſs. And tho Sir *Robert* was about *Michaelmas* following taken Priſoner by the *French*, yet he was ſoon after reſcu'd by his Friend *Hanekin Francois*, who came that way by chance.

[1] Froiſ. c. 196. *The Actions of Sir* Peter Audley, *and his Deceaſe.*
[2] Id. c. 202.

Beſides him I may alſo mention [1] Sir *Peter Audley*, Governor of the Caſtle of *Beaufort* in *Champaigne*, who had lately like to have ſurprized the City of *Chalons* in *Burgundy*, and did a great deal of miſchief to the *French* in thoſe Parts, till at laſt he [2] died in his Bed this Year. After whoſe Deceaſe the *Engliſh*-men and *Almains* thereabouts (who now continued the War in King *Edward*'s Name) reſolved to make choice of Sir [3] *Euſtace d' Ambreticourt*, a valiant young *Heynalder*, for their Captain, that had many Caſtles and ſtrong Places under his Command, but was lately taken Priſoner in a Fight, and a great many of his Men kill'd by Sir *Broquard de Feneſtrages*, a Knight of *Lorain*, who commanded in thoſe Parts under the *Dauphin*. Then Sir *Euſtace*, being ranſomed by the joint Contribution of the *Engliſh* Gariſons in thoſe Parts, who deſired him for their Commander, did not long afterwards a great deal of miſchief to the *French*, by taking many of their Towns, as you will find the next Year. Thus was *France* cruelly afflicted, not only by the War between the two Kings, but alſo during the Truce, when they ſuffer'd almoſt as much as if the War had ſtill continued.

[3] Id. c. 199. *The* Engliſh *and* Germans *make choice of Sir* Euſtace d' Ambreticourt *for their Commander.*

[4] H. K. Col. 2620. *The* Flemings *declare for the* French.

But in *Flanders* the *French* Affairs met with ſome better Succeſs; [4] for the Common People of thoſe Parts were ſo far prevail'd upon by their Earl *Lewis*, that declaring abſolutely for the *French*, they expel'd the *Engliſh* Merchants ~~into~~ *Brabant*; and thoſe Citizens of *Bruges* who ſtood firm to the *Engliſh*, were either impriſon'd or put to death by the Earl's Command. At which Proceedings King *Edward* was ſo provok'd, that He iſſued out a Proclamation, commanding all *Flemings* to depart the Realm by the latter end of *July* next enſuing: And then at the expiration of the Truce, the *French* were alſo warn'd to depart the Kingdom.

[5] T. W. John *of* Gaunt *marries the D. of* Lancaſter's *Daughter.*

Nothing elſe happen'd worth the noting this Summer, but [5] that the Lord *John* of *Gaunt*, Earl of *Richmond*, the King's third Son, being now in the nineteenth Year of his Age, by virtue of a ſpecial Diſpenſation from the Pope, married the Lady *Blanche* his Couſin, ſecond Daughter to *Henry* Duke of *Lancaſter*; the Marriage Feaſt being kept at *Reading* in *Berkſhire* with great Pomp. And I muſt here obſerve, that after the Death of her Father, and her elder Siſter without Iſſue, this Earl *John* was in her Right created by the King his Father Duke of *Lancaſter*.

[6] Froiſ. c. 205. *A great many Men of Quality come to* Calais *to ſerve the King as Voluntiers.*

King *Edward* [6] ſpent the reſt of this Summer in making vaſt Preparations for his Voyage into *France*, upon the News of which a great number of Lords, Knights, and other Voluntiers of Quality came to *Calais*, expecting the King's coming over, who not arriving ſo ſoon as they look'd for (for his Preparations requir'd a great deal of time) they ſtaid there ſo long till moſt of them had ſpent all they had; which the King hearing of, and fearing they ſhould return home and deſert Him, ſent over the Duke of *Lancaſter* with four hundred Men at Arms and two thouſand Archers, to lead them forth into the *French* Territories. So ſoon as the Duke could get over to *Calais*, he preſently perform'd what he was ſent about, and marching towards *St. Omers*, paſſed it by, and advancing about ſixteen Leagues farther, paſſed the **Somme**; but aſſaulted the Town of *Bray* upon that River, and there receiving a Repulſe with the loſs of Sir *Thomas Murrers* a Banneret, and others, he roſe from thence, and went on further upon the ſame Stream, till he came to *Cerecey*, which having taken without any great difficulty, and there refreſh'd his men who were in great want of Proviſions, he repaſſed the River again at the ſame Place as he had done before, and upon the News of King *Edward*'s arrival returned back towards *Calais* about the beginning of *November*.

Anno Dom. MCCCLIX.

The D. of Lancaſter *arrives there with ſome Forces, and marches into the* French *Territories.*

~~But~~ we ſhall now look back into *England*, and ſee what the King did there before his going over into *France*, and renewal of the War; in order to which [1] He gave command, that the *French* Priſoners ſhould be kept in divers ſtrong Caſtles, and King *John* and his Son be confin'd to the Tower of *London*, and not allow'd that Liberty they had before enjoy'd; of which ſome of our Hiſtorians give this Reaſon, that it was for fear leſt King *John*, if kept near the Sea-Coaſt, ſhould be reſcued by a *French* Fleet and Army, which they then threaten'd to ſet out: And this I look upon as a more likely Reaſon of this Procedure than what [2] *H. Knighton* relates, that He was uſed with this Severity, becauſe of his Inſincerity and Double-dealing with King *Edward*: For this Author tells us particularly, that when the *Engliſh* Ambaſſadors were returning from *Avignon*, having compleated the Buſineſs they went about, 'twas diſcover'd that King *John*, contrary to his Oath, had ſent Letters into *France*, importing, that whatſoever He had agreed to with King *Edward*, was only for convenience-ſake, in the preſent circumſtance of his Affairs; but it was never his Intention to part with one foot of the Land in *France* to the King of *England*: and the Bearer thereof was taken at Sea, and upon ſearch theſe Letters were found about him, ſealed with King *John*'s Privy Seal; and that upon this double-dealing, King *Edward* thought fit to confine Him more cloſely. But it does not ſeem at all agreeable to the *French* King's Character of a Man of Honour, to be guilty of ſo mean a Treachery; neither does any other Writer report this Action, except this Author: Yet t~~he reſt of~~ his Account may be true (tho wrong plac'd in point of time) that King *Edward* thought fit to commit that King to the Cuſtody of the Lord *Deincourt* at [3] *Somerton*-Caſtle; whereas He was i~~ndeed~~ firſt ſecured in the Caſtle of *Hertford*, under the Cuſtody of the Lord *Roger Beauchamp*, from whence He was the Year following again removed to the Tower of *London*; in all which Removals his Son Prince *Philip* ſtill accompanied Him.

[1] Id. c. 206.

K. John *and the reſt of the* French *Priſoners more cloſely confined.*

as Froiſſart erroneouſly relates

[2] Col. 2619.

so far

[3] Rot. Clauſ. 33 E. 3. m. 21. & dorſ. 34. Ed. 3. m. 34

to the Caſtle of Berkhamſted & from thence to the

King *Edward* having put *England* in a good Poſture of Defence, He [4] appointed his youngeſt Son, the Lord *Thomas* of *Woodſtock*, tho then ſcarce five years of age, his Lieutenant or Guardian of *England* during his Abſence in *France*, with divers of the wiſeſt Prelats and Peers of *England* to govern under his Name; and then He went to *Sandwich*, where taking Shipping with all his Forces, [5] He paſſed over, and landed the ſame Evening (being the twenty eighth of *October*) at *Calais*; and then it was preſently concluded in a Council of War, that letting *Flanders* alone for the preſent, the King ſhould march further into *France* with all his Army, to bring

[4] T. W. Rot: Pat: 33. Ed: 3. p. 2. m. 2. vid: Rs. cl. p. 133.

The King appoints his youngeſt Son his Lieutenant during his Abſence, and then takes ſhipping for Calais.

[5] Rot. Clauſ. 33 Ed. 3. m. 9. Dorſ.

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bring that Kingdom to accept thoſe reaſonable Terms, which had been already offer'd.

Then [1] K. *Edward* having muſter'd his Army, which was very great, conſiſting in all of above a hundred thouſand Men, marched from *Calais* upon the 4*th* of *November*, being accompany'd with the Prince his eldeſt Son, the Lord *Lionel* his 2*d* Son, with their two Brothers, *John* Earl of *Richmond*, and the Lord *Edmund* of *Langeley*; beſides whom there were alſo the chief of the Nobility of *England*, *viz.* the Earls of *Marche*, *Warwick*, *Suffolk*, *Stafford* and *Salisbury*, with others needleſs to be here recited; and of Barons the Lords *Piercy*, *Neville*, *Spencer*, *Chandois*, *Cobham*, and *Grey* of *Codonor*, with many others, whoſe Names I alſo paſs over. There were likewiſe two Biſhops who attended him, *John Sinwell* of *Lincoln*, and *John Hatfield* of *Durham*; beſides divers Noblemen of *Flanders* and *Brabant*, as Sir *Henry Eam*, and Sir *Frank van Hall*, who had been always of King *Edward*'s ſide, and now brought each of them two hundred Lances in their Retinue, with divers other foreign Noblemen. Then the King divided his Army into three ſeveral Battalions, that ſo they might be in leſs want of Proviſions and Forage; the firſt whereof He led Himſelf, the ſecond was commanded by his Son the Prince, and the third by the Duke of *Lancaſter*, who in his return met the King between *Calais* and the Abby of *Liques*. In this Order the Army paſſing by the City of *Arras*, marched thro *Artois*, where they found the Country wholly deſtroy'd by the continual Wars, and that little Proviſion which was left, carried into the wall'd Towns; ſo that had not the King brought all ſorts of Victuals along with Him, his Men might have periſh'd for Hunger: Yet the Horſes were much put to it for want of Hay and Provender, for it being now the beginning of Winter, there was but little Graſs or other Forage left; and the Weather ſoon after the King's arrival proving very rainy, the Ways grew bad and troubleſome both to Horſe and Man; but He was reſolved to bear with patience what He could not prevent: However the King marched on by eaſy Journies, till He came into a dryer Country, as far as *Bapowne* in *Artois*, and having paſſed thro that Province, turn'd into *Cambreſis*, where finding greater plenty of Proviſions, He ſtaid ſome days to refreſh his Men; and then He marched forwards into *La Tierache*, foraging and ſpoiling the Country as He went.

[1] Mezeray ad hunc An. Froiſ. c.207.

He leaves Calais *with an Army of above* 100000 *men.*

He divides his his Army into three Battalions.

The King paſſes into Cambreſis, *and finds the Country wholly waſted.*

Thus they paſſed thro that Province, as well as the reſt, without taking any conſiderable Town, or meeting with any Oppoſition, [2] till the Lord *Burgherſh* marching with a Body under his command near *St. Quintin*, met Sir *Baldwin Danequin* Governor of that Place, and Commander of the *French* Croſs-bows, having likewiſe a ſtrong Party with him, there began a bloody Fight, till at laſt Sir *Baldwin* was taken Priſoner by the Lord *Burgherſh*, without any conſiderable loſs on the *Engliſh* ſide. He then return'd to the King, whom he found at the Abby of *Tenny*, and from thence He marched to the City of *Rheims* in *Champagne*, before which He immediatly ſitting down, blocked it up with all his Army. Within it were *John de Craon* Arch-Biſhop of that City, the Earl of *Porcien*, and other *French* Noblemen of thoſe Parts, to whom (as **Villani* relates) King *Edward* ſent a Summons by his Heralds, proferring them very advantageous Conditions, if they would ſurrender that City, that He

[2] Froiſ. c.210.

The Ld Burgherſh *encounters Sir* Baldwin Danequin, *and takes him Priſoner.*

The King comes before Rheims, *and ſummons it to ſurrender.*

* Lib. 9. c.67.

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He might there receive the Crown of *France*; but their Anſwer was, that they had but one lawful King, to whom they reſolved to continue faithful unto Death. But by the way, I cannot believe that King *Edward* would at this time make any ſuch Demand, ſince his coming over was not to recover the Crown of *France*, but to force the *French* Nobility to conſent to thoſe Articles that had been already agreed upon in *England* between their King and Himſelf: For what advantage could the bare Ceremony of a Coronation have given Him over thoſe, who when that had been performed, would ſtill have oppos'd his Title, and diſown'd his Authority? However this Siege continued many weeks, tho the City received no great Damage; for the King forbore to make any Aſſault upon it, either becauſe He would reſerve his Forces for ſome more conſiderable Enterprize, or out of ſome other Conſiderations, which at this diſtance of time I ſhall not take upon me to determin; ſo that He was contented with keeping it block'd up moſt part of this Winter, to wit, from the end of *November* till the beginning of *Lent*; and then finding the City was not to be taken either by Force or Famine, He thought fit to raiſe the Siege, as you will find hereafter.

But ſince this did not fall out till the next Year, I ſhall conclude this with what was perform'd in the mean while by the Duke of *Lancaſter*, [1] who commanded a ſtrong Detachment of Horſe and Archers; and being accompany'd with the Earls of *Richmond* and *Marche*, advanced farther into the Country, to take in certain Caſtles and other Places of Strength. The firſt they came to was the ſtrong Caſtle of *Cernoy en Dormois*, to which they gave a briſk Aſſault. Here the Lord of *Mucidan*, a *Gaſcoigne* Nobleman (who was very well belov'd for his Courteſy and Courage) being kill'd with a Stone, the *Engliſh* were at that time repuls'd; yet all the Lords there preſent were ſo concern'd at his loſs, that they ſwore never to ſtir from thence till they had taken the Place; whereupon renewing the Aſſault, the *Gaſcoigners* ſcal'd the Walls, whilſt the *Engliſh* Archers ſhot ſo thick upon the Enemy, that not being able to ſtand to make any Defence, the Caſtle was taken by Storm, and the Gariſon (except two Captains) all put to the Sword.

[1] Id. c. 208.

What was done by the Duke of Lancaſter *during the Siege of* Rheims.

The Caſtle of Cernoy en Dormois *taken by Aſſault.*

[2] From thence they marched two Leagues further to *Autry en Dormois*, lying on the River *Aiſne*, which was accounted ſtronger than *Cernoy*; but before they came thither the Inhabitants were fled. From thence they went back to *St. Menehou*, a Town in *Champaigne*, which upon their approach the Townſmen deſerted; whereupon the *Engliſh* General returned to the Camp before *Rheims*, and gave the King an Account of their Succeſs in this Expedition. Nothing elſe happen'd of moment all the reſt of this Year, only that about this time [3] King *Edward* received a ſmall Defeat by the taking Priſoner a Lord of *Gomegines a Hainalder*, and the killing and routing of his Party, thro his inconſiderate Raſhneſs in marching away before with a few men to forage, and leaving the main Body of them behind him in a Village called *Hercigny*; where after his being taken, they were all made Priſoners by the Count of *Roye* and the Lord of *Robſart*. This happen'd towards the latter end of *December*; [4] but to make ſome amends for this Loſs, the Lord *Burgherſh* went with a Detachment from before *Rheims*, and laid Siege to the Town and Caſtle of *Cormicy*, the former

[2] H. K. col. 2621.

[3] Froiſ. ib.

The Ld of Gomegines *is taken Priſoner thro his own Raſhneſs.*

[4] Id. c. 209.

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Cormicy *taken by the Ld* Burgherſh.

former of which was taken by ſurprize in the Night; but the latter proving too ſtrong to be won by Aſſault or Battery, the Walls being very thick, he was forc'd to imploy certain Pioneers to undermine them, which they did with ſo good Succeſs, that having dug under the chief Tower of the Caſtle, they ſupported it with Props; and being juſt ready to ſet fire to them, the Lord *Burgherſh* thought fit to give the Governor notice of it, who coming out upon ſafe Conduct, and having gone into the Mine, and ſeen the danger the Place was in, preſently ſurrender'd, upon condition that He and the Gariſon ſhould remain Priſoners; and ſo they were brought away to the Camp before *Rheims*.

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[1] T. W. ad hunc An.

The Methods taken by the Dauphin *to hinder K.* Edward's *Progreſs.*

The Siege there ſtill continuing, [1] the King kept his *Chriſtmas* before it, but without making any conſiderable Progreſs toward taking of the Place. We ſhall now ſee what the *Dauphin* and the Eſtates of *France* had been doing in the mean time for the Defence of their Country, when they had ſo powerful an Enemy in the very Bowels of it. In the firſt place, ſetting aſide all private Differences and Factions, the *Dauphin* with the Lords of his Council, gather'd a vaſt number of Men at Arms to *Paris*, and put ſtrong Gariſons into the Cities and Fortreſſes which they ſuſpected King *Edward* had an eye upon; for being warn'd by the late ill Succeſs of his Father, and the great Loſſes of his Grandfather, He reſolved no more to give the King of *England* Battel, but rather to keep Him ſhort, by removing all manner of Proviſions into the ſtrong Places; and in the mean while to act only on the defenſive, well knowing that Hunger and Delay muſt cool the Courage of the valianteſt Soldiers, and that the Treaſures of the richeſt Kings would be exhauſted by ſo tedious a War: And this wary and politick Proceeding met with better Succeſs than the more ſharp and downright Methods that had been before taken.

[2] Mat. Vil. l. 9. c. 83.

The French *with a great Fleet land in* England.

[3] H. K. Col. 2622, 2623.

[4] T. W.

[5] H. K. ib.

All Men from 16 to 60 are commanded to be array'd to oppoſe the French.

In the mean while [2] the *French*, to divert the War from their own doors, as alſo to revenge the Injuries they had ſuffer'd, gather'd together in the Ports of *Normandy* a mighty Navy, conſiſting of a hundred Sail of Ships and twenty thouſand Men. Theſe under [3] the Conduct of the Earl of St. *Paul* ſail'd for *England*, and landing at *Rye* and *Haſtings*, plunder'd thoſe Towns, and kill'd the Inhabitants. [4] The like they did at *Winchelſea*, which they plunder'd and burnt, killing the Men, and raviſhing the Women after a moſt cruel and ſhameful manner. [5] *England* being alarm'd at theſe Devaſtations, there came out a Proclamation from the Lord *Thomas* of *Woodſtock*, and the Council, requiring that all Laymen whatſoever, between the Age of ſixteen and ſixty, ſhould be array'd for the Wars, and of theſe the luſtieſt and beſt arm'd ſhould be ſent to the Cinque Ports to the King's Admirals, for the defence of the Kingdom: And the Arch-Biſhops alſo and Biſhops thro their reſpective Dioceſſes, granted great Indulgences to all thoſe who would go to Sea againſt their Enemies; particularly, that every of them might chuſe his Confeſſor at his pleaſure. Thus by a pious Fraud (a good effect of a falſe Motive) were Men then encourag'd to do their Duty, and defend their Country when it was in danger. The Biſhops and Clergy alſo, tho they could not ſerve in Perſon, yet found men ſufficient to fight in their ſtead, according to the value of their ſeveral Dignities and Promotions; but before theſe great Forces could get together, the *French*

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French not daring to proceed farther, were gone on board, and ſail'd away for *France*, which they did in ſo much haſte (upon the News of the Country's coming in upon them) that in their going on board many of them were drown'd, which with thoſe that were alſo kill'd by the Country Militia amounted to above four hundred men. Then upon the departure of the *French*, the [1] City of *London*, with the other Ports of the Kingdom, ^ made up a Fleet of above a hundred Sail, on board of which were fourteen thouſand Men at Arms and Archers, who reſolving to be reveng'd for the late Inſults of the *French*, ſail'd over to the Coaſt of *France*, and ſcowr'd the Seas from *Bologne* to *Harfleur* in *Normandy*; and landing wherever they pleas'd, they ravaged, burnt and ſpoil'd the Country, yet without taking any Place of note, or ſo much as meeting with the *French* Fleet, as I can find. But we ſhall now give an account of King *Edward*, and the reſt of his Actions, before the great Treaty of *Bretigny*.

But before they could be got ready, the French *ſail away.*

[1] T. W. ib.

The City of London, &c. *ſet out a great Fleet.*

* according to an order issued out by the [illegible] his Council bearing ye 15th day of March. Rot: Pat. 34 Ed 3. p's 1. m. 21. vid: Rl. p. 167.

[2] The King had lain about two Months before *Rheims*, in all which time He never offer'd to aſſault the Place, either becauſe He thought it would be in vain, or elſe to ſpare the Lives of his Subjects; but being at laſt tired out with the tediouſneſs of the Siege, eſpecially becauſe Forage was ſo difficult to be got this Winter-time, and finding his Men began to loſe their Horſes, and to want Victuals themſelves, He therefore raiſed the Siege, and marched towards *Chalons* in *Champaigne*. But paſſing by that Place, He proceeded towards *Troyes*, and encamped about *Mery ſur Seyne*; his vaſt Army covering the Face of the Country for about eight Leagues together. While the King lay here, the Lord *Mortimer* went with the Vanguard to attempt *St. Florentine*; but after a furious Aſſault made upon it in vain, he gave it over. About this time the King came up to him, and departed from thence to *Tonnerre* in *Burgundy*, which City He took by Aſſault; but the Caſtle He could not gain, tho He often ſtorm'd it; for there was in it the Lord *Moreau de Fiennes*, with a very ſtrong Gariſon: So having ſtaid there five days to refreſh his Army with Wine and other Proviſions, He paſs'd over the River *Armanſon*, and took the Town of *Noyers* without any difficulty. From thence He marched to *Mont-Real*, and ſo to *Avallon* on the River *Couſſon*, where He tarry'd from *Aſh-Wedneſday* to *Midlent*, becauſe of the great Convenience He found there of getting Proviſion for his Army, which was brought Him from *Flavigny*, a neighbouring Town that had lately been taken by *John Alanſon*, one of his Officers: And here the King had ſome leiſure to divert Himſelf with Hawking and Hunting, having brought his Hawks and Hounds along with Him.

[2] Froiſ. c. 110.

The King being weary of the Siege of Rheims, *raiſes it.*

And marching thence, aſſaults ſome Towns, and takes others.

After [3] this the King removed to *Aiguillon* on the Borders of *Burgundy*, when the young Duke *Philip*, to prevent Him from ravaging his Country, ſent Sir *Anſelme de Sallins*, Chancellor of *Burgundy*, with ſome others, Commiſſioners to the King, to whom they offer'd a Compoſition in ready Mony, provided He would not commit any Hoſtilities in that Dutchy for the ſpace of three Years enſuing. *This [4] King *Edward* agreed to upon the preſent payment of the Sum of two hundred thouſand *Montons* or *Florins* of Gold (which amount to about thirty five thouſand Pounds Sterling) beſides which the People of the Country were to afford Him Proviſions for his Army, paying ready Mony for them.

[3] Id. ib.

The D. of Burgundy *compounds with* K. Edward *for a Sum of Mony, not to ravage his Country.*

[4] Mat. Vill. l. 9. c. 84.

* Rot: Franc: 34 Ed: 3. p. 3. m. 2. Recognd [illegible] vid: the Instrument it self Rl. Col: p. 161 to 166. bearing date ye [illegible] of March.

Then

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He marches back towards Paris.

He reſcues an Engliſh *Gariſon, and puts the* French *that beſieged it to the Sword.*

Then [1] the King leaving *Burgundy*, marched back towards *Paris*, and ſo paſſing the River *Yonne* at *Coulogne* beſides *Vezelay*, the Army ſpread along by the River, almoſt to *Clamercy*, at the entry of *Nivernois:* which Country alſo compounded with the King as *Burgundy* had done; but He laid waſte all *Gaſtinois* and *Brie*, thro which He marched towards *Paris* without any oppoſition. Then the Prince of *Wales* paſſed with his Battalion by a little Town on the *Loing* in *Gaſtinois*, called *Moret*, till He came to the ſtrong Fortreſs of *Le Pleſſis aux Tournelles*, which was then an Engliſh Gariſon, but had been beleaguered by the *French* for ſome time; who having fortified their Camp with a ſtrong Tower fenced with Ditches, gave many fierce Aſſaults on the *Engliſh*. And tho the *French* heard for certain, that the Prince of *Wales* was coming that way, yet they had ſuch confidence in their Works, that they would not ſtir from the Place: but they paid dear for their Preſumption; for the Fifth day after the Prince's Arrival their Tower was taken, and moſt of them within the Works put to the Sword: no more than Forty ſeven being taken alive, moſt of whom were Noblemen and Perſons of Quality, whoſe Names I paſs over.

Upon the King's approach near Paris, *the* Dauphin *offers a Treaty by the Pope's Legate.*

Then [2] on the laſt of *March* (being the Week before *Eaſter*) the King advancing forward with his Army, drew near to the City of *Paris*, and encamped at *Bourg la Reine* within two Leagues of it, his Army being quarter'd at *Longemeau*, between *Mont-lehery* and *Chaſtres*, and all the Towns thereabout as far as *Corbeil*. At the ſight of this formidable Army, *Charles* the *Dauphin* and Regent of *France*, began to make ſome Overtures towards a Treaty, eſpecially becauſe King *Edward* in Reverence of the approaching Feſtival intended not formally to begin his Siege till after *Eaſter:* hereupon, [3] by the ſpecial Interceſſion of Father *Simon de Langres*, Provincial of the *Jacobin*-Fryars, and Legat from Pope *Innocent* VI. King *Edward* yielded to admit of a Treaty to be held at the *Maladerie*, or Hoſpital of *Longemeau*, on the *Good Friday* following, the Solemnity of the Day being look'd on as an enforcement to ſo pious an Undertaking: at which time and place there appeared as Commiſſioners for King *Edward*, *Henry* Duke of *Lancaſter*, the Earls of *Warwick* and *Northampton*, with the Lords *Manny* and *Cheney*; and for the Regent appeared the Lord *Moreau de Fiennes*, Conſtable of *France*, Mareſchal *Bouciquault*, with divers other Lords to the number of Six. whoſe Names we paſs by, as we do alſo the Debates of this Treaty, ſince they came to no manner of effect.

The Treaty is again renewed.

Wherefore [4] King *Edward*, to bring the *French* to hearken to the Terms propos'd, marched on *Eaſter* Tueſday to the City of *Paris:* whereupon on the Friday following, being the tenth of *April*, at the earneſt Importunity of the foreſaid *Simon de Langres*, and of *Androine de la Roche* Abbot of *Clugny*, who was then newly come from the Pope for that purpoſe, another Treaty was appointed to be held; but neither yet could matters be brought to any good iſſue, ſo they parted leaving all things in the ſame ſtate, as when they firſt met. On the Sunday following King *Edward* drew up his Army into three Battalions, each of which was divided into three Bodies; and then He forthwith ſent the Duke of *Lancaſter* with his Heralds to the Regent of *France*, who was within the City with a great Army, to

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[1] Froiſ. c. 110.

[2] Id. ib.

[3] Holing. ad hunc An. H.K. col. 2623.

[4] Id. ibid. Froiſ. ib.

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demand Battel of Him; [1] aſſuring Him that if King *Edward* ſhould loſe the Day, He would never after claim or aſſume any Right or Title to the Crown of *France*. But for all this the Cautelous Regent declin'd to anſwer his Challenge; which when the King heard, He was very much diſpleas'd, and upon the Lord *Manny*'s Requeſt ſent him forthwith a great many Knights that had been newly Dubbed, who together with other Forces were to ſet fire on the Suburbs, to provoke the *French* to come out and give Him Battel; whereupon they made a briſk and vigorous Aſſault on the Works and Barriers on that ſide, but were ſo ſtoutly defended by the *French* Nobleſſe, (of which there were a great number at that time in the City) that all the endeavours of the *Engliſh* prov'd in vain, tho they carry'd on the Aſſault from Morning till Noon. Yet the *Dauphin* was ſo wary, that He would let none of the *French* Nobleſſe ſally out beyond the Barriers; only [2] in the Afternoon, when the Fight was pretty well over, He permitted Sixty *French* Knights and Gentlemen to go out for their Diverſion, and *Tourney* with the like number of the *Engliſh*, who, having been lately Knighted, were deſirous to ſhew their Valour, which they did with ſuch good Succeſs, that having ſlain ſome of the *French* and grievouſly wounded others, they obliged the reſt to retire.

The King offers the Dauphin *Battel.*

[1] T. W.

The L. Manny, &c. *ſent to ſet fire on the Suburbs of* Paris, *but is repulſed by the* French Nobleſſe.

[2] H.K. c.2623.

Sixty French *Gentlemen go out to* Tourney *with as many of the* Engliſh, *who worſt them.*

Theſe Actions being over, the Lord *Walter Manny* return'd to the Army, which tarried ſtill in thoſe Fields, all that Day and the Night following; but the next Morning being Monday the thirteenth of *April*, ſeeing no Provocations could bring the *Dauphin* to a Battel, and that it was morally impoſſible to force (otherwiſe than by Famine) ſo great a City (which was not only now well fortified, but furniſhed with ſo many able Soldiers, beſides the vaſt number of its Inhabitants, that he could not wholly block it up) the King therefore reſolved to riſe from thence, till a more favourable opportunity offer'd, and in the mean while to march with Fire and Sword thro *Beauce* and *Le Maine*, till He came into *Bretagne*; and there having refreſhed his Army, He intended to go back and renew the Siege of *Paris* in *July* or *Auguſt*, and to famiſh them by a long Siege into a Surrender; for as we ſaid before, He had made a Vow never to return into *England*, till He had brought *France* to his Terms, either by fair means or by Force.

The King reſolves to raiſe the Siege of Paris *for the preſent.*

Accordingly [3] on the Monday after *Eaſter* He raiſed his Camp, and began to march towards *Mont-le-hery*, reſolving to paſs along by the Banks of the *Loire* to *Bretagne*, and wholly to reduce that Dutchy under the Obedience of the Young Earl of *Montfort* his Son-in-Law, and then to return into *France*.

[3] Froiſ. c.211.

He marches from Mont-le-hery, *in order to enter* Bretagne.

And here I cannot but obſerve concerning the Actions of this as well as the preceding Year, that King *Edward* going over into *France* in the beginning of the laſt Winter, and carrying on the Siege of *Rheims* ſo remiſly as He did, and riſing from it without taking the Place; as alſo his marching to *Paris*, and meeting there with no better Succeſs, but going away without either forcing his Enemy to fight, or being able to ſtay there long enough Himſelf to block it up and reduce it by Famine; I ſay, theſe things being ſo ill tim'd, cauſed ſome Reflections to be made upon that King's Conduct: For tho He had been near Six Months in *France*, and was Maſter of the open Country without any oppoſition; yet not being able to

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take any City or ſtrong Town, He had neither anſwered the Expectations the World had of this great Expedition, nor perform'd any thing worthy the vaſt Charge and Expence of ſo great an Army: whereas could He have order'd his Affairs ſo, as to have gone over preſently after the Expiration of the Truce, or have immediatly marched to *Paris*, and beſieged that City upon his firſt coming over, whilſt his Army was freſh and not harraſſed and fatigued with the unhappy Siege of *Rheims*, He might (in all probability) have either forced the *Dauphin* to come out and fight (and it was great odds but the Victory would have fallen on the *Engliſh* ſide) or if He refus'd it, the King by blocking up the Place, might have reduced the *French* for want of Proviſions to make Peace upon what Terms He ſhould pleaſe to have propoſed. And if you conſider the ſad and deplorable condition of *France* at that time, you will have reaſon to ackowledge, That without a particular Providence, it had been impoſſible for King *Edward* to have fail'd of making Himſelf abſolute Maſter of that Kingdom; and therefore nothing leſs than the deſperate eſtate it was then in, as well as the ſudden alteration of the King's Mind, by a ſtrange and unlooked-for accident, could ever have made the former ſubmit to, or the latter to have accepted of a Peace upon thoſe Terms, as you will find they not long after did, an Account of which it is time for me now to give you.

' Id. ib.

Upon K. Edward*'s departure the* Dauphin *and the* French *Princes reſolve to apply themſelves again to the King for a Peace.*

So ſoon as King *Edward* with the *Engliſh* Army was removed from before *Paris*, ' the *Dauphin* and his two Brothers, with the Princes of the Blood, and the reſt of the Nobility then in the City, began to enter into a ſerious Conſultation, what was beſt to be done for themſelves and the whole Kingdom, in ſuch nice and dangerous Circumſtances: for they knew King *Edward*'s great Courage and indefatigable Reſolution, and that He intended before *Autumn* to return to the Siege of that City; nor had they any ſufficient means left to oppoſe Him, not only for want of Forces to meet their Enemies in the Field, but chiefly becauſe the large Rents and Revenues both of the Church and State, were either quite loſt, or elſe reduc'd to little or nothing; when by reaſon of the Wars the greateſt part of the Lands lay uncultivated. Upon which Conſiderations it was reſolved by the *Dauphin* and his Council, That King *Edward* ſhould be again apply'd to, and ſome Advantageous Offers made Him, in order to a Peace.

' Id. ibid.

Whereupon freſh Envoys are diſpatched to the King for that end.

And ' for this end they preſently diſpatch'd *William de Montegu*, Biſhop of *Terouenne*, by whoſe Direction moſt of the Publick Affairs had lately been order'd; together with two prudent and pious Prelats, *Androine de la Roche*, Abbot of *Cluigny*, and Father *Simon de Langres* the Pope's Nuncio above-mention'd, with the Lord of *Authun*, to follow after King *Edward* with certain Propoſitions of Peace: and finding Him in *Beauce* going towards *Gaillardon*, immediately they addreſſed themſelves to Him with all humility, that in order to a Peace between *France* and Himſelf, He would permit the Treaty to be again renew'd. To which the King, hoping for more advantageous Conditions than had hitherto been offer'd, readily conſented; and it was immediatly enter'd upon between theſe Commiſſioners and the Prince of *Wales*, with others on the behalf of King *Edward*. But their Demands were ſo high, and the *French* Propoſals ſo much beneath what

The Treaty is again renewed.

He

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He expected, that they could come to no Concluſion; yet did it not abſolutely break off, but knowing the neceſſity of their Affairs, the *French* Commiſſioners followed King *Edward* for ſeveral days together with all imaginable application, conſtantly giving the *Dauphin* and the Council at *Paris* an Account of their Proceedings, ſince King *Edward* would not come to any Agreement on the Terms firſt propoſed.

Thus matters continued in ſuſpence, [1] till the King arrived in the Country about *Chartres*, where notwithſtanding the Duke of *Lancaſter*'s prudent Remonſtrances to Him, that conſidering the unexpected length and delay of this War, with the vaſt Expence of it, which had not only exhauſted his own Revenues, but thoſe of his very Kingdom, and alſo the various hazards and chances of War, it was therefore his beſt and wiſeſt Courſe to accept of the Terms the *French* now offer'd, and to make Peace with Honour and Advantage. Which Perſuaſions, tho they might have ſome effect upon the King's Mind, yet He would give no Ear to the Propoſals their Agents had hitherto made, till there fell a ſtrange and unlook'd-for Accident, which quite alter'd his Reſolutions; for whilſt the King lay encamped with his Army in the Fields within a few Leagues of [2] *Chartres*, there fell one day a terrible Storm and Tempeſt of Thunder, Lightning, Rain, and Hail among the *Engliſh* Army, and withal it was ſo exceſſive cold at the ſame time, as could not be ſufficiently expreſſed; ſo that all theſe happening together, there periſhed no leſs than ſix thouſand Horſes, and well nigh a Thouſand Men, among whom were ſeveral Perſons of Quality, particularly the Lord *Morley* was killed outright, and the Lord *Guy Beauchamp*, eldeſt Son to the Earl of *Warwick*, being mortally wounded by one of the Hail-ſtones, died thereof on the Eight and twentieth day of [3] *April* following. But to conclude this ſtrange Relation, King *Edward* (as well as his whole Army) was ſo frighten'd and aſtoniſh'd at this Tempeſt, that looking upon it as a mark of the Divine Diſpleaſure, He immediatly alighting from his Horſe, kneeling down on the Ground, and caſting his Eyes towards the Church of our Lady of *Chartres*, then in his view, made a Solemn Vow to Almighty God, that He would now ſincerely incline his Mind to a final Peace with *France*, if it might be obtain'd upon Honourable and Advantageous Conditions; and then He took up his Quarters in a Village within a Mile of *Chartres* called *Bretigny*, where the *French* Commiſſioners being come the next day, with more ample Inſtructions, the King was content to accept of Peace.

The D. of Lancaſter *remonſtrates to the King the great inconveniences of protracting the War.*

The King affrighten'd at a ſtrange Accident, vows to make Peace if it be on good Terms.

The Treaty renewed at Bretigny.

But before we come to that, it is fit we let you know that this Treaty was managed by the [4] Prince of *Wales* and *Charles* Regent of *France*, in the Names of both the Kings their Fathers. ✗ The Commiſſioners for the *Engliſh* were Sir *Reginald de Cobham*, Sir *Bartholomew Burgherſh*, Sir *Francis Hale* Banerets, Sir *Miles Stapleton*, Sir *Richard la Vache*, and Sir *Neel Loring* Knights, with others of the King's Council; on the *French* Part were the Biſhop Elect of *Beauvais*, the Chancellor, *Charles* Lord *Momerency*, Lord *John de Meingre*, Mareſchal of *France*, Monſieur *Aynart de la Tour*, Lord of *Vivoy*, Monſieur *Ralph de Ravenal*, Monſieur *Simon de Bucey*, Monſieur *Stephen de Paris*, and *Peter de la Charite*, with many others of his Council appointed by King *John* Himſelf, tho He were then in *England*.

✗ and in order
to this, [illegible]
a Truce, or Cess[illegible]
Arms agreed upon between the
two Kings, to commence
from the day of the date
the 7th of May until
[illegible] next ensuing, and
from thence to [illegible]
1361. this was done by the
mediation of the Duke of
Lancaster [illegible]
as appears by the Instrument
it self vid. [illegible] vol. p. 175.

[1] Id. ibid.

[2] Id. ibid. T. W.

[3] Froiſ. ibid.

[4] Rot. Franc. 34 E. 3. M. 11. Dorſ.

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[1] Mezeray ad hunc An.

The Plenipotentiaries meet, and conclude on Articles of Peace.

and Latine

[1] Theſe Commiſſioners on both ſides met the firſt of *May* at *Bretigny* aforeſaid, and concluded upon all the Articles of this Peace in eight days time; which being very long, I ſhall only here inſert the main Heads of it, and as for the Articles at large, ſhall refer the Reader to the *Appendix*, where he will find it in *Engliſh* faithfully tranſlated by Dr. *Brady* from the Original *France*, as it remains upon Record in the Rolls of the *Tower*, being written in two Counter-parts; that on the behalf of the King of *England* being drawn up after the manner of Letters Patents in the name of the Prince of *Wales*, is ſtill preſerv'd in a Box within a great Cheſt in the Chapter-houſe at *Weſtminſter*. * But that which was ſeal'd by the Prince, and is confirm'd by the Charter of the King his Father, begins as follows.

* *Note, the Reader may alſo find that Part which the K. of* France *ſeal'd, printed in Dr.* Brady's *Append. to his laſt Vol.* n.93. *but this is a true Abridgment of them both.*

[2] Rot. Tract. Pacis Franc. 34 Ed. 3. m. 10. *printed in* Leibnitz's Cod. Dip. p. 208, *to* 220.

EDward, [2] eldeſt Son to the King of *France* and *England*, Prince of *Wales*, Duke of *Cornwal*, and Earl of *Cheſter*, to all thoſe who ſhall ſee theſe Letters, greeting. We let you to know, that all Debates and Diſcords whatſoever, moved or ſtir'd between our Lord and Father, King of *France* and *England*, on the one part; and our Couſins the King, his eldeſt Son, Regent of the Realm of *France*, and all thoſe it may concern, on the other part, for the good of Peace it is agreed, the eighth day of *May* 1360. at *Bretigny* near *Chartres*, to this effect:

(besides what he was allready possess'd in Guienne

I. King *Edward* was hereby to enjoy the City of *Poictiers*, with the County of *Poictou*, with other ſmaller Fiefs appertaining to it; the City of *Xaintes*, and the whole Land of *Xaintogne*, on this ſide and beyond the River of *Charente*; the City and Caſtle of *Agen*, and the Territory or Country of *Agenois*; the County of *Perigort*, with the City of *Perigeux*; the Earldom of *Limoges*, with the County of *Limozin*; the City of *Cahors*, with the County of *Cahorſin*; the City and County of *Tarbe*, with the Earldom of *Bigorre*; the Earldom and Country of *Gaure*; the City of *Angouleſme*, with the Country thereunto belonging; the City of *Rhodes*, the Land of *Rovergne*, with the Homages and Services of the Earls of *Foix* and *Armagnac*, with other Lords there mention'd, all which were to be held without any Homage or Dependence on the Crown of *France*.

x note the words in the original Instrument are Ec que en Soveraigneté e Soveraignté, e que en Demaine en Demaine. but this clause in the tretis les rectifyed by King John at Calais were here omitted

Concerning Monſtruel.

II. Alſo the King of *England* was to have all that any of the Kings his Predeceſſors antiently held in the Town of *Monſtruel* upon the Sea, with their Appurtenances.

Concerning Ponthieu.

III. The ſaid King ſhould have all the County or Earldom of *Ponthieu* entirely, except ſuch things as have been alienated from it by the Kings of *England*.

Concerning Calais, *and the Country adjacent.*

IV. Alſo that the ſaid King ſhould have the Caſtle and Town of *Calais*, the Caſtle, Town and Seigneuries of *Merk*, the Towns, Caſtles and Lordſhips of *Sangate*, *Coulogne*, *Hames*, *Wale* and *Oye*, with all the Appurtenances thereunto belonging. Then follow the Boundaries of the Territories of *Calais*, needleſs to be here recited.

Concerning Guiſnes.

V. Alſo the ſaid King ſhould have the Town and County of *Guiſnes*, with their Appurtenances, as entire as the late Earl of *Guiſnes* had enjoy'd them, *&c.*

Concerning the Iſles.

VI. Alſo it was agreed, that the King of *England* and his Heirs ſhould have and hold all the Iſles adjacent to the Lands, Countrys, and

Places before-nam'd, together with all other Iſles which He holds at preſent.

VII. It was likewiſe agreed, that the King of *France* and his eldeſt Son, for them, their Heirs and Succeſſors, ſo ſoon as they could, and at the furtheſt by *Michaelmas* next come twelvemonth, ſhould transfer and deliver all Honours, Homages, Liegences, Vaſſals, mere and mixt Empire, with all manner of Juriſdiction, and all Collations and Patronages of Churches, *&c.* and all the Right they might have, or that appertain'd to them, by what Title or colour of Right ſoever, as to the King and Crown of *France*, by reaſon of the Citys, Counties, Towns, Caſtles, Lands, Countries, Iſles and Places before-named, with all their Appurtenances and Dependances, *&c.* without retaining any thing to them, or their Heirs and Succeſſors, or to the King or Crown of *France*. Then follows a Clauſe or Condition, that the *French* King and his eldeſt Son ſhould ſend their Letters Patents to all the Arch-Biſhops, Biſhops, and all other Prelats, *&c.* and to the Earls, Viſcounts, Barons, Noblemen, Citizens, and others of the Citys, Lands, Countries, *&c.* before named, that they ſhould obey the King of *England* his Heirs in their Commands, after the ſame manner as they had obeyed the Kings and Crown of *France*, who ſhould by the ſame acquit and abſolve them after the beſt manner they could, from all Homages, Oaths, Obligations, *&c.* made by any of the ſaid Subjects to the King and Crown of *France*.

How those Territories ſhould be deliver'd.

VIII. The eighth was to this effect, that the King of *England* & his successors should have the ſaid Cities, Counties, Lands, *&c.* with all their Appurtenances and Dependences wherever they are, to hold to Him, his Heirs and Succeſſors, freely heritably and perpetually in Demain, in the ſame manner as the King of *France* held them, free and diſcharged of all Alienations, Donations, Obligations, or Incumbrances done by any of the Kings of *France*, in ſeventy Years from that time; and all things ſo given, alienated, or incumber'd, ſhould be truly render'd or given to the ſaid King and his Deputies entirely, and in the ſame Conditions as they were ſeventy years ſince, without any fraud; and that at *Michaelmas* next come twelvemonth, except what is ſaid in the Article relating to the County of *Ponthieu*.

How the King ſhould enjoy theſe Territories.

as told in the Instrument [illegible] in their

IX. Alſo it was agreed, that the King of *England* ſhould have and hold all the Cities, Counties, Caſtles, Lands and Countries above-nam'd, which antiently the Kings of *England* had not, in the ſame Eſtate as the King of *France* and his Son hold them at preſent.

How the King ſhould hold thoſe Lands that had bin his Predeceſſors.

X. Alſo it was agreed, that if within the Limits of the Countries which the Kings of *England* antiently poſſeſs'd, they ſhould now have any thing that was not then theirs, of which the King of *France* was in poſſeſſion on the nineteenth of *September* 1356. they ſhould be and remain to the King of *England* and his Heirs as aboveſaid.

What the King was farther to enjoy.

XI. The eleventh being much the ſame with the ſeventh already cited, only concerning the Regalities and Sovereignties of the Places transfer'd, ~~and~~ which being afterwards much alter'd and contracted by the Treaty at *Calais*, I ~~omit it~~ only mention it.

XII. *Alſo it was agreed, that the King of* France *and his eldeſt Son ſhould expreſly renounce all* Reſorts *and Sovereignties, and all the Rights they have, or can have, in and over all thoſe things, which by this Treaty ought to belong to the King of* England: *and in like manner, He the ſaid* King

Of the Renunciations to be made by both Kings.

take charge of the [illegible] those Towns and Countries above mentioned in same [illegible] without [illegible] homage for them [illegible] so that &c.

King and his eldeſt Son ſhould renounce expreſly all thoſe things which by this Treaty ought not to belong, or to be delivered to Him, and all Demands He makes of the King of France; *and eſpecially to the* Title *and* Right *to the Crown of the Kingdom of* France, *and to the Homages, Sovereignty and Demain of the Dutchy of* Normandy, *the Dutchy of* Tourain, *the Counties of* Anjou *and* Main, *the Sovereignty and Homage of the Dukedom of* Bretagne, *and the Homages and Sovereignties of the Country of* Flanders, *and all other Demands He can make of the King of* France, *for what cauſe ſoever, except what by this Treaty ought to remain, and be delivered to the King of* England *and his Heirs.* Then *follows a Clauſe that both the Kings ſhould mutually releaſe and transfer to each other all the Right which either of them had or might have in all the things, which by this Treaty ought to remain, and be deliver'd to each of them.*

This twelfth Article was entirely omitted out of this Treaty, being corrected and alter'd at *Calais*, when both Kings met there; as was alſo the word *Reſorts* in all other Places of it; which afterwards proved very much to the prejudice of the King of *England*, becauſe the mutual Renunciations that were to be inſtead of it were never made.

Of conducting the King of France *to* Calais.

XIII. Alſo it was agreed, that to the end this Treaty might ſpeedily be accompliſhed, the King of *England* ſhould conduct the King of *France* to *Calais* within three weeks after *Midſummer* (there being no juſt hindrance) at his own expence.

Of paying three Millions of Gold Crowns.

XIV. Alſo it was agreed, that the King of *France* ſhould pay to the King of *England* three Millions of Crowns of Gold (whereof two ſhould be of the value of a Noble of *Engliſh* Mony) of which ſix hundred thouſand Crowns ſhould be paid to Him or his Deputies, within four Months after the King of *France* ſhould arrive at *Calais*; and within a Year following four hundred thouſand Crowns more ſhould be paid at *London*, and ſo every Year four hundred thouſand Crowns ſhould be paid there until the whole was diſcharged.

Of delivering the King of France, *&c.*

XV. It was alſo agreed, that upon the payment of the ſix hundred thouſand Crowns at *Calais*, and the delivery of the Hoſtages hereafter named, within four Months after the King of *France* ſhould arrive at that Place, the Town and Caſtle of *Rochel*, the Caſtles and Towns of the County of *Guiſnes* ſhould then be render'd to the King of *England* with all their Appurtenances; upon which the Perſon of the King of *France* * ſhould be delivered out of Priſon, and then ſhould not arm Himſelf or his People againſt the King of *England*, but was faithfully to accompliſh what was to be perform'd by this Treaty; and the Hoſtages were to be the Noblemen taken Priſoners at the Battel of *Poictiers*, for whoſe Names, as alſo for the reſt that were to be added to them, I refer you to Dr. *B*'s *Appendix*; only ſhall obſerve, that ſix of them were to be of the Blood Royal of *France*, *viz.* Monſieur *Lewis* Earl of *Anjou*, Monſieur *John* Earl of *Poictiers*, the King's Sons, the Duke of *Orleans* the King's Brother, and the Duke of *Bourbon*; but as for Prince *Philip* the *French* King's younger Son, tho He could not be deliver'd, becauſe He was already Priſoner with his Father, yet He was ſtill to remain as one of the Hoſtages.

* *Note, he was ſtill a Priſoner in* England.

N. 93. p. 93.

Of the Hoſtages.

XVI. By the ſixteenth it was agreed, that thoſe ſixteen Princes and Noblemen that were to be thus given as Hoſtages, ſhould be deliver'd and

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and ſet free without paying any Ranſoms. This Article was particularly confirm'd at *Calais* by King *Edward*'s Charter.

XVII. By the ſeventeenth it was agreed, that if any of thoſe Hoſtages there named ſhould refuſe to come to *Calais* according to the Agreement, or ſhould die, or remove out of the Power of the King of *England* during the time; then upon notice given in the manner agreed on by this Article, the King of *France* ſhould deliver others of the ſame Quality in their ſtead as ſoon as might be, within four Months; yet at his Departure from *Calais*, He might take ten of theſe Hoſtages along with Him, provided there ſtill remain'd thirty behind. This Article was alſo confirm'd by a like Charter.

XVIII. By the eighteenth it was agreed, that the ſaid King within three Months after his Departure from *Calais*, ſhould ſend thither as Hoſtages four of the moſt conſiderable Citizens of *Paris*, and of the Towns following, viz. *St. Omers*, *Arras*, *Amiens*, *Beauvais* and *Liſle*, with ſeveral others, for which I refer you to the Articles themſelves.

Of K. John*'s remaining at* Calais.

XIX. By the nineteenth it was agreed, that the King of *France* ſhould be brought from *England* to *Calais*, and there remain for four Months; and that, excepting the firſt Month, He was to pay for each of the other three Months the Sum of ſix thouſand Royals for his Maintenance, before his departure from that Town. King *Edward* at *Calais* gave the *French* King an Acquittance for this Sum under his Seal.

Of reſtoring the Earldom of Montfort.

XX. By the twentieth it was agreed, that within a Year after the *French* King's departure from *Calais*, He ſhould deliver to *John de Montfort*, his Earldom of *Montfort*, with its Appurtenances, as alſo all his other Heritages, He doing his Homages for them.

Of the Dutchy of Bretagne.

XXI. The twenty firſt contains a Project for the ending of all Differences between the ſaid Earl of *Montfort*, and the Lord *Charles* of *Blois*, concerning the Dutchy of *Bretagne*, by the Mediation ^ of the two Kings; which ſince it never took any effect, I omit.

and Judgment.

Of the Liberties and Franchiſes of the Countries, Cities, &c.

XXII. Alſo it was agreed, that all the Lands, Towns, Countrys, Caſtles, and other Places deliver'd to the King of *England*, ſhould enjoy ſuch Liberties and Franchiſes as they had at preſent; which ſhould be confirm'd by the ſaid Kings or their Succeſſors, ſo often as they ſhould be duly thereunto required, if they be not contrary to this Accord.

Of the K. of Navarre*'s Reſtitution.*

XXIII. By the twenty third the *French* King was within one Year to reſtore **Philip** King of *Navarre*, and his Adherents, all their Towns, Caſtles, Lordſhips, Rents, *&c.* whatſoever, with Pardon and Indemnity of all that had been done by them, ſo the ſaid *Philip* and his Adherents return'd to their Homage, and ſhould perform their Duty for the future like good and loyal Subjects.

Of the Ld de Harcourt*'s Lands.*

XXIV. The twenty fourth contains a Power for the King of *England* to beſtow, for that one time only, the Lands and Heritages of the late Lord *Godfry de Harcourt* deceas'd, to be held of the Duke of *Normandy*, and other Lords, by the wonted Services.

Indemnity for ſuch as ſubmitted to either King.

XXV. By the twenty fifth it was agreed, that any Perſons or Countries under the obedience of one Party, that ſhould by the virtue of this Agreement paſs to the Allegiance of the other, ſhould not be troubled or impeach'd for any thing done in time paſt.

Reſtitution of Perſons baniſh'd.

XXVI. By the twenty ſixth it was agreed, that all the Lands of the *Baniſh'd* and their Adherents of one part and the other, ſhould be fully reſtor'd to them, free of all Penſions and Charges, in the ſame ſtate they were in before the War began.

Delivery of the Cities and Territories within one Year.

XXVII. Alſo it was agreed, that the King of *France* ſhould deliver to the King of *England*, ſo ſoon as He could well, and at furtheſt within one Year, after his Departure from *Calais*, all the Cities, Towns, Countries, and other Places above-named, which by this Treaty ought to be delivered to Him.

The Fortreſſes to be deliver'd at each King's charge.

XXVIII, XXIX. By the two next it was agreed, that upon the mutual Delivery of the Towns, Cities and Countries therein mention'd, the King of *France* ſhould at his own proper Coſt and Expence deliver all the Fortreſſes now held and poſſeſs'd by Him, or which ſhould be held by any Rebels, that ſhould refuſe his abovemention'd Commands, as alſo in *Normandy*, for thoſe Places which King *Edward* was therein to poſſeſs; and likewiſe the King of *England* was at his own expence to deliver all ſuch Fortreſſes to the *French* King, which by virtue of this Treaty were to belong to Him, ſo as the ſaid Kings and their Subjects ſhould be bound to aid each other with their Men (for the Wages uſually paid) to that purpoſe.

Subjection of the Prelats.

XXX. Alſo it was agreed, that all the Arch-Biſhops, Biſhops, and oher Prelats and Clergy-men, by reaſon of their Temporalties, ſhould be ſubject to that King under whom they were to hold their Temporalties; and if they had Temporalties under both Kings, they ſhould then be ſubject to each King for what they ſo held of Him.

This Article was alſo confirm'd at *Calais* by King *Edward*'s Charter.

Alliances to be obſerv'd between the two Kings.

XXXI, XXXII. By the two next it was agreed, that all good Alliances, Amities and Confederacies, ſhould be made between both the Kings and their Kingdoms, notwithſtanding any Confederacies they had made on this ſide, or beyond the Sea, with any Perſons, be they of *Scotland* or *Flanders*, or any other Country. And the *French* King, and his eldeſt Son the Regent, ſhould alſo for them and their Heirs, Kings of *France*, renounce all Confederacies made with the *Scots*; and hereby promiſe, that they would not give to the King or Realm of *Scotland*, or the Subjects thereof, any Aid or Favour againſt the King of *England*, his Heirs and Succeſſors, nor againſt his Kingdom, or the Subjects thereof, in any manner whatſoever; and in like manner, ſo ſoon as might be done, the King of *England*, and his eldeſt Son, ſhould renounce all Alliances they had made with the *Flemings:* and ſo proceeds in the ſame words concerning them, as the King of *France* had engag'd to do in reſpect of the *Scots*.

Collation of Benefices beſtow'd by either King.

XXXIII. By the thirty third it was agreed, that all Collations of Benefices made by one part or the other, ſhould hold good, and that all Profits and Revenues as had been iſſuing out of ſuch Benefices, or any Temporal Eſtates during the Wars, ſhould be acquitted by either Party.

Confirmation of this Treaty by the Pope.

XXXIV. Alſo that the Kings abovenam'd ſhould be bound to cauſe to be confirm'd all the things aboveſaid by our Holy Father the Pope, and they ſhould be made ſure and ſtrengthen'd by the Sentences and Cenſures of the Court of *Rome* in the ſtrongeſt manner that could be, *&c.*

XXXV. The thirty fifth contain'd a Licenſe for all the Subjects of the ſaid King to come to ſtudy in the Univerſities of *France* and *England*, and ſhould there freely enjoy the Privileges and Liberties of thoſe Places.

Further Securities to be delivered by both Kings.

XXXVI. By the thirty ſixth it was agreed, that for the rendering the Matters now treated and agreed on, more firm and valid, there ſhould be further given theſe Securities following, *viz.* Letters (or Inſtruments) ſeal'd with the Seals of both Kings, and their eldeſt Sons; and their other Sons alſo, as well as the Princes of the Blood, and other great Men of their Kingdoms, to the number of twenty on each ſide, ſhould take an Oath, that they would obſerve and keep all the Points now treated and agreed upon, as much as ſhould concern them, and without Fraud or Deceit ſhould accompliſh and fulfil them, without ever doing any thing to the contrary.

What to be done with ſuch Rebels as ſhould diſobey this Treaty.

Then follows a recital of the former Agreement, that in caſe there ſhould be any Rebels in *France* or *England*, that ſhould refuſe to obey the Matters aboveſaid, both Kings ſhould make uſe of the Bodies and Goods of their Subjects to reduce ſuch Rebels to obedience, according to the Form and Tenor of this Treaty. And the ſaid Kings and their Heirs ſhould ſubmit themſelves to the Coercion of the Pope, that He might by the Cenſures of the Church conſtrain ſuch Rebels to obey according to reaſon; yet however both Kings did thereby renounce all Wars and Contention: And if by Diſobedience, Rebellion, or Power of any Subjects of *France*, *&c.* the King of *France* or his Heirs could not accompliſh all the things aboveſaid, the King of *England* and his Heirs ſhould not make War againſt the King of *France*, his Heirs or Kingdom; but both together ſhould endeavour to bring the Rebels to due Obedience, and accompliſh the things aboveſaid. Then follows a like Clauſe on the behalf of the King of *England*, in caſe any of his Subjects ſhould not render the Caſtles, Towns and Fortreſſes they held in the Realm of *France*; but in ſuch caſes both Kings ſhould join their Powers to recover the ſame, that ſo all Obedience might be given to this Treaty without either of the Kings making War upon each other, or his Kingdom, *&c.*

All other former Treaties to be void.

XXXVII. Alſo it was agreed, that by this preſent Treaty, all other Treaties, if any had been made before, ſhould be null and void, and never be of any advantage to either Party, nor cauſe any Reproach of one to the other, for not obſerving them.

Further Confirmation of this Treaty at Calais.

XXXVIII. Alſo the preſent Treaty ſhould be approved, ſworn to and confirm'd by the two Kings, when they ſhould meet at *Calais*; and after the King of *France* ſhould be gone from thence, and be in his own Power, within a Month next following, He ſhould make Letters Patents of Confirmation, and ſend and deliver them at *Calais* to the King of *England*, and receive the like from the ſaid King.

No Alterations to be made in this Treaty at Rome.

XXXIX. By the thirty ninth it was agreed, that neither of the Kings ſhould procure, or cauſe to be procured, any Trouble or Moleſtation by the Church of *Rome*, or any of Holy Church, concerning this Treaty, towards either of the Kings, their Coadjutors, Adherents and Allies, whoever they be, or their Lands or Subjects, on occaſion of the late War, or any other matter or thing, *&c.* or if the Pope ſhould do it of Himſelf, either of thoſe Kings ſhould hinder it, to the utmoſt of their power, without any Deceit.

Anno Dom. MCCCLX.

Time for the delivery of the Hoſtages.

XL. Alſo concerning the Hoſtages that were to be deliver'd to the King of *England*, and the manner and time thereof, it was to be agreed and determin'd by both the Kings, when they met at *Calais*.

[1] Du Cheſne, p. 692.

The Dauphin *is ſaid to have yielded to this Peace by conſtraint.*

~~*A Truce agreed for a Year, till the Treaty could be ratified.*~~

and thereas fore he had agreed with the truce above mention'd and it fur[illegible] by the Justrement but for this truce it bears date before of the treaty itself as renewd with the Dauphin

Theſe Articles being agreed by the Commiſſioners of King *Edward* and thoſe of the Regent of *France*, were alſo after that ſolemnly ratify'd and ſworn to by both thoſe Princes; tho the Regent is by the [1] *French* Hiſtorians ſaid to have yielded thereto by Conſtraint, not that he was at all pleaſed with it, but becauſe He ſaw the Realm was no longer able to ſubſiſt amidſt thoſe Deſolations and Ruins, which the War had brought upon it: ~~however upon ſending back the Teſtimony of his Hand and Seal, that He had conſented thereto, in order to the full Completion of this Treaty, a Truce was made to continue between the two Kings, their Adherents and Confederates, from that time to the Feaſt of St. *Michael* next enſuing, and from thence forward for a Year; that during that Time all matters in order to a firm and perpetual Peace, might be duly and rightly deviſed and eſtabliſhed, and~~ till King *John* might be at Liberty; ~~only~~ the two eldeſt Sons of both the Kings, in the mean while, were ſolemnly ſworn to maintain this Agreement. And firſt, the Prince of *Wales* ordain'd on his part four Lords of *England*, that is to ſay, the Lord *Ralph Stafford* Earl of *Stafford*, the Lord *Reginald Cobham*, the Lord *Guy Brian*, and the Lord *Roger Beauchamp*, who being moſt joyfully received at *Paris*, and magnificently treated by the Regent and his Brothers, afterwards waited on them to the Chappel of the Palace, where on the behalf of Prince *Edward* they receiv'd the Oath of the *Dauphin*, Regent of *France*; which

* Ad hunc An.

The manner of its being perform'd.

(as * *Walſingham* relates) was perform'd in this manner. At the end of the Litany, the ſaid Prince went up to the Altar, and laying his Right Hand upon the *Paten*, wherein lay the Holy *Euchariſt*, and his Left on the *Goſpel*, He took his Oath in theſe Words: *We* Charles *do ſwear upon the Holy Body and the Goſpels of our Lord, firmly, as much as in us lyes, to keep this Peace and Concord thus formed between the two Kings, and by no means to go againſt the ſame: So help us*, &c. And the like Oath was afterwards taken by the Prince of *Wales* in preſence of four Barons of *France*, in the Church of *Loviers* in *Normandy*: of both which there were made Letters Patents; thoſe at *Paris* bearing date on the Tenth day of *May*, and the Others at *Loviers* on the Sixteenth of the ſaid Month, *A. D.* 1360.

[2] Du Cheſne ibid.

[3] Id. ibid.

The Treaty being ratified by the Regent of France, *K.* Edward *returns to* Calais.

* Rot. Clauſ. 34 Ed. 3. m. 30.

And then into England.

And indeed this is a much more likely account concerning this Tranſaction, than what the [2] *French* Hiſtorians give of it; that theſe Lords above-mention'd did at the ſame time ſwear on the behalf of the King their Maſter and his Sons, in the ſame manner as the Regent had done before. But this is certain, [3] that upon King *Edward*'s receiving Advice of the Ratification of the Treaty by the Regent, He raiſed his Camp from *Bretigny*, and marched by *Pont de L'Arche* over the *Seine*, and by *Abbeville* over the *Soame* in peaceable manner, and ſo ~~went~~ return'd to *Calais*. And ſo ſoon as He was arrived there, He went to the Church of St. *Mary*, and there gave ſolemn Thanks to God; after which going into *Normandy* to ſettle his Affairs there, * He, together with his Sons and many of the Nobility, took Shipping at *Harfleur*, and arrived at *Rye* on the Eighteenth of *May*; but the reſt of the Army went over from *Calais*, where He left the Earl of *Warwick* as his Lieutenant in *France*, to ſee the Treaty duly obſerved.

Then [1] the King being come to *London*, cauſed King *John* to be brought privately from the *Tower* to the Chappel of the Palace of *Weſtminſter*, where He ſhewed Him the Treaty agreed and ſworn to by the Regent his Son, with which, as being extreme deſirous of his Liberty, He ſeemed ſo well ſatisfied, that He thereupon treated K. *Edward* at a Dinner in the *Tower*, where both Princes plighted their Faith to each truly to perform the ſaid Treaty; the *French* further promiſing to confirm it Himſelf in Perſon when He came into *France*: after which He rode with the Prince of *Wales* from *London* to *Windſor*, to make a Viſit to the Queen; and having received many great and ſplendid Entertainments from the King, || He return'd again to *London*, and paid his Devotions, and made his Offerings at the Famous Shrine of St. *Erkenwald* in St. *Paul*'s Cathedral.

King Edward *communicates this Treaty to the* French *King, who promiſes to confirm it.*

Then King *Edward* having * equipped a ſufficient Fleet under the command of Sir *John Beauchamp*, in order to tranſport the *French* King to *Calais*, and all things being now ready for his Departure, the King Himſelf accompany'd Him as far as *Dover*; but K. *John* was attended to *Calais* by the Black Prince, the Duke of *Lancaſter*, and many other Noblemen, where they ſafely arrived on the Ninth of *July*, and where that King was honourably received, and lodged in the Caſtle; but King *Edward* returned back, and ſtay'd in *England* for ſome time, till He could hear that the firſt payment of the Mony agreed on for the Ranſom was ready according to the Articles; [2] and King *John* was forced to ſtay there almoſt Three of the Four limited Months e'er He could raiſe the aforeſaid Sum of Six hundred thouſand Crowns: But during that time He had frequent Meſſages from the *Dauphin* and his other Children, who at his deſire were now at *Amiens*; but about the beginning of *October*, the greater part of the firſt Payment being got ready, and the Hoſtages for the reſt deliver'd at *St. Omers*, [3] King *Edward* upon this Advice took Shipping, and on the Ninth of the ſame Month arrived at *Calais*, and from thence went immediatly to pay a Viſit to K. *John*, who received it very kindly, and invited Him and his Sons to an Entertainment, which was about three days after accepted of by the King, none ſitting down at the Table but the ſaid Kings and their Sons. When this Entertainment was over, two of the Younger Sons of each of the Kings went with their Fathers Leave towards *Boulogne*, where at that time the *Dauphin* was: but He meeting them half way, conducted them to *Boulogne*, where they all reſted that Night. The next Morning the *Dauphin* having left the two *Engliſh* Princes there, as it were Pledges for his Security, rode Himſelf to *Calais*, and having firſt waited on the King his Father, afterwards both of them went to King *Edward*'s Palace to Dinner, where they were received with great Honour, and entertain'd at a very ſplendid Feaſt: after which they took their Leaves, and return'd again to *Boulogne*; and K. *Edward*'s two Sons came back to *Calais*.

King John *goes to* Calais.

K. John *forc'd to ſtay at* Calais *till the Sum could be rais'd.*

Upon which K. Edward *goes over, and pays him a Viſit.*

The Dauphin *viſits his Father; they are all nobly entertained by K.* Edward.

Then [4] on the four and twentieth of *October*, they proceeded to more ſerious Buſineſs, and the Peace was fully ſworn to and eſtabliſhed between the two Kings after this manner: They being both ſeated on two diſtinct Thrones in St. *Nicholas*'s Church at *Calais*, High Maſs was ſung before them by *Androine* Abbot of *Clugny*; but when the

The Treaty ſolemnly ratified by both Kings.

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[1] Du Cheſne ib.

|| Dugd. Hiſt. of S. *Pauls*, p. 21.

* Rot. Fran. 34 Ed. 3. m. 6.

[2] Du Cheſne p. 693.

[3] Fab. Chron. ad hunc An.

[4] Id. ibid.

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* *Note, the* Pax *is a Croſs of Gold or Silver, kiſſed at the end of Maſs by all preſent, in memory of the Kiſs given by the Primitive Chriſtians to each other at their going from Divine Service.*

¹ Rain. ad hunc An.

† *That is, the conſecrated Wafer or* Hoſt, *as they call it.*

* *Pax* came to be kiſſed, the *French* King to whom it was firſt offer'd modeſtly refuſed it; after which King *Edward* excuſing Himſelf in Generoſity, King *John* roſe firſt, and went toward King *Edward*, who being aware thereof, got up haſtily and went to meet Him, where both again refuſing the *Pax*, they kiſſed each other with all outward Demonſtrations of mutual Friendſhip. At this Maſs both Kings were ſolemnly ſworn to maintain all the Articles of the ſaid Peace; and for the further Security thereof, ¹ many of ſaid Lords of both Realms were alſo ſworn to help to preſerve the ſame to their Powers, eſpecially the two eldeſt Sons of *England* and *France*; and at the ſame time the Duke of *Orleans*, in the Name of King *John*, and Prince *Philip* of *Navarre* for the King his Brother, ſwore to forget all Injuries on both ſides, and to cultivate a mutual Friendſhip for the future. Theſe Oaths were thus taken both on the *Evangeliſts* and the † *Euchariſt*, and thereupon the two Kings received the Sacrament in both kinds; and they were ſo well ſatisfied with the Conduct of the ſaid Abbot of *Clugny*, that they jointly requeſted of the Pope to beſtow on him a Cardinal's Cap, for his diligent and effectual Service therein, which was the Year after accordingly perform'd.

The Hoſtages delivered, and 4000000 *Crowns being paid down, time is given for the reſt.*

* See the acknowledgments of ye payment of this sum under instruments under the Seals of both these Princes. in R[illegible] ch. p. 263 264 * vid. Rec. Col. p. 219 to 228

Charters containing the Articles of the Treaty at Bretigny, *being corrected at* Calais, *are mutually delivered by both Kings.*

* N. 93.

Rot. Franc. 34 E. 3. m. 1. 2. Rt. Coll. p. 230, 231.

The remarkable Concluſion of theſe laſt Charters.

At the ſame time the Hoſtages, who (according to the 15*th* and 18*th* Articles) were to be given as well for the Security of the Payment of the King's Ranſom as of the Reſtoration of thoſe Places (which as yet were not put into the *Engliſh* hands) were delivered to King *Edward*; *and alſo there were there paid unto Him Four hundred thouſand Crowns of Gold in part of the Six hundred thouſand, K. *Edward* giving further time for the Payment of the remaining Two hundred thouſand, till *Chriſtmas* and *Lady-day* following; which done, both Kings interchangeably granted their Letters Patents under their Great Seals to each other, confirming the Articles lately concluded at *Bretigny*, with ſuch Corrections and Additions as were then agreed upon between them, and which are already mention'd under the ſaid Articles; both Charters bear one and the ſame Date, *viz.* the Twenty fourth of *October*, with the Atteſtation of *Androine* Abbot of *Clugny* the Pope's *Nuncio*, that they were deliver'd in his Preſence; *the Original of which under the Seal of the King of *France*, is ſtill preſerv'd in a great Cheſt in the Chapter-houſe at *Weſtminſter*, and which you may find Printed in *French* in Dr. *Brady*'s * Appendix to his laſt Volume; but the *Counter-part of it, which was ſeal'd by the King of *England*, concludes with this remarkable Addition:

" And We the King of *England* aforeſaid, having ſeen and conſi-
" der'd the ſaid Treaty, made in our Name and for the benefit of
" Peace, for as much as it concerns Us to Agree unto, Ratify, Con-
" firm and Approve all things above-written, We *by Our Royal*
" *Authority, with the Deliberation, Counſel and Conſent of ſeveral*
" *Prelats and Men of Holy Church, as alſo Dukes, Earls, as well of*
" *Our Linage as Others, with many Peers of* England, *as of other*
" *great Barons, Nobles, Burgeſſes, and other Subjects of Our Realm,*
" *do conſent to and confirm the ſaid Treaty, and all things therein con-*
" *tain'd.* And We ſwear upon the Body of *Jeſus Chriſt*, in the
" Word of a King, for Us and Our Heirs, to Obſerve, Accom-
" pliſh and keep it without ever doing any thing to the contrary
" by Our Selves or others: and that We may firmly and perpetually

" maintain

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“ maintain and keep the things above-ſaid, and every of them, We bind our ſelves, our Heirs, our Goods preſent and to come, and our Succeſſors and their Goods, and ſubmit our ſelves, our Heirs and Succeſſors in all things to the Juriſdiction and Coercion of the Church of *Rome*; willing and conſenting that our Holy Father the Pope confirm all theſe things, by giving general Monitions and Commands for the accompliſhment of them, againſt Us, our Heirs and Succeſſors, and againſt our Subjects, Communities, Colleges, Univerſities, or particular Perſons whatſoever, in pronouncing Sentences general of Excommunication, Suſpenſion and Interdicts, to be incurred by Us and our Heirs, for that Deed; ſo ſoon as We or They ſhall attempt, or ſeize on any Fortreſſes, Towns, Caſtles, or other things whatſoever, or by doing, ratifying or agreeing unto any thing contrary thereunto, or by giving Counſel, Favour, Comfort or Aid, either ſecretly or openly, contrary to the ſaid Peace: From which Sentences none are to be abſolved, until they have given full ſatisfaction to all thoſe that ſhall ſuſtain Damage by ſuch Practices. And further, that this Peace may be the more firmly kept for ever, We will and conſent, that all Agreements, Confederations, Alliances and Covenants, whatſoever they may be termed, that are any ways prejudicial to the ſaid Peace at preſent, or hereafter, whether they are confirmed by Penalties, or Oath, or ratified by the Authority of our ſaid Holy Father the Pope, ſhall be caſſated and made null and void, as diſpleaſing to God, and the Weal of the publick Peace, ſo profitable to all Chriſtendom: And all Oaths made in ſuch caſe ſhall be releaſed, and our ſaid Holy Father ſhall thereupon decree by his Letters, that no man ſhall be bound to keep ſuch Oaths, Alliances, or Covenants, and ſhall prohibit that no ſuch or the like be made for the future; and if any one ſhall attempt or do to the contrary, it ſhall at that very moment be null and void. And the King further threatens to puniſh all ſuch Violators of the ſaid Peace in their Bodies and Goods, as the Caſe and Reaſon ſhall require: and then further concludes with this remarkable Clauſe.

“ And if We ſhall do, procure, or ſuffer any thing to be done to the contrary (which God forbid) We will be held and reputed for unfaithful and perjur'd, and will incur ſuch Blame and Infamy, as an anointed King ought to incur in ſuch caſe: And further We will cauſe all the Matters and Things aboveſaid, to be ſworn unto, kept and obſerv'd by our moſt Dear and Eldeſt Son the Prince of *Wales*, and our younger Sons *Lionel* Earl of *Ulſter*, and *Edmund* of *Langley*, and our Couſin Monſieur *Philip de Navarre*, the Dukes of *Lancaſter* and *Bretagne*, the Earls of *Stafford* and *Salisbury*, the Lord *de Manny*, *Guy de Brian*, *Reginald de Cobham*, the Captal *de Buche*, the Lord of *Montferrat*, *James Audely*, *Roger de Beauchamp*, *Ralph Ferrars* Captain of *Calais*, *Euſtace d' Ambreticourt*, *Frank van Hall*, *John de Moubray*, *Henry de Piercy*, *Nicholas de Tamworth*, the Lord of *Gominges*, *Richard de Stafford*, *William Grandiſon*, *Ralph Spigurnel*, *Gaſton de Greyly*, and *William Burton* Knights: And will alſo cauſe to be ſworn in like manner to the ſame, ſo ſoon as We can, our other Children, and the greateſt part of the Prelats of the Church, and the Earls, Barons and Nobles of our

“ Realm.

Anno Dom. MCCCLX.

“ Realm. Given at our Town of *Calais*, under the Teſtimony of
“ our Great Seal, the 24*th* of *October* in the Year of Grace 1360.

The uncorrected Articles are alſo preſerv'd, together with K. John's *Oath to obſerve them,* &c.

And there are alſo preſerved in the ſame Place the like Articles uncorrected, which the King of *France* deliver'd to King *Edward* on the ſame day with the former, and with the like Atteſtation of the Abbot of *Clugny*, that it was done in his Preſence, as alſo King *John*'s Oath contain'd in divers Articles, for obſervation of the* ſaid Treaty, which are indeed ſhort Heads of the Treaty it ſelf. This is dated at *Calais* on the ſame day with the former; and beſides theſe there are Articles of Agreement under their Seals between the ſaid Kings, for the mutual delivery of the Countries, Caſtles, Towns and Places therein nam'd, according to the Treaty of *Bretigny*, eſpecially as to the 29*th* Article thereof: but the 7*th*, 11*th* and 12*th* Articles are omitted in this Agreement, which King *Edward* was hereby to deliver to King *John*, at or before *Candlemas* day next enſuing, at the Place therein mention'd, who was to do the like within one Month after, as to the Countries, Cities and Towns which He was to ſurrender up on his part. There are alſo contain'd in this Inſtrument the* Hoſtages Names, that were to be deliver'd ~~on either ſide~~ for the performance thereof, with the Names of ſuch Noblemen as ſwore to it on the behalf of the King of *France*. This is alſo dated at *Calais* the Day and Year laſt mention'd.

* vid: the Instrument of it at large in Rs: Col. p. 219. 220

* which you may see in Rs: Col. p. 185. 186. they were to be to the number of fourty, the first [illegible] being Princes of the Blood [illegible]

The ſame Treaty again confirm'd by the French King *at* Boulogne.

But yet all theſe Inſtruments thus ſeal'd at *Calais*, were not thought ſufficient; for when King *John* was come to †Boulogne, and at liberty, the* ſame Treaty (atteſted as before) was again confirm'd by Him and his Son the *Dauphin*. Theſe Articles are without any correction, and drawn up as the reſt by way of Charter, at the ~~end~~ very of which ~~follows~~ is written the enſuing Clauſe, in that part, which was seal'd & sworn to by

* vid: the Instrument at large Rs: Col. p. 230 231

take Notice the clause for holding the Cities Countries and Places therein mentioned in the same manner as the King of France, or any of his Ancestors held them own to wit, those in Demain [illegible] Sovereignty in Sovereignty and those [illegible] held in Demain [illegible] being [illegible] express by mention

* vid: this Instrument in Rs: Col. p. 229.

*John, by the Grace of God, King of France, to all to unto whom these presents shall come, greeting. We give you to know, that we have promised and do promise to render or cause to be rendred and delivered really and de facto to the King of England our most dear Brother, or to his especial Deputies on that behalf at the Augustin [illegible] within the Town of Bruges on the Day of the Feast of St. Andrew next coming [illegible] sealed with our great seal &c [illegible] that our said Brother shall make the Renunciations [illegible] to make on his part and on the part of our most dear Nephew his eldest Son shall [illegible] People [illegible] Deputies [illegible] same place in manner as they are obliged [illegible] which our Letters we have [illegible] John

This being a Recital of the former Charter dat'd at Calais no therefore need to be repeated only [illegible] reserves your notice ~~since~~

herecited

~~[illegible] Prince Lionel [illegible] himself [illegible] King [illegible]~~

~~and discharged of all Homage & Sovereignty due to the~~ Kings of France

* i. e. *A Priſoner, and not in his Power.*

† i. e. *The renouncing of all Right to the Homage and Sovereignties in the Territories ſo to be deliver'd.*

as for the conclusion of this last Charter it is as follows

"faith, ~~and ſwear, without deceit, to keep, obſerve and accompliſh~~ "~~whatever is aboveſaid~~: In witneſs whereof We have put our Seal "to theſe Letters. Given at *Boulogne* upon the Sea, the *26th* of *Octo-*"*ber*, in the Year of Grace 1360. And then follows his Son's Confirmation and Oath in theſe words: "And We will with all our Pow-"er obſerve and accompliſh all that our Lord and Father hath pro-"miſed and covenanted, engaging truly and in good Faith, and "have ſworn upon the Holy Body of Jeſus Chriſt, to hold and ac-"compliſh (as much as ſhall or may concern Us) all and every of the "things, as written in the Letters aboverecited, and according to the "Manner and Form therein compriſed, without doing or cauſing to "be done, any thing to the contrary, any ways for the time to come. "In witneſs whereof we have cauſed our Seal to be put to theſe "Letters. Given at *Boulogne* the 26th of *October*, in the ſaid Year of "Grace 1360.

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Vid: the Instrument R! col. p. 232

Par Monſieur le Duc.

This Inſtrument is thus ſubſcribed; becauſe *Charles* Duke of *Normandy* did hereby join with and confirm his Father's Grant, as appears by the Original with the Duke's Seal of green Wax hanging thereunto, which is preſerved in the ſame Box and Place above-mention'd; as is alſo this King's Confirmation of the Articles of the ſaid Treaty, as they had been corrected at *Calais*, which is likewiſe dated at *Boulogne* the ſame day with the former, having a like Seal hanging to it by Strings of green and red twiſted Silk. ~~There is alſo the Charter of the intended Renunciation or Inſtrument made by King *John*, wherein, beſides a recital of the Cities, Caſtles, Lands and Territories that were to be delivered and made over to the King of *England* by the Treatys above-mention'd, and which the *French* King thereby promiſes to cauſe to be delivered within one Year, to be reckon'd from *Michaelmas* next enſuing; He there further engages Himſelf and his ſaid Son to renounce all his Right and Title in and to the ſaid Places and Territories, with all the Sovereigntys and Reſorts thereunto belonging, according to the purport of the Treaty of *Bretigny*.~~ This is without any correction of the *7th*, *8th*, and *11th* Articles, which are there intirely recited; but the *12th* Article is wholly omitted. Dated alſo at *Boulogne* the *26th* of *October*, *A. D.* 1360. with his Seal affixed, and ſigned, *Le Roy.*

last charter

There is likewiſe another *Inſtrument of an intended Renunciation made by the ſame King concerning the ~~ſome~~ absolute Tranſlation, or making over to King *Edward* the ſeveral Places and Territories therein mention'd, together with their reſpective Homages and Sovereignties, and wherein the *11th* and *12th* Articles of the Treaty of *Bretigny* are alſo inſerted. This being dated at *Calais*, is longer and more particular than the former; and from the *French* Word *Ceſtaſſavoir*, with which the Promiſe of the ſaid future Renunciation and Ceſſion of the Premiſes begins, is call'd the Renunciation of *Ceſtaſſavoir*, to diſtinguiſh it from the former, which was made more ſimply and abſolutely; ~~but~~ tho both of them begin with the ſame words, *viz.* John *by the Grace of God King of* France, *to all thoſe to whom theſe Letters ſhall come, Greeting*, &c. ~~But the Charter laſt mention'd (being, I ſuppoſe, ſeal'd after the other) proceeds to a recital of the main deſign of it, in theſe words~~: We

The effect of the Inſtruments of Renunciation to be made by both Kings.

* Vid: R! 161. p. 237. to 242.

there is nothing so particular in this last Charter dated at Boulogne but that it concludes.

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~~*We let you know, that We have promised and do promise to deliver or cause*~~ *to be delivered really and indeed, to our Brother the King of* England, *or his Deputies on his behalf, at the Friers* Augustins *in the Town of* Bruges, *upon the day of the Feast of St.* Andrew, *within one Year next ensuing, Letters seal'd with our Seal of Green Wax, in case that our said Brother and dear Nephew his eldest Son, shall make the Renunciation which they ought to do on their part, and shall then deliver them to our People or Deputies, in the manner by which they are so obliged by certain Letters,* the Tenor of which are word for word as before. Then follows a recital of the principal Articles of the Treaty of *Bretigny*, which begins by way of Charter, *John* King of *France*, &c. directed to all Arch-Bishops and Bishops, and the several Estates of *France* therein expresly mention'd, which need not be here repeated. Then it proceeds to recite the several Cities and Territories, together with their Homages, which were to be deliver'd and made over by that Treaty, and as are there particularly set down: And for the observation and accomplishment of the Premises, the said King thereby obliges Himself and his Heirs, to the King of *England* and his Heirs, by an Oath taken upon the Holy Evangelists: And therein further wills, that in case his said Brother and Nephew shall make the said Renunciations so sent and deliver'd as abovemention'd, * that the Letters abovesaid should be deliver'd to his said Brother at the Time and Place, and according to the Form already mention'd, and that then and from thenceforth these present Letters, and all things therein contain'd ~~shall have the same force and effect as his other Letters or Charters, which had been by Him promised to be deliver'd, as hath been already recited~~. Then it concludes with another very remarkable Clause to this effect: Always provided nevertheless, and it is hereby reserved to Him, his Heirs and Successors, that the said Letters above, into the Body of these incorporated, shall not have any effect, nor bring any damage to Him and his Heirs, until his said Brother and Nephew shall have made the said Renunciations sent and deliver'd in manner abovesaid; and that they shall not help them against Him and his Heirs, unless in case abovemention'd. In testimony of which He caused his Seal to be put to these present Letters. Given at *Boulogne* the 26th day of *October*, in the Year of Grace 1360.

* *Note, this must refer to King* John's *own Letters or Charters, as appears by what follows.*

The Charters of Renunciation seal'd by both Kings.

And that neither of these Kings might gain any advantage over each other by these intended Instruments of Renunciation, the like Charter or Letters, *mutatis mutandis*, were likewise seal'd by the King of *England*, for Himself and his Heirs, to the King of *France*; "whereby King *Edward* was to renounce all things that were not to "be deliver'd to Him by this Treaty, to wit, his Right and Title to "the Crown of *France*, and to the Sovereignty and Dominion of "the Dutchies of *Normandy* and *Tourain*, to the Earldoms of *Anjou* "and *Maine*, as also to the Sovereignty and Homage of the Dutchy "of *Bretagne*, and Earldom of *Flanders*, with all other Demands, "which He then made, or might make hereafter, upon his said "Brother of *France*, for all matters except those already excepted, "and which were to remain to Him and his Heirs by virtue of the "said Treaty. Then it ends with the same Clauses as that of the *French* "King's last mention'd, concerning what effect these present Letters

"should

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" ſhould have in caſe the intended Renunciation was made by the " King of *France*, but ſhould not be deliver'd according to the " Form already preſcribed; as alſo that like remarkable Proviſo, " that theſe preſent Letters were to be of no effect, unleſs King *John* " and his Son the Duke of *Normandy* ſhould ſend their Renunci" ations to the Place already expreſs'd, *viz.* the *Auguſtin Friars* at " *Bruges.* This Letter or Charter of King *Edward* is a Counter-part, and is almoſt in the very ſame words with that made by the King of *France* to Him; and is neither mention'd by Dr. *Brady* in his Hiſtory, nor Appendix, ~~because being deliver'd for that King's uſe, it is not to be found at *Weſtminſter* amongſt the reſt of the Inſtruments relating to that Affair; but~~ it is very probable that the Original of this Charter of King *Edward*'s is ſtill preſerv'd in the King of *France*'s Treaſury or Archives at *Paris:* For I find an authentick Copy of it ſet down at large in the Manuſcript * Chronicle of *St. Denis*, and alſo in the Lord Biſhop of *Salisbury*'s fair Manuſcript Copy of all the Treaties, Charters and Inſtruments that were made by the Kings of *France* and *England*, and the Princes their Sons, relating to this Treaty; all which are there fairly enter'd at large.

although it be entred on the Rolls of France 34 Ed. 3. m. 7 and is publ ished in Rs. vol. p. 243 to 246. & 250. to 260.

* In Officio Clerici Civitat. Lond.

The Advantage made by the Dauphin, *when he came to be King, by reaſon of K.* Edward's *not delivering his Charter of Renunciation at* Bruges, *according to this Agreement.*

I have been the more exact in the relation of this Affair concerning the mutual Renunciations that both Kings were obliged to make in the Manner and at the Place already mention'd, becauſe that by reaſon of the Non-delivery of the above-mention'd Renunciations by King *Edward* at *Bruges* on the Day appointed by the laſt Clauſe in the ſaid Charter, the Duke of *Normandy*, when He came to be King of *France* by the Name of *Charles* the Fifth, made it ſome Years after one of his main pretences, that the Articles of this Peace, and the Renunciation, having been never duly executed and obſerved by King *Edward* within the Time, and at the Place therein limited, this whole Treaty and all things following thereupon were become void and of none effect, as you will find hereafter, and therefore were not to be any longer obſerv'd by Him the King of *France*. Tho thus much in certain we find, by a [1] Commiſſion dated the fifteenth of *November* the Year following, that King *Edward* had then appointed certain Commiſſioners to go over to the King of *France*, by whom He offer'd Him to ſend to *Bruges* within the time appointed, all the Renunciations, Ceſſions and Releaſes, which had been agreed on to be ſent thither (as has been already related) provided He would do ſo likewiſe. But what was done in perſuance thereof, or whether they were ever ſent to *Paris* or not, I do not find; nor can I ſay which of theſe Kings were in the fault, that the ſaid Renunciations were never made, nor ſent to *Bruges*, according to the above-mention'd Agreement; only the *French* King took the advantage, as we have already mention'd.

What K. Edward *did in perſuance of this Charter of Renunciation.*

And I cannot but further obſerve, that there being three ſeveral Copies of this Treaty, ſign'd and ſeal'd by both Kings at *Calais* and *Boulogne* in three days time, which are ſomewhat different from each other by reaſon of the ſeveral Corrections and Omiſſions; as alſo two ſeveral Letters of *Renunciation* drawn up in divers Forms (as has been already ſaid) theſe afterwards proved freſh Cauſes of Quarrel and Diſpute, ſince each of theſe Princes alledging and making

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[1] Rot. Fran. 25 Ed. 3. m. 3.

* But the Reader is to take notice, that besides these Charters and [illegible] above mentioned, which had an immediate

Respect to the main Articles of the Peace mentioned there were also several others which tho they likewise depended upon those ~~maine Charters~~ Articles, yet being of less moment need not be particularly recited; and therefore I shall onely set down the titles of them and leave the curious Reader who desires to see them at large to R[illegible] Col: p. 26[illegible] [illegible] they are in the following order. 1. concerning the Antient Alliances between the two Kings [illegible] [illegible] Alliances with [illegible] Scotland and [illegible] which [illegible]

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use of the different Copies of this Treaty and intended *Renunciations*, according as beſt ſerved their preſent turns, neither of them indeed being ſo ſtrict and juſt in obſerving the true intent and tenor of the Articles, as they ought to have been. *

All theſe [1] Inſtruments above-mention'd being finiſhed and ſ[illegible] both ſides, ~~and the four hundred thouſand Crowns, pa~~ ~~*French* King's Ranſom, actually paid~~, and Hoſtages giver ~~remainder~~ (as has been already ſaid) King *John* was to hav berty; when the Evening before King *Edward* made a magnif tertainment for Him in the Caſtle of *Calais*, where the Blac and his three Brethren *Lionel*, *John* and *Edmund*, with th Lords and Barons of *England*, ſerved the two Kings at Ta ſome time after Supper [2] bid each other a good night, K. *Ed* maining in the Caſtle, and King *John* going to his Lodging i which had been provided for Him in the Town; and [3] bei liberty, the next day (*viz.* the twenty fifth of *October*) H thoſe who were to go with him, left *Calais*, and rode towar in the Afternoon, King *Edward* Himſelf accompanying h onward of his way; and then the two Kings paid their laſ to each other with kind Embraces, King *Edward* returning But [4] ſo ſoon as He was out of ſight, King *John* quitted and would needs go by way of Pilgrimage on foot to ou *Boulogne*, there to pay his thanks for his Delivery, the *Wales* and two of his Brothers *Lionel* and *Edmund* atten Then the day following the King of *France* again ſeal'd t Charters of the Peace and Renunciations, being thoſe alr tion'd, bearing date at *Boulogne*, the Originals whereof ar ſerv'd: After which the Prince of *Wales* and his Brethren Leaves of Him, and return'd back to *Calais* the ſame

So ſoon as King *John* had thus executed his part of t King *Edward* thereupon left off the Title and Arms of *Fra* He reaſſume them till the War again broke out between the t as you will find hereafter. And [5] having now happily Deſigns, He on the laſt of *October* went on board, and ſet *land*, with the Princes his Sons and the Hoſtages of *F* Company, being thirty of thoſe forty mention'd in the ticle of the Treaty, and of which number were the *Fr* three younger Sons. On the firſt of *November* ea Morning, the King landed with all his Company at *Dov* days after went to *Canterbury*, where He made his Offe Shrine of St. *Thomas Becket*, and return'd his thanks bringing his Wars to ſo happy a Concluſion; but He *London* till the ninth of the ſame Month, [6] at which ti command to all his Officers, that on pain of his high Diſp ſhould treat the Princes and Lords of *France* his Hoſtages Reſpect and Kindneſs, and ſecure them from all Affron ries; ſo that being Priſoners on their Parole, they now liberty to uſe all manner of Field-ſports, as well as d verſions. *

I have nothing elſe of publick concern to take notice of under this Year, but to give you an account of the Deceaſes of ſeveral Perſons of

1 ~~Du Franc.~~ 34 Ed. 3. m. 3.

K. Edward entertains K. John before he left Calais.

2 Du Cheſne ibid.

3 Fab. Chron. p. 243.

K. John goes to Boulogne.

4 Froiſ. ib.

Where he again confirms the Treaty, upon which K. Edward leaves off the Title and Arms of France.

5 Fab. p. 244.

The King returns into England.

6 Froiſ. c. 113.

Stet, [illegible]

~~[illegible]~~ some payment of six millions of Crowns for his ransom: 600000 of which were to be payd at Calais within 4 months after his coming thither. [illegible] Renunciations of all wars ~~[illegible]~~ for the future, which was also to be confirmed by the Sons and great Lords of both Kingdoms, with others of less moment being too many to be here recited, I omit.

Par 2.

* I cannot here omit taking notice that some time last Summer the King received a Letter from Pope Innocent of Congratulation and Joy for the late Peace as also to desire him to hasten the deliverance of the King of France. Vid: the original, in R[illegible] Col: p. 203. 204 [bearing date 20. Nov. [illegible]]

Par. 2. after ~~[illegible] the words~~ ~~four hundred thousand Crowns~~ [illegible]

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The Deceaſe of divers Perſons of Quality this Year.

of great Quality, the firſt of whom was *John de Vere* Earl of *Oxford*, High Chamberlain of *England*, who died on the four and twentieth of *January* in the Camp before *Rheims*. The ſecond was [1] *William Bohun* Earl of *Northampton*, one of the firſt Knights of the Garter, whom King *Edward* had made great uſe of in his Wars with *France*, and was younger Brother to *Edmund* Earl of *Hereford* and *Eſſex*: And on the ſecond of *December* died that valiant Warrior, Sir *John Beauchamp*, younger Son to the Earl of *Warwick*, Lord Warden of the Cinque-Ports, and alſo one of the firſt Knights of the Noble Order laſt mention'd: He was buried in the Choir of St. *Paul*'s under a magnificent Monument, which was afterwards erroneouſly taken for that of *Humphry* Duke of *Gloceſter*, who was many years after murder'd and buried at *St. Albans*. And here we ſhall put an end to this Year, which was one of the moſt fortunate and glorious of this King's Reign, by reaſon of thoſe honourable and advantageous Terms He had by the late Peace obtain'd from the King of *France* and his Son *Charles* Duke of *Normandy*, had they been as faithfully perform'd, as they were well drawn up and intended.

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The King holds a Parliament, to whom he communicates the late Treaty, which is approv'd by them.

King *Edward* [3] having kept his Chriſtmas in great Splendor at *Woodſtock*, went after the Holidays to his Parliament (which He had [4] ſummon'd to meet Him at *Weſtminſter* on the Sunday before the Converſion of St. *Paul*, or about the twentieth of *January*, where He communicated to them all the Articles of the Peace which He had made with the King of *France*, and both Houſes were entirely ſatisfied with the whole Affair; and on the laſt day of this month, the Arch-Biſhop of *Canterbury* with great Solemnity celebrated High Maſs, after which the King and his Sons ſtanding up in the Preſence of the *French* Hoſtages, Torches being lighted and held over the Euchariſt, all thoſe Peers who had not ſworn already to keep and obſerve the Peace, then took their Oaths upon it, which they read from certain Papers or Scrolls, the Arch-Biſhop beginning thus: *We* Simon *Arch-Biſhop of* Canterbury, *do ſwear upon the Holy Body of our Lord and his Holy Goſpels, firmly, as much as in us lies, to keep this Peace and Concord agreed between the two Kings, and to do nothing contrary thereto.* And then both Kings ſent Ambaſſadors to the Pope at *Avignon*, for his Sanction and Confirmation thereof. And to ſay ſomewhat more concerning King *John*, [5] after He had ſtaid ſome time at *Amiens*, He went on St. *Thomas*'s Day to the City of *Paris*, where He was joyfully received by all the Inhabitants, after the diſcharge from his long Impriſonment of four Years, one Month, and ſome odd days; and there He received the Congratulations of all the Lords and Peers of the Kingdom, and cauſed them to take the ſame Oath as He himſelf had done, to maintain the Treaties of *Bretigny* and *Calais*. And beſides all theſe, there was likewiſe another [6] Charter or Inſtrument mutually ſeal'd and deliver'd by both Kings to each other, whereby they made a ſtrict League of Friendſhip and Alliance, for themſelves their Heirs and Succeſſors, againſt all Perſons whatſoever, the Pope and the Emperor excepted; and they alſo renounc'd all Wars againſt each other, and their Heirs, *&c.* and their Realms and Subjects. This both Kings and their eldeſt Sons alſo ſeal'd, and divers of the Nobility of both Nations were ſworn to obſerve it. This bears date the ſame day with the former: and then alſo a [7] Proclamation was iſſued by King *Edward*, to *Thomas*

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[1] Dug. Baron. Vol. I. p. 193.

[2] Ib. p. 186.

[3] T. W.

[4] Rot. Clauſ. 34 Ed. 3. m. 4. Dorſ.

[5] Froiſ. c. 214.

[6] Rot. Tract. Pac. Franc. m. 6.

[7] Ibid.

* But the Reader is to take notice, that besides these Charters an[illegible] above mentioned, which had an immediate Respect to the Articles ~~of the Peace~~ above mentioned there were also several others which tho they likewise depended upon those ~~[illegible] Charters~~ Articles, yet being of less moment need not be particularly recited, and therefore I shall onely set down the titles of them and leave the curious Reader who desires to see them at large to [illegible] ~~and they~~ [illegible] they are in the following order. [illegible] concerning the [illegible] between the two Kings [illegible] Allegeances with [illegible] Scotland and Bre[illegible] which [illegible]

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use of the different Copies of this Treaty and intended *Renunciations*, according as best served their present turns, neither of them indeed being so strict and just in observing the true intent and tenor of the Articles, as they ought to have been. *

Stet, * also here

[1] ~~Rot.~~ Franc. 34 Ed. 3. m.3.

K. Edward entertains K. John *before he left* Calais.

All these [1] Instruments above-mention'd being finished and seal'd on both sides, * ~~and the four hundred thousand Crowns, part of~~ the ~~*French* King's Ransom, actually paid~~, and Hostages given for the ~~remainder~~ (as has been already said) King *John* was to have his Liberty; when the Evening before King *Edward* made a magnificent Entertainment for Him in the Castle of *Calais*, where the Black Prince, and his three Brethren *Lionel*, *John* and *Edmund*, with the greatest Lords and Barons of *England*, served the two Kings at Table, who some time after Supper [2] bid each other a good night, K. *Edward* remaining in the Castle, and King *John* going to his Lodging in a House which had been provided for Him in the Town; and [3] being now at liberty, the next day (*viz.* the twenty fifth of *October*) He with all those who were to go with him, left *Calais*, and rode towards *Boulogne* in the Afternoon, King *Edward* Himself accompanying him a Mile onward of his way; and then the two Kings paid their last Civilities to each other with kind Embraces, King *Edward* returning to *Calais*. But [4] so soon as He was out of sight, King *John* quitted his Horse, and would needs go by way of Pilgrimage on foot to our Lady of *Boulogne*, there to pay his thanks for his Delivery, the Prince of *Wales* and two of his Brothers *Lionel* and *Edmund* attending Him. Then the day following the King of *France* again seal'd the several Charters of the Peace and Renunciations, being those already mention'd, bearing date at *Boulogne*, the Originals whereof are still preserv'd: After which the Prince of *Wales* and his Brethren took their Leaves of Him, and return'd back to *Calais* the same day.

[2] Du Chesne ibid.

[3] Fab. Chron. p. 243.

K. John *goes to* Boulogne.

[4] Froiss. ib.

Where he again confirms the Treaty, upon which K. Edward *leaves off the Title and Arms of* France.

So soon as King *John* had thus executed his part of the Treaty, King *Edward* thereupon left off the Title and Arms of *France*, nor did He reassume them till the War again broke out between the two Crowns, as you will find hereafter. And [5] having now happily finished his Designs, He on the last of *October* went on board, and set sail for *England*, with the Princes his Sons and the Hostages of *France* in his Company, being thirty of those forty mention'd in the seventh Article of the Treaty, and of which number were the *French* King's three younger Sons. On the first of *November* early in the Morning, the King landed with all his Company at *Dover*, and two days after went to *Canterbury*, where He made his Offerings at the Shrine of St. *Thomas Becket*, and return'd his thanks to God for bringing his Wars to so happy a Conclusion; but He came not to *London* till the ninth of the same Month, [6] at which time He gave command to all his Officers, that on pain of his high Displeasure they should treat the Princes and Lords of *France* his Hostages with all due Respect and Kindness, and secure them from all Affronts and Injuries; so that being Prisoners on their Parole, they now took their liberty to use all manner of Field-sports, as well as domestick Diversions. *

[5] Fab. p.244.

The King returns into England.

[6] Froiss. c. 113.

I have nothing else of publick concern to take notice of under this Year, but to give you an account of the Deceases of several Persons of

* I cannot here omit taking notice, that some time last Summer the King receiv'd a Letter from Pope Innocent of Congratulation and Joy for the late Peace, as also to desire him to hasten the delivery of the King of France. vid. the original. & Rot. Cl. p. 203. 204 [bearing date 20. non. Julii]

Pag. 2. l. 2. after ~~[illegible] the words four hundred thousand [illegible]~~ [illegible] of great Quality, the firſt of whom was *John de Vere* Earl of *Oxford*, High Chamberlain of *England*, who died on the four and twentieth of *January* in the Camp before *Rheims*. The ſecond was [2] *William* xc *Bohun* Earl of *Northampton*, one of the firſt Knights of the Garter, whom King *Edward* had made great uſe of in his Wars with *France*, s younger Brother to *Edmund* Earl of *Hereford* and *Eſſex*: And ſecond of *December* died that valiant Warrior, Sir *John Beau-* younger Son to the Earl of *Warwick*, Lord Warden of the -Ports, and alſo one of the firſt Knights of the Noble Order ntion'd: He was buried in the Choir of St. P l's under a cent Monument, which was afterwards erroneouſly taken for *Humphry* Duke of *Glocester*, who was many years after mur- nd buried at *St. Albans*. And here we ſhall put an end to this which was one of the moſt fortunate and glorious of this Reign, by reaſon of thoſe honourable and advantageous He had by the late Peace obtain'd from the King of *France* and *Charles* Duke of *Normandy*, had they been as faithfully per- as they were well drawn up and intended.

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The Deceaſe of divers Perſons of Quality this Year.

[1] Dug. Baron. Vol. I. p. 193.

[2] Ib. p. 186.

Edward [3] having kept his Chriſtmas in great Splendor at *Wood-* ent after the Holidays to his Parliament (which He had [4] ſum- o meet Him at *Weſtminſter* on the Sunday before the Conver- St. *Paul*, or about the twentieth of *January*, where He com- ed to them all the Articles of the Peace which He had made King of *France*, and both Houſes were entirely ſatiſfied with le Affair; and on the laſt day of this month, the Arch-Biſhop *rbury* with great Solemnity celebrated High Maſs, after which and his Sons ſtanding up in the Preſence of the *French* Hoſ- orches being lighted and held over the Euchariſt, all thoſe ho had not ſworn already to keep and obſerve the Peace, k their Oaths upon it, which they read from certain Papers or the Arch-Biſhop beginning thus: *We Simon Arch-Biſhop of* ury, *do ſwear upon the Holy Body of our Lord and his Holy Goſpels,* *s much as in us lies, to keep this Peace and Concord agreed between Kings, and to do nothing contrary thereto.* And then both nt Ambaſſadors to the Pope at *Avignon*, for his Sanction and ation thereof. And to ſay ſomewhat more concerning King fter He had ſtaid ſome time at *Amiens*, He went on St. *Tho-* ay to the City of *Paris*, where He was joyfully received by habitants, after the diſcharge from his long Impriſonment of rs, one Month, and ſome odd days; and there He received gratulations of all the Lords and Peers of the Kingdom, and hem to take the ſame Oath as He himſelf had done, to main- Treaties of *Bretigny* and *Calais*. And beſides all theſe, there wiſe another [6] Charter or Inſtrument mutually ſeal'd and deli- both Kings to each other, whereby they made a ſtrict League dſhip and Alliance, for themſelves their Heirs and Succeſſors, ll Perſons whatſoever, the Pope and the Emperor excepted; alſo renounc'd all Wars againſt each other, and their Heirs, &c. r Realms and Subjects. This both Kings and their eldeſt Sons alſo ſeal'd, and divers of the Nobility of both Nations were ſworn to obſerve it. This bears date the ſame day with the former: and then alſo a [7] Proclamation was iſſued by King *Edward*, to *Thomas* Earl

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[3] T. W.

[4] Rot. Clauſ. 34 Ed. 3. m. 4. Dorſ.

The King holds a Parliament, to whom he communicates the late Treaty, which is approv'd by them.

[5] Froiſ. c. 214.

[6] Rot. Tract. Pac. Franc. m. 6.

[7] Ibid.

[illegible]
Rights of the King of England: that John is stiled King of France
in the Charters of Renunciations to be made by both these Kings.
4. King Johns Charter of ~~[illegible]~~ Discharge of all Covenants & promises made

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Earl of *Kent*, and all other Captains of Towns, Caſtles, *&c.* held for the King in *France*, to give notice to all Places within their Commands of this Peace and final Accord between the two Kings.

[1] Id ib. Du Cheſne p. 693.

The King ſends Commiſſioners to take poſſeſſion of the Places to be deliver'd by the late Treaty.

Soon after this King [1] *Edward* ſent certain Commiſſioners into *France*, to take in his Name poſſeſſion of thoſe Countries, Cities, Towns, Caſtles, *&c.* that were to be deliver'd unto Him by virtue of the late Peace: But this matter was not ſo eaſily perform'd; for divers great Lords in *Languedoc* would not at firſt obey the *French* King's Orders, in yielding to hold their Seignories of the King of *England*; and of this ſort were the Lords that held Lands in the Marches of *Aquitain*, as the Earls of *Armagnac*, of *Foix* and *Perigort*, with divers other Lords that were reſolv'd ſtill to pay their Homage to, and own their Dependance on *France*; till the Lord *James* of *Bourbon* was ſent to them from the *French* King to perſuade them, and that they ſaw it was his abſolute Will and Pleaſure ſo to have them do, and then they ſubmitted to become Liegemen to K. *Edward*. The ſame Difficulty was likewiſe found in the Towns and Cities of *Poictou* near the Sea-Coaſt, and eſpecially in the City of *Rochel*, the People whereof were ſo averſe to it, that they would not yield for a good while to own ~~the *Engliſh*~~; but excuſing themſelves to King *John*, offer'd rather to be taxed at half they were worth, than to be govern'd by a Stranger, which, they ſaid, was a thing inſupportable to all true *French*-men.

[2] Rot. Franc. 35 E. 3. m. 3.

He deſires a ſpeedy performance of the late Treaty.

When King *Edward* ſaw theſe Difficulties and Delays, He at the latter end of the Year [2] ſent Sir *Thomas Uedale*, and Mr. *Thomas de Dunclent* Licentiate in the Laws, his Envoys to the King of *France*, to deſire a ſpeedy performance of the Treaty of Peace, by cauſing to be deliver'd to Him or his Deputies all the reſt of the Countries, Cities, Towns, *&c.* which were not yet ſurrender'd, promiſing thereupon, that He would according to the late Articles ſend and deliver at *Bruges* on the day of St. *Andrew* next coming, his own and the Prince his Son's Letters of Renunciation, transferring all their Rights to the Caſtles and Territories that were to be deliver'd to the King of *France*; upon which Ambaſſy the ſaid King, in a little time after, caus'd all or moſt of the Places, that had hitherto ſtood out, to be deliver'd to the King of *England's* Commiſſioners appointed for that purpoſe. By which means King *Edward* now became poſſeſs'd of the whole Dutchy of *Aquitain*, from the *Loire* to the *Pirenean* Mountains; and on this ſide towards *Picardy*, the Earldom of *Ponthieu*, the Town of *Calais*, and Territory of *Oye*, with the Town and Earldom of *Guiſnes*. ~~Then~~ [3] King *Edward* ſent over the Lord *Chandois* as his Lieutenant in the Dutchy of *Aquitain*, to take poſſeſſion of all thoſe Cities and Countries, which were to be deliver'd by the late Articles of Peace; and immediatly upon his arrival in thoſe Parts (having receiv'd them from the Lord *de Bourbon*) He appointed Bailiffs, Governors and other Officers, both Military and Civil, in all the Places and Towns ſo deliver'd, and received their Fealties and Homages, as alſo of all Lords and others that by this Peace were to hold of the King of *England*. After which the Lord *Chandois* reſided at *Niort* in *Poictou*, where keeping a Court like a Prince, he by his generous Carriage and winning Behaviour extremely gain'd the Hearts of all the Nobility and People of thoſe Parts, who were now become the King's Subjects.

[3] Rot. ~~Vaſcon.~~ Fran: 34 E. 3. m. 3.

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And if we look a little further back, we ſhall find that there were other Deputies appointed by King *Edward* to join with thoſe Commiſsioned by [1] King *John*, to deliver up unto Him all thoſe Towns, Caſtles and Territories, which were to be ſurrender'd back to the *French* King; and therefore theſe Commiſsioners order'd all the Officers and Soldiers of the Gariſons that were Subjects to, and had ſerved under King *Edward*, to be immediatly evacuated: upon which moſt of them readily obey'd, and ſurrender'd the Places that were in their hands for the uſe of the King of *France*; but ſome of the *Engliſh*, and many more that were Foreigners of *Germany* and the Low-Countries, with ſome *French* Rebels, refuſ'd to ſubmit to thoſe Orders, and being reſolved to maintain themſelves by War, pretended that they held thoſe Places in Right of the King of *Navarre*. To theſe I may alſo add a great number of Common Soldiers of all Nations, who being disbanded, got together again, and joyn'd themſelves to the reſt, reſolving never to return to their former way of Living: theſe choſe themſelves new Captains, whoſe chief Qualities, beſides a brutiſh Courage, were Cruelty, Luſt and love of Plunder; ſo that by the beginning of the Spring this Year, they made up an Army of above Sixteen thouſand Men, part of whom ravaged *Anjou*, *Poictou* and *Tourain*, whilſt the Troops of thoſe whom they call'd the *Tard-venu*, (*i. e.* the late Comers) ſpoil'd the Countries of *Champaigne*, *Burgundy*, *Maſconnois* and *Lionnois*; and not long after they defeated in a ſet Battle at *Brignes* near *Lions*, the Lord *James de Bourbon*, who by the King's Orders had raiſed an Army to ſuppreſs them. And thus was the Kingdom of *France* this Year in as bad, if not a worſe Condition, than it was two Years ago, by the Inſurrections of the Peaſants, and the Devaſtations of the *Navarrois*, and thoſe other Troops called the *Companions*, who during the Truce continued the War in *France*, without King *Edward*'s Commiſsion. ✝

Deputies appointed to reſtore to K. John *all the Places to be ſurrender'd to him by the late Treaty.*

Which is refuſ'd to be perform'd by divers foreign as well as French *Soldiers.*

Who make up an Army, and ravage great part of France.

✝ who was so far from countenancing these wicked and violent actions, that upon the complaint of the King of France against them he sent over two of his Serjeants at Arms with a commission to inquire the names of those his subjects [illegible] and [illegible] them in the Kings name to cease from their wicked enterprizes, and not staying any longer in France under pretence of services or wages due to them to depart from thence within a convenient time to be appointed by the sd Sergeants, on [illegible] under the penalty of being accounted Rebels agst the Kings commands in so doing and to be [illegible] and prosecuted accordingly. Rot. Fran: 35. Ed. 3. m. 3. vid. R. Col. p. 340. 341.

But I ſhall conclude this Subject with a ſhort Account of what became of theſe Soldiers of Fortune, [2] who dividing themſelves into two Bodies, one part of them marched towards *Avignon*, where, ſpoiling the Country, killing the Inhabitants and infeſting the Roads, they grew ſo formidable to the Pope, that He cauſed a Solemn *Croiſido* to be preached up againſt them; in which, tho many Men liſted themſelves under the Command of the Cardinal of *Oſtia*, yet when they found they were to fight without any pay, but only Pardon for their Sins, it was no wonder if that Expedition came to nothing: ſo that the Pope being much put to it, at laſt engaged the Marqueſs of *Montferrat* (who then was making War againſt the *Viſcounts* of *Milan*) to hire theſe Adventurers to aſsiſt Him in his Wars; [3] who treating with their Chief Captain, called ~~Sir~~ *John Hawkwood* an *Engliſh* Man, he agreed with the Marqueſs on conſideration of Sixty thouſand *Florins* of Gold to be divided among his Officers, and ſuch and ſuch Wages to be conſtantly paid to his Soldiers, to go along with Him into *Lombardy*, ſo that firſt there might be obtain'd from the Pope a full Abſolution for all the Miſchiefs they had already done; all which being agreed and perform'd, and the Mony paid down by the Pope, they deliver'd up all the Places they held in their hands, and left the Borders of *Avignon*, and went with the Marqueſs into *Italy*, to the great joy of the *French* King and all his Subjects. But before I quit

An Account of what became of theſe Soldiers of Fortune.

Sir John Hawkwood *and his Men being bought off, go to* Italy.

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[1] Froiſ. c.214.

[2] Mezeray ad hunc An.

[3] Id. ibid.

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[1] Weaver's Fun. Monum. p. 623. *A ſhort Account of this Perſon.* [2] Paul. Jovius Elogia Illuſtr. Viror. L. 2.

quit this Relation, I cannot but take notice, That this *Hawkwood* here mention'd, [1] was the Son of a Tanner in *Eſſex*, who being bound an Apprentice to a Taylor in *London*, quitted his Trade, and went over a Soldier into *France*, where he became ſo famous, that He was Knighted for his Valour, and going into *Italy* (as hath been already ſaid) [2] was ſo much in Favour with *Barnabo* Duke of *Milan*, that He gave him his Natural Daughter in Marriage. After the Duke's Death He ſerved the Common-Wealth of *Florence*, and perform'd ſuch great Actions for them, that dying in their Service, they erected a Noble Monument to his Memory in the Cathedral Church of that City, where his Statue on Horſeback is to be ſeen at this Day: He is called by the *Italian* Authors *Johannes Acutus*, or *de Acuto*, becauſe their Language doth not admit of *W.* and the *D.* is turn'd into a *T.* in the laſt Syllable of his Name. But to return to the Affairs of *England*.

[3] Mezeray ib. Mat. Villani L. 10. c. 45. *Another Plague which beginning in* France, *comes over hither, and takes off divers great Men.*

This Year there fell out [3] another Plague, which beginning in *France*, went on to the Pope's Court at *Avignon*, and there raged with that violence, that there died within the Year no leſs than Nine Cardinals, and Seventy other Prelates; and in the City of *Paris* there periſhed above Thirty thouſand Perſons: and then getting over into *England*, it cut off many Thouſands, eſpecially in the City of *London*, where no leſs than Twelve hundred died on *Midſummer* Day and the Day following, without reckoning thoſe that died before or after that time; and beſides a great multitude of the common People, there died many Conſiderable Noblemen and Biſhops, the Chief of whom was [4] *Henry* Duke of *Lancaſter*, ſo often mention'd in our Hiſtory; a Perſon more remarkable for his great Valour, Prudence and Generoſity, than for his near Relation to the King; He ~~fell~~ dies very much lamented by all Men, and eſpecially thoſe of the Poorer ſort, by whom he was called the Good Duke. He was buried in the Collegiate Church of *Leiceſter*, which himſelf had founded for a Dean and twelve Chanons, where he alſo finiſhed a Noble Hoſpital for an hundred poor People, which ſtill continues, tho the College is demoliſhed, and the large Revenues taken away by K. *Henry* VIII.

[4] Dugd. I. Vol. p. 789. *The Death of* Henry *Duke* Lancaſter.

[5] Id. ib. *His Iſſue.*

He [5] left behind him two Daughters; the Lady *Mathilda* the eldeſt, then about two and twenty years of Age, was married to *William* of *Bavaria* Son of *Lewis* the Emperour, Earl of *Holland* and *Zealand*, &c. but coming not long after her Father's Death into *England*, to take her ſhare of the great Eſtate he left between Her and her Siſter, She died here ſuddenly, of Poiſon as was ſuppoſed; ſo that the whole Inheritance fell to her only Siſter *Blanche*, Wife to the Lord *John* of *Gaunt*, who in her Right the year following was created Duke of *Lancaſter*. There alſo deceaſed [6] *John* Lord *Mowbray*, Father to the Firſt Duke of *Norfolk* of that Name; as alſo [7] the Lord *Reginald Cobham*, a Perſon much employ'd both in Civil and Military Affairs in this King's Reign, with ſeveral Barons of Note. There were alſo taken away Four Biſhops, [8] *viz. Michael Northborough*, Biſhop of *London*; *Reginald Brian*, Biſhop of *Worceſter*; *Thomas Lyſle*, Biſhop of *Ely*; and *Robert Stratford*, Biſhop of *Chicheſter*; to whom we may likewiſe add an *Iriſh* Arch-biſhop, *Richard Fitz-Ralph*, Biſhop of *Armagh*, and Primate of *Ireland*, that great Scholar above-mention'd, who was of ſo famous a Reputation for his Learning and integrity of Life: He died this Year at *Avignon*.

[6] Id. ib. p. 127. *The Deceaſe of the Lds* Mowbray *and* Cobham. [7] Id. II. Vol. p. 68. [8] Vide God. de Præſul. Stow p. 265. *The ſeveral Biſhops that died this Year.*

I cannot here omit a [illegible] circumstance relating to this marriage since it will serve to shew the great subjection even of Princes to the papal constitutions in those times; which is, that this Lady being grand daughter to Edmund Earl of Kent the Kings uncle by his fathers side, and consequently [illegible] in the 2 degree [illegible]

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I find but one Tranſaction ſavouring of any Joy or Gallantry all this Year, and that was towards the latter end of it, [1] when *Edward* the Black Prince (being in the One and Thirtieth Year of his Age) with the King his Father's Conſent, married *Joane* Counteſs Dowager of *Kent*, [2] Widow of the late Earl *Thomas Holland*, who died about the end of the laſt Year: She had been betrothed to *William* Earl of *Salisbury*, from whom by reaſon of a Pre-contract with the Earl of *Kent*, She was ſolemnly divorced by the Pope's Sentence: She had by her laſt Husband two Sons, *Thomas* Earl of *Kent*, and *John* Earl of *Huntington*, afterwards Duke of *Exeter*, being advanced to that Dignity by King *Richard* the Second, his Half Brother.^

Prince Edward *marries the Counteſs of* Kent.

This Year alſo Prince *Lionel* the King's Second Son (and in Right of his Wife, Daughter to *William de Burgh*, Earl of *Ulſter*) was by his Father's † Commiſſion appointed Lieutenant of *Ireland*; in which Charge he carried ſo ſtrict a hand immediatly upon the Natural *Iriſh*, that He forbad them approaching his Court, or ſo much as bearing Arms in his Service; which the Ordinary People ſo much reſented, that tho He ſubdued *O-brian* Prince of *Conaught*, yet they made a ſhift to murther an hundred of his Men in one Night in their Quarters. This being ſuppos'd to proceed from the late harſh Decree made againſt them, it was immediatly revoked; and the Natives of *Ireland* being reſtored to the ſame degree of Favour, as they had enjoy'd under former Governours, He ſo won upon the Affections of that turbulent People, that they yielded a willing Obedience to Him, and the Affairs of that Country proſpered during the reſt of his Government.^

Prince Lionel *is made Lieutenant of* Ireland.

As for Eccleſiaſtical matters, I can find none of any great moment, but that upon the firſt News of the Concluſion of the Peace between the two Kingdoms, [3] Pope *Innocent* ſent his Letters to King *Edward*, bearing date *Prid. Non. Julii, An. Pontif.* 8°. wherein He expreſſes his Joy for the happy proſpect of a laſting Peace, and quickens the King to a ſpeedy Conſummation of that Affair, and that He would ſhew himſelf not only willing, but eaſy and liberal, as to the Ranſom of the King of *France*. The Wars between *England* and *France* being now ended, [4] King *Edward* was pleas'd to reſtore by his Letters Patents unto the Priors-Aliens their Houſes, Lands, &c. which Three and twenty Years before He had confiſcated to his own uſe; of which I ſhall ſay no more, but that in the Reign of King *Henry* the Fifth theſe Priories were wholly diſſolved, and their Lands beſtowed by that Prince and *Henry* the Sixth his Son, on certain Colledges in *Oxford* and *Cambridge*, or elſe to other Monaſteries.

King Edward *reſtores the Lands to the Priors Aliens.*

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The beginning of this Year was remarkable [5] for a prodigious Tempeſt that threw down a great many Towers, Steeples and other ſtrong Buildings; and not long after the King received certain Ambaſſadors from the Kings of *Cyprus* and *Armenia*, who came to deſire his Aſſiſtance againſt the *Saracens*, with whom they were at War. The King for the Diverſion of theſe Strangers, as alſo of the Princes and Noblemen of *France*, who were at that time his Hoſtages, on the Firſt of *May* began a [6] Royal Juſting or Tourneament in *Smithfield*, which was held for five Days together; the King Himſelf, the Queen, and their Children being preſent, with moſt of the Nobility of *England*, and thoſe Princes and Ambaſſadors above-mention'd.

A prodigious Tempeſt.

The Kings of Armenia *and* Cyprus *ſend Ambaſſadors to* K. Edward.

Some-

[1] Sandford's Gen. Hiſt.

[2] Dugd. I. Vol. p. 75.

† Rot. Pat. 35 E. 3. P. 2. m. 10.

[3] O. Raynold. ad hunc An.

[4] Stow Chron. p. 365.

[5] T. W. ad hunc An.

[6] Stow's Survey of London. p. 421.

stood God father to her Son, he was [illegible] prohibited by the Canon Laws for him to espouse her, and thereupon Simon Archb. of Canterbury [illegible] such [illegible] of it [illegible] having [illegible] he not only declared the marriage [illegible] separated from each other [illegible] they continued [illegible] for some time [illegible] the king [illegible] Prince [illegible] of Ireland p. 72 [illegible] Dispensation [illegible] upon condition [illegible] Archb. [illegible] accordingly [illegible] the Countrie being then in a great combustion [illegible] persons having Lands in Ireland should with all [illegible] repair thither [illegible] the Duke of Clarence whom the king had appointed his Lieutenant [illegible] seize their estates [illegible]

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[1] T. W. H. K. ad hunc An. *The K. makes Pr.* Edward *Duke of* Aquitain.

Sometime after this, the King was adviſed by his Council, that ſince the Prince of *Wales* was now married, and in the prime of his Years, He [1] ſhould confer upon Him the Dutchy of *Aquitain*, to be held by Homage of the Crown of *England*: for tho the Lord *Chandois* governed that Country with great Honour and unſpotted Integrity, yet becauſe the Nobility and People of that Province did very much deſire the Prince's Preſence among them, it was thought fit to comply with ſo reaſonable a Requeſt; whereupon in perſuance of it, King *Edward*, being in full and peaceable poſſeſſion of all *Aquitain* by the late Peace and Agreement with *France*, did by his Royal Charter grant and make over to his Son the Pr. of *Wales* all the Land of *Guienne* and *Gaſcoigne*, by the Name of a Principality, for his Life, in which Charter He created Him Prince of *Aquitain*. He alſo granted Him thoſe other Caſtles, Towns and Counties in *Poictou*, *Xaintonge*, *Angoulmois*, *Agenois*, *Limoſin*, *Quercy*, *Rovergne*, and all other Places on the Borders of *Gaſcoigne*, which by virtue of the Peace were to fall to King *Edward*, reſerving the power of erecting *Guienne* into a Kingdom, and retaining the Reſort and Sovereignty both over that Principality, and the reſt that went along with it, to Himſelf. This Charter was dated the Nineteenth of *July* 1362, being the Thirty ſixth of *Edward* the Third. But beſides this Charter of Donation and Creation, there was another bearing date the ſame day, of Explanation, whereby ~~the King~~ more particularly declar'd the Senſe of ~~his~~ Reſervation of the ſaid Reſſort and Sovereignty, ~~and beſides~~ the Tribute of an Ounce of Gold yearly payable to Him by the Prince, at his Palace of *Weſtminſter* on *Eaſter*-day; the Charter of Creation is incorporated in that of Explanation, and on the Margin of the Roll it is entred thus, *Pro* Edvardo *Principe Aquitaniæ & Walliæ*. The Charter of Explanation is in *French*, and that of Creation in *Latin*, both which may be found at large in [2] Mr. *Selden's* Titles of Honour, where the Reader may ſee it tranſcribed from the [3] *Rolls* in the *Tower*; as alſo in *Engliſh* in Mr. [4] *Barnes's* Hiſtory. When the Prince had done Homage to the King his Father, and received his Charter, He prepar'd all things for his Voyage into *France*, which, for that He did not go over before the next Year, I ſhall forbear any further mentioning it, till I come to its proper place and time.

The Effect of it, and the Countries which he was to enjoy thereby.

Reg the King his Father [illegible] the sd. Dutchy or Principality to be [illegible] by the

A [5] few Months after, *viz.* on the Thirteenth of *October*, King *Edward* held a Parliament at *Weſtminſter*, the cauſes of this Aſſembly [6] were declar'd by the Lord Chief Juſtice Sir *Henry Green*, to be for redreſs of Matters relating to the Church, for obſervation of the Peace, for ſettling Affairs with *Scotland*, and enhancing the Price of Wool; all which were then very well order'd, as may be ſeen in the Records and Printed Statutes of this Year. Alſo the Staple of Wools was appointed, tho not by an expreſs Statute, yet with the conſent of both Houſes, to be removed from *London* to *Calais*; for we find in the Records, that the Lords being ask'd their Opinions concerning the repair of the Merchants to *Calais*, their Anſwer was, That they thought it might be profitable for the Realm; the *Commons* indeed demur'd at firſt, till they could confer with the Merchants about it, but at laſt they comply'd with the Lords: and ſome time after (as [*] *Knyghton* relates) the King ſent over Six and twenty of the moſt conſiderable Merchants of the Realm, to hold the *Staple* there for three years, and to keep and defend the Town, every Merchant having a Guard of Six

A Parliament held at Weſtminſter, *with the cauſes of it.*

The Staple of Wool is ſettled at Calais.

* vid the a Copy of it from the original [illegible] Vol: 385. 386 [illegible] find [illegible] the other of explanation like wise from y original

[2] Ch. 3. p. 487.

[3] Rot. Vaſcon. 36 E. 3. M. 18. n. 17.

[4] P. 620, 621.

[5] T. W. Rot. Clauſ. 36 E. 3. m. 16.

[6] Rot. Parl. 36 E. 3. n. 2. Cot. Abridg. p. 92.

[*] Col. 2626.

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Men at Arms and Four Archers at the King's Charges: and beſides the Mayor of the Town, He alſo appointed another to be over the *Staple*, the King being to receive for Cuſtom Twenty Shillings, and the aforeſaid Merchants and Wardens of the Town Forty Pence more upon every Sack of *Wool* there bought. This I mention here, tho it was not put in Execution until the Year following; and ſince this was done by *Aſſent* of *Parliament*, methinks *Walſingham* hath no juſt cauſe to blame the King as he doth, for removing the *Staple* to *Calais*, as contrary to his Oath. In this Parliament alſo was paſſed that Remarkable [1] Statute which ordains, That all Pleadings and Judgments in the Courts of *Weſtminſter*, ſhould be for the future in *Engliſh*, whereas before they were wont to be in the *French* Language. Then [2] on the laſt Day of the Parliament's Sitting, the Petitions of the Commons being granted, they unanimouſly gave the King Six and twenty Shillings and eight Pence on every Sack of *Wool* for three Years, beſides the former Subſidy of * Wool-fells and Skins.

All Pleadings now ordain'd to be in Engliſh.

On the laſt Day of their Meeting, the ſaid Sir *Henry Green* declar'd, That the King being now arriv'd to the Fiftieth Year of his Age, intended to keep it as a *Jubile*, and to ſhew ſeveral Acts of Grace and Mercy to his People; and therefore granted his General and Special Pardon to all, without Fine or paying of Fees for the Seal; and that He ſet all Debtors to the Crown, and Priſoners for Criminal matters at Liberty. In this Parliament alſo the † King by the ſaid L. Chief Juſtice, declared his Second Son *Lionel*, Duke of *Clarence*, which Title He took in Right of his Wife, who was deſcended from the Earls of *Clare*, a Town and Caſtle in *Suffolk*. The King likewiſe further declar'd his Son *John*, Earl of Richemond, and Duke of *Lancaſter*, in Right of his Wife (as hath been already mention'd) and at the ſame time *Edmund* the King's Fifth Son, was created Earl of *Cambridge*. So the King, having paſſed ſeveral Statutes that were very beneficial to the Nation, and perform'd ſeveral Acts of Grace, as you have already heard, diſſolv'd the Parliament after it had ſat about a Month.

The King grants a General Pardon.

He makes his younger Sons Dukes.

The Parliament being thus broke up, the King ſpent the reſt of this Year in his Pleaſures and Diverſions; [3] for He now rode attended by the Principal and Chief Nobility of *England*, and accompanied by the *French* Hoſtages, to ſeveral great Foreſts, as *Rockingham* in *Northamptonſhire*, *Sherwood* in *Nottinghamſhire*, and *Clunne* in *Shropſhire*, and divers other Places, where He hunted all ſorts of Game in ſeaſon, ſpending in his Progreſs an hundred Marks, and ſometimes an hundred Pounds a Day, which was a great Sum in thoſe Times, and more than Five hundred Pounds is now.

As for Eccleſiaſtical Affairs, there is nothing worthy of our Obſervation; only that Pope *Innocent* VI. deceaſed this Year in the Month of *November*, and was ſucceeded by *William Grimouard*, an Abbot of the Order of St. *Benedict* in *Marſeilles*, who was called by the Name of *Urban* the Fifth: But our *Walſingham* is not only out in his Name, calling Him *Gillerin*, but alſo in making Him an *Engliſh* Man, when indeed He was a Native of *Montferrat*; and is the firſt example a long time of any Man, that from a ſimple Abbot, was for his Learning and Piety elected Pope; of whom I have nothing more to obſerve, but that immediately after his acceſſion to the Papacy, [4] He zealouſly preached up the *Croyſado* or *Holy War*, with which the King of *France*

The Death of Pope Innocent *VI. who is ſucceeded by* Urban *V.*

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[1] Vide printed Statute Book 36 E. 3. c. 15.

[2] Ibid.

* Rot.Parl. ib.

† Ibid.

[3] H. K. col. 2627.

[4] Mezeray ad hunc An.

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was ſo touch'd, that having been ſome time before at *Avignon*, and preſent at the Election of this Pope, He not only ſtraight took upon Him the *Croyſado*, but alſo declar'd Himſelf General of the Expedition, tho He liv'd not to undertake it.

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[1] T. W. Froiſ. l. ult. c. penult.

K. Edward *and his Queen take leave of the Prince, who goes over into* Gaſcoigne.

[2] Froiſ. c. 216.

The Ld Chandois *reſigns his Command to the Prince, who makes him his chief Conſtable.*

King [1] *Edward* having kept his Chriſtmas at *Windſor*, not long after went with his Queen and Children to *Berkhamſtead*, a Caſtle of Prince *Edward*'s, to make Him a Viſit, and to take their leaves before He went for *France*; where they tarried ſeveral Days, ſpending them partly in ſerious Conſultations, and partly in Diverſions and Entertainments. Then about the beginning of *February*, the Prince having firſt waited upon the King his Father, took Shipping with the Princeſs and all his Retinue, and in four days time arrived ſafe at *Rochel*, where [2] He was not long after attended by the Lord *Chandois*, Lieutenant of *Aquitain*, who then came from *Niort*, and reſign'd his Command to the Prince: He thereupon made him his Chief Conſtable of all thoſe Territories. From *Rochel* the Prince went to the City of *Poictiers*, where He was attended on by all the chief Lords and Noblemen of *Poictou* and *Xaintogne*, whoſe Homages and Fealties He there received. From thence He went to the City of *Bourdeaux*, where within a few days He received the Homages of the Earls of *Foix* and *Armagnac*, between which Lords there had been great and long Feuds, that had broken into open Wars between them; but they were now by the Prince's Mediation reconcil'd. Here Prince *Edward* kept a noble Court for the ſpace of near three Years, governing the Country with great Clemency, till his unhappy Voyage into *Spain* not only loſt Him the Affections of his *French* Subjects, but alſo moſt of thoſe Territories that had been lately deliver'd up by the King of *France*.

[3] Id. c. 218.

K. Edward *lets the* French *Princes Hoſtages go over to ſollicit their Ranſom.*

In the mean while [3] King *Edward* dealt very kindly with the Hoſtages of *France*, eſpecially thoſe of the Blood-Royal, *viz.* the Dukes of *Orleans*, *Anjou* and *Berry*, who with the Duke of *Bourbon* had leave to go over to *Calais* for ſome time; and during their ſtay there, each of them was to have four days Liberty to ride abroad into the *French* Pale, on the Marches of that Place; provided that at the end of four days, they return'd to *Calais* by Sun-ſetting. x ~~The~~ reaſon of this Favour was, that theſe Princes being nearer their Friends, might thereby ſollicit the raiſing of the reſt of the Mony that was ſtill behind of the firſt payment of King *John*'s Ranſom, that thereby they might regain their Freedom, of which they were mighty deſirous; but King *John* and his Son the *Dauphin* were taken up in Matters of a higher nature, *viz.* their Preparations for the intended Croiſado, to prevent the Duke of *Navarre*'s Deſigns, who at this time began to raiſe freſh Diſturbances in that Kingdom. So that when the Duke of *Anjou* ſaw that He was not like to be ſpeedily releas'd, He grew impatient, and without conſidering his Father's Honour, or his own, took the opportunity during one of thoſe days to break his Parole, and eſcape into *France*; which being done without his Father's Privity and Conſent, He was very much diſpleas'd at it.

x and these Princes fur-
ther agreed by an In-
strument under their
Seals, that since in or-
der to their deliverance
it had been granted
by their [illegible]
Edward [illegible]
should [illegible]
moved to
[illegible]
were kept in Hostage
[illegible]
I [illegible]
finde [illegible]

But it being put off, the Duke of Anjou *makes his Eſcape.*

[4] Rot. Clauſ. 37 E. 3. m. 22. dorſ. Cot. Abr. n. 96.

[5] Rot. Parl. 37 E. 3. n. 1.

I find nothing to have happen'd in *England* conſiderable this Summer, but [4] that on the tenth of *June* the King iſſued out his Writs for a Parliament to meet eight days after *Michaelmas*, [5] when, there not being a full appearance of Members, the Houſes were adjourn'd by Sir

therefore
for their discharge they further agreed that in case those matters were not [illegible]
[illegible] the feast of All Saints next ensuing, the King might [illegible] cause them to be
[illegible] again into England, there to remain in the same condition as before. [illegible]
[illegible] on the originall in [illegible] p. 551. but I find by a former [illegible]
Princes, that the chief reason of granting them this favour was, for [illegible]
Orleans and [illegible] agreed to deliver to [illegible] Persons [illegible] Edward should [illegible]
pose the Places and Castles of Chiset, la Mote, [illegible], and [illegible]
[illegible], all which belong to the said Duke in Poictou, & Xantoigne

governed by ~~him~~ the King, until the accomplishment of ~~[illegible]~~ whatsoever his brother of France promised to performe by ~~[illegible]~~ of the sd. Treaty. viz. of Resigning : see the [illegible] ment in ~~[illegible]~~ Rot. Franc. 37 Ed: m: 13. & R. Col. p. 409. where it as so appears by [illegible] Commission under his great Seal, dated the 16th of May that the sd. Cheindis and others therein were appointed to receive the seizin of the sd. Castles &c. ~~it appears~~ at [illegible] [illegible] ~~[illegible]~~

~~[illegible]~~

Sir *Hen. Green* Chief Juſtice to Friday following. Then *Simon Langham* Biſhop of *Ely*, and Chancellor of *England*, declar'd before the Lords and Commons the reaſon of the King's calling this Parliament; that He was deſirous to know the Grievances of his Subjects, and particularly that He might by their Advice redreſs what Wrongs had been done againſt the Liberties of Holy Church, and alſo reform all Enormities, eſpecially about the manner of exhibiting Petitions. Then after ſome things which were done of courſe, the Commons gave the King their moſt humble thanks for the great Goodneſs He had ſhew'd, and confirm'd unto them with his own Mouth the laſt Parliament; and they humbly pray'd that the King would enjoin the Arch-Biſhops and all others of the Clergy, that they would put up their joint Prayers to Almighty God, for the Proſperity of his Majeſty, in order to the Peace and good Government of the Land, and for the continuance of his Majeſty's good Affection towards his Commons. As for their Petitions to the King, and his Anſwers to them, they may be ſeen in **Cotton*'s Abridgment. I do not find any Taxes given the King in this Parliament; and as for the Statutes made in it, I refer the Reader to our printed Statute-Book, as alſo to the end of this Reign, where you may find the Heads of the chiefeſt of them.

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A Parliament ſummon'd.

* P. 97.

~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible] England [illegible]~~ ~~[illegible]~~ ~~[illegible]~~ yet I do not find that this Treaty was of any effect till near 2 years ~~[illegible]~~ after, when the sd. Duke upon his making over all his right & Interest in these Castles upon the sd. Thomas the Kings youngest Son was set at Liberty; but as for himself and the other three Princes, they all for the present sent & returned into England to remain in the same condition as they were before, since the Terms on which they were to be ~~detained~~ set at liberty were not performed. vid. the Dukes charter to the sd. Ld. Thomas. R. col. p. 453. 45[illegible].

But I cannot but obſerve, that this Parliament was continued by ſeveral Prorogations [1] 'till the third of *November*, when the Lord Chancellor in preſence of the King, Lords and Commons, declar'd, that the King was now reſolved to execute the Statute of *Apparel*, and therefore charged them all to promote the ſame. After which he demanded of both Houſes, whether they would have ſuch matters, as they agreed on, to be by way of *Ordinance* or of *Statute*? They anſwered by way of *Ordinance*, that they might amend the ſame at their pleaſure; and ſo it was done. Then the King thank'd them for their pains taken, and ſo diſmiſs'd them. Where the Reader may obſerve the difference between an *Ordinance* and a *Statute*, the former being look'd upon as a *Temporary*, but the latter as a *ſtanding Law*.

[1] Id. ib.

The Parliament prorogu'd to the 3d of November.

Nota.

About [2] the beginning of *November*, *David* King of *Scotland* came again into *England*, to give the King a Viſit, as alſo to ſee if He could obtain ſome alleviation of his Ranſom; in which, tho I do not find He met with the Succeſs He expected, yet He was honourably received by the King; and divers other great Princes coming hither not long after, He ſtaid ſome months in *England* to enjoy their Converſation: For *Peter*, King of *Cyprus*, having been lately at the Pope's Court, and there took the *Croyſado* (at the ſame time with the King of *France*) went from thence to the Emperor's Court at *Prague*, to ſollicit his Aſſiſtance for this *Holy War*: and having now a deſire to come over into *England* for the ſame purpoſe, the [3] King granted Him Letters of Safe-Conduct, as alſo for *Albert* Duke of *Bavaria*, who accompany'd Him; whereupon theſe Princes landing at *Dover* about *Chriſtmas*, went from thence for *London*; and by the King's Command they were met without the City by the Earls of *Hereford*, *Eſſex* and *Northampton*, with other Noblemen and Perſons of Quality, by whom they were conducted to the ſeveral Houſes that were prepar'd for them, where we ſhall leave them for a time.

[2] H. K. col. 2627.

David *King of* Scots *comes again into* England.

but under the pretence of coming to [illegible] [illegible] appears by [illegible] [illegible] m. 3. vid. R. Col. p. 71.

[3] Rot. Pat. 39 E. 3. p. 2. m. 7.

The King of Cyprus *and Duke of* Bavaria *arrive in* England.

This Year was remarkable for the deceaſe of ſome Perſons of great note; [4] for the Lady *Elizabeth*, Dutcheſs of *Clarence*, now dy'd in the

[4] H. K. ib.

As to foreign Affairs, nothing was transacted worth our notice, only that the Truce with [illegible] was now turn'd into an absolute Peace, upon certain Conditions set down at large in the treaty it self, which with ye confirmation thereof King by Peter surnamed the Cruel, by King Edward. vid. in [illegible] p. 369. to 373. [illegible]

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The Deceaſe of Elizabeth *Dutcheſs of* Clarence.

Prime of her Youth, leaving one only Daughter behind Her by Duke *Lionel* her Husband, called *Philippa*, who afterwards was married to *Edmund Mortimer* Third Earl of *March*; and *Anne* the Daughter and Heir of his Son *Roger*, being married to *Richard* Duke of *York*, his Son *Richard* afterwards laid Claim to the Crown, as right Heir thereof, in the Reign of King *Henry* VI. as you will find hereafter.

* Id. ib. *Of the Lord* Edward Baliol.

This * Year alſo the Lord *Edward Baliol*, who had been King of *Scotland*, till He reſign'd his Title to King *Edward*, departed this Life at *Doncaſter* in *Yorkſhire* without Iſſue, being the laſt of the Family of *John Baliol*; ſo that the Title to the Crown of *Scotland* now remain'd to K. *David Bruce* without any Competitor. ^

Anno Dom. MCCCLXIV.

[1] Froiſ. c. 219. *K. of* France *arrives in* England.

In the beginning of this Year, [1] *John* King of *France* had a great deſire once more to ſee *England*, that He might confer with King *Edward* about the *Holy War*, which He had lately undertaken, as alſo to excuſe his Son's ſtealing away from *Calais*, and to procure the delivery of the other two, with the reſt of the Hoſtages, upon the payment of part of his Ranſom. Theſe were the true Reaſons of his coming over, and not for the Love of the Counteſs of *Salisbury*, as Sir *Richard Baker* and ſome other modern Writers falſely relate: ſo that notwithſtanding ſome oppoſition made by this King's Council againſt his Voyage, yet having a great Honour and Eſteem for the King and Queen, He took ſhipping at *Boulogne*, and landed at *Dover* the fourth of *January*, where He was received by thoſe of the Nobility whom K. *Edward* had ſent to bid Him Welcome: from thence He was conducted to *Canterbury*, where He offer'd a rich Jewel at the Shrine of the pretended St. *Thomas*; and thence He went to the Palace at *Eltham*, where He was moſt kindly receiv'd by the King and Queen, and entertain'd with all ſorts of Diverſions; and ſome time after He was received by the Mayor and Aldermen of *London* in great State, and was by them nobly entertain'd; [2] yet much more by Sir *Henry Picard* a Merchant Vintner of *Gaſcoigne*, who ſome Years before had been Mayor, and now made a magnificent Entertainment at his Houſe (ſince called the *Vintry*,) for no leſs than Four Kings at once, *viz.* of *England*, *Scotland*, *France* and *Cyprus*, beſides the King's Sons and moſt of the Nobility of *England*, who were likewiſe preſent. This deſerves our particular Notice, for as we do not read of ſo many Foreign Princes to have been in *England* at one time, ſo certainly never before had any private Citizen the Honour to entertain ſo many.

Is kindly receiv'd by the King and Queen.

[2] Stow's Survey of *London*, 87, 255. *Sir* H. Picard *late Mayor of* London *entertains Four Kings at once.*

[3] Froiſ. c. 218. *King of* Cyprus *returns into* France *attended by many* Engliſh.

[3] After ſome Months ſtay, the King of *Cyprus*, not being able to obtain of King *Edward* any conſiderable Aſſiſtance either in Men or Mony towards his War with the *Saracens* (yet being nobly preſented) took his Leave, and return'd into *France*, being attended by many *Engliſh* Gentlemen, who would go as Volunteers to this Expedition. Then the former of theſe Kings paſſing thro *France*, went as far as the City of *Angouleſme*, where He was kindly receiv'd by the Prince of *Wales*, whom He would fain have engag'd in his intended Expedition; but not being able to prevail with Him, after He had been nobly entertain'd, and preſented by the Prince and Princeſs, He took his Leave, and was conducted by the Lord *Chandois* to the Borders of the *Engliſh* Territories, and ſo He return'd to *Paris* to the *Dauphin*, who was then left by his Father Regent of *France*.

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But as for King *John*, He had now paid King *Edward* a moiety of One Million of the Three which He was to pay for his Ranſom, whereupon He deſired that his Sons and ſome other of the Hoſtages might be deliver'd; which tho He could not obtain, yet He ſtill continued here, being viſited and treated by the King and his Sons, and taking his Pleaſure in ſuch Sports as He loved. He had his chief Reſidence at the *Savoy*, which then belong'd to the Duke of *Lancaſter*, being at that time one of the moſt Magnificent Palaces in *England*. But not long after, [1] in the beginning of the Spring, the King was taken dangerouſly ill of a languiſhing Diſtemper, which tho our Hiſtorians do not tell us what it was, yet (notwithſtanding all the Endeavours of the Phyſicians) put an end to his Life, the Eighth day of *April* at the *Savoy*, to the great grief of King *Edward*, his Queen, and the *French* Princes and Noblemen. The [2] King made Him a noble Funeral at his own Expence, and cauſed his Body to be tranſported into *France*, where on the Seventh of *May* following it was inter'd at St. *Denis*.

K. John*'s deſire for his Sons Freedom refuſed by K.* Edward.

[1] H.K. Col. 2627.

He ſickens and dies at the Savoy.

[2] Froiſ. c. 121.

This King was eſteem'd one of the moſt Brave and Liberal and ſincere of his Time, being a Prince who inviolably obſerv'd what He once promiſed; but theſe Vertues were much allay'd by his Pride, Wilfulneſs, and Contempt of all other Advice but his Own, beſides great Prodigality, which made Him leave his Subjects to the Diſcretion of his *Financiers*. Theſe failings, with the Raſhneſs and Precipitation He expreſſed in his Enterpriſes, were the chief Cauſes of thoſe great Misfortunes which had befallen Him: but his Son *Charles* the Fifth reſtor'd *France* to its antient Grandeur, by taking quite contrary Methods, and therefore juſtly deſerved the Title of *Wiſe*: Yet his Death was a great Loſs to *England*, for had He lived, it is very probable that He being a Prince of an open, generous Nature, would not have broke the Peace with King *Edward* upon thoſe ſlight Accounts as his Succeſſor did within a few Years after.

His Character.

But before I quit this Subject, I cannot but take notice of a very improbable and malicious Story, which I find only related by [3] *Knighton*, as that King *John* ſhould on his Death bed ask King *Edward*'s Pardon for his Treachery to Him, in having by his Subjects and Confederates collected a great quantity of Gold, which being made into Plates had been put into Barrels, in order to be ſent to *France*; and that they had bought up great quantities of Bows and Arrows and other Arms, which were made up in Wool-ſacks for the ſame purpoſe; as alſo that He beg'd King *Edward*'s Pardon for uſurping the Crown of *France* to his Prejudice: all which, as I have ſaid, being highly improbable, need no formal Confutation.

[3] Col. 2628.

A malicious Story of Knighton *confuted.*

Since *England* now affords us nothing worth farther Conſideration this Year, I ſhall give you a ſhort Account of what happen'd in *France* after the Death of King *John*; [4] where in the beginning of the Reign of his Son *Charles*, aroſe freſh Wars and Diſturbances, by reaſon of the King of *Navarre*, who now laid Claim to the Dutchy of *Burgundy*, which [5] had been already beſtowed upon Prince *Philip*,* King *John*'s Youngeſt Son (who had been lately ranſom'd;) to recover which, the King of *Navarre* raiſed an Army conſiſting of *Engliſh*, and ſuch *French* as ſided with Him. *John de Greilly*, Captal de *Buche*, being his Kinſman and a great Soldier, came to his Aſſiſtance, and was made Commander of his Forces; and Sir *Bertrand du Gueſclin* (whom

[4] Froiſ. c. 120.

The K. of Navarre *raiſes freſh Diſturbances in* France.

[5] Mezeray ad hunc An.

* vid: his death Charles of [illegible] in [illegible] Comp. 121 -22

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[1] Froiſ. ibid. *A Battle between Sir* Bertram de Gueſclin *and the* Captal de Buche.

(whom ſome of our Hiſtorians call *Bertram de Clequin*) a Valiant Knight of *Bretagne*, was over thoſe which were now raiſed by the King; [1] the Iſſue of which was, that the two Generals with their Armies coming to an Engagement, near a Place called *Cocherel* in *Normandy*, where the *Captal* and his Forces, having indiſcretely quitted an advantageous Poſt they had taken, were utterly routed, and himſelf taken Priſoner, tho he was not long after releaſed by the King, in hopes to bring him over to his Party, but He found Himſelf deceived in that Expectation.

[2] Mezeray. Froiſ. c. 225. *On the Death of* Philip, *the K. of* Navarre*'s Brother, his Younger Brother* Lewis *commands his Forces, and makes War againſt the K. of* France.

During [2] theſe Tranſactions, *Philip* Brother to the King of *Navarre*, happening to die, *Lewis d'Evrenx* his Younger Brother muſter'd up his ſcattered Troops, and falling upon *Bourbonnois*, and the Lower *Auvergne*, there ſeiz'd upon divers Caſtles, and ſome of his Men ſurpriz'd *La Charité* upon the *Loire*, a Place of great Importance, to paſs over the River; from whence He made a cruel War upon the Country on this ſide of it, whilſt on the other the Count of *Montbelliard* fell into *Burgundy* to ſerve the Houſe of *Navarre*, which pretended to that Dutchy; but *Philip*, Brother to the King of *France*, who had it granted to Him before, was order'd by the King to defend his Country with ſufficient Forces.

[3] Mezeray, ib. Philip *Brother to the King of* France *carries the War into* Montbelliard, *whereupon Pr.* Lewis *retires into* Normandy.

[4] Id. ibid. Froiſ. c. 227. *The Famous Battle of* Auray, *wherein Count* Charles *of* Blois *his Army is routed.*

In order to which, He carried [3] the War into *Montbelliard*, and thereby forced the Count to quit *Burgundy*; and then ſat down before *La Charité*, where *Lewis* Count *d'Evreux*, not finding himſelf ſtrong enough to raiſe the Siege, retired with his Troops to *Cherbourgh* in *Normandy*: whereupon the Beſieged ſurrender'd upon good Terms, which the Duke then granted them by the King's Order, becauſe He might be in a capacity to ſend the greateſt part of thoſe Forces to the Aſſiſtance of Count *Charles* of *Blois* his Couſin, who was ſtill contending with *John* the Young Earl of *Montfort* for the Dutchy of *Bretagne*. But not long after, [4] that Famous Battle of *Auray* was fought, which decided this long Diſpute between the two Competitors; for *John de Montfort* having beſieg'd that Place laſt mention'd, by the Aſſiſtance of the *Engliſh* Forces, commanded by the Lord *Chandois* (who was ſent thither by Prince *Edward* for that purpoſe) Count *Charles* undertook to relieve it with the Troops of *France*, who were led by the Count *d'Auxerre*, and Sir *Bertrand de Gueſclin*; theſe two Armies gave Battle to each other, near the Place above-mention'd, upon *Michaelmas* Day; the Fight was obſtinate and bloody, and laſted a long while, but the Iſſue was that Count *Charles's* Forces were routed, and Himſelf ſlain upon the Place, who deſerv'd a better Fortune, being a Prince of great Valour and Affability. * *Mezeray* relates, that the *Engliſh* and the Nobility of *Bretagne*, being quite tired with this War, had reſolved before-hand to diſpatch out of the way that Competitor, whoever it ſhould be, that ſhould happen to be worſted and taken in the Fight. By this Victory, as well as ſome other Succeſſes the Year following, the Earl of *Montfort* became not long after ſole Maſter of *Bretagne*; [5] for the Sons of Count *Charles* were ſtill Priſoners in *England*, and his Widow had more of Pride than good Conduct; and tho the Duke of *Anjou* her Son-in-Law would fain have aſſiſted Her, yet the Council of *France* did not think it convenient to puſh this Buſineſs to extremity leſt *Montfort* ſhould again put himſelf under the Homage of the King of *England*; ſo that the

* Ad hunc An.

[5] Mezeray ib. *By which Victory he becomes Maſter of all* Bretagne.

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Whereupon the French make Peace with him, and own him for Duke of Bretagne.

the *French* in a little time made a Peace with him, by the Treaty of *Guerrande*, upon theſe Conditions: That he ſhould for ever enjoy the Dutchy of *Bretagne*, doing Homage for it to the King of *France*, yet that the Widow of Count *Charles* ſhould enjoy the Title of Dutcheſs during her Life; and that in caſe of the Failure of Iſſue of *John de Montfort*, the Dutchy ſhould come to the Right Heirs of the Counteſs of *Blois*. Theſe things were not concluded until the next Year, tho to finiſh this Relation I have put them together under this. x I find nothing els worth noting in relation to France, [illegible] Duke of Anjou having some ~~[illegible]~~ time before [illegible] notwithstanding his solemn Promise to continue one Hostage [illegible] were performed.

On the News of this Victory, K. Edward makes the Purſuivant that brought it, a Herald.

[1] Froiſ. c. 227.

The K. treats about a Match between his Daughter and Earl Edmund.

As to the Affairs of *England*, I find little worth noting; only that within a few Days after the Battle of *Auray*, King *Edward* received Letters from *John* Duke of *Bretagne* (for ſo I ſhall now call Him) his Son in-Law, with an Account of the great Victory He had then gain'd over his Enemy; at which the King was ſo well pleas'd, [1] that He made the Purſuivant at Arms, who was the bearer of the News, a *Herald* by the Name of *Windſor*, which Title continues to this Day. The King was then at *Dover* to meet the Earl of *Flanders*, who was newly come thither to treat with Him, and conclude a Match, that was then on foot, between his Only Daughter and *Edmund* E. of *Cambridge*, the King's Fifth Son, where all things were ſo well approved of, that there wanted nothing in order to the Marriage, but the Pope's Diſpenſation for their being ſo near of Kin. Yet [2] this intended Match was ſoon after broke off, by the *French* King's envious Policy, He craftily hindering the Pope from granting the Diſpenſation; and then He never left courting the Earl of *Flanders*, till He had given his Daughter in Marriage to that King's Brother, *Philip* Duke of *Burgundy*. This I take notice of, becauſe it was from this Prince that thoſe Dukes deſcended, who either by Matches or Conqueſts, becoming Lords of all the *Belgick* Provinces (which we call the *Netherlands* or *Low-Countrys*) afterwards became ſo Powerful, that they were able to give a check to the Power of *France*, and to turn the Scale of Succeſs to that ſide either *French* or *Engliſh*, that they were pleas'd to favour; as you will find in the next Volume, if it ſhall pleaſe God to let me finiſh it. x

[2] T. W.

x I cannot here omit that this year the King caused the greatest part of the royal Castle at Windsor to be rebuilt in a more magnificent manner than it was before, and for this purpose [illegible] Masons were sent for as far as the River Trent [illegible] William of Wickham (afterwards Bp of Winchester) was the Kings cheif surveyor in this new building which was the occasion of his being more highly advanced in the dignities of the Church. for [illegible] was about three years after by the Kings recommendation [illegible] Bishop of Winchester. vid: [illegible] col: p. 568.

[3] H. K. col. 2628.

The Kingdom is much diſturbed by Robbers and Highway-men.

[4] T.W. ad An 1363.

The K. grants the City of London a larger Power over Malefactors.

I have no more to add as to the Affairs of *England*, [3] only that the Wars being now ended, a great many of thoſe Soldiers that had been diſbanded, and had rather do any thing than return to their former Employments, did the laſt Year as well as this, become Robbers and Highway-men; ſome of them breaking up Houſes, and robbing Churches of their Plate, not ſparing the Gold and Precious Stones which adorn'd the Reliques of the Saints, whilſt others robbed upon the Highway, not ſparing any whatſoever. Nay [4] *Peter* King of *Cyprus*, whilſt he travell'd in *England* with a ſmall Train, was ſet upon by a Gang of theſe Fellows, and ſtrip'd of all He had about Him; which no doubt gave Strangers a very ill Impreſſion of the *Engliſh Barbarity*: whereupon King *Edward* was ſo much incenſed, that He did what He could to find out the Miſcreants, and bring them to condign Puniſhment; and in order to it, granted to the City of *London* more ample Power to do Juſtice, and to deliver up Priſoners within their Libertys to the King's Juſtices, as they uſed to do before, tho without his Expreſs Commiſſion.

[illegible] of Gran Pre and Breve as allso to the Lds. de [illegible] and [illegible] The wise Hostages in England [illegible] at the same time sent Letters to the Peers of France complaining [illegible] dealing, and intreating them to do their endeavours [illegible] Hostages to return into England [illegible] Fran: 38 Ed: 3 m. 4 see also these [illegible] of summons in RS: Col. p. 453 to 455 [illegible] I do not find [illegible] again according to their severall engagements and I suppose [illegible] for that the new King of France resolved to take the first opportunity to break the Peace [illegible] one of the main Articles of it.

Preſently

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* Rot. Clauſ. 38 Ed. 3. m. 3. Dorſ.

† Rot. Parl. 38 E. 3. n. 1, 2. Cotton's Abr. p. 100.

A Parliament ſummon'd, the cauſes of which are declar'd by the Biſhop of Ely.

Preſently after *Chriſtmas* on the Octaves of St. *Hilary*, King *Edward* held a Parliament at *Weſtminſter*, which being adjourn'd until the next Day, the * Lords and Commons then met in the Painted-Chamber, there to hear the King's Pleaſure; at which time *Simon Langham* † Biſhop of *Ely* and Lord Chancellor, began in a long ſolemn Harangue to open the Parliament, taking for his Theme that of the Royal Prophet, *Faithful Judgment doth adorn the King's Seat:* from whence he took occaſion to diſcourſe of the great Valour of the King his Maſter, and the manifold Victorys, which by God's Aſſiſtance He had atchieved in his Youth; not forgetting the conſtant and dutiful Good-will and ready Concurrence of the King's Loyal Subjects, towards the furtherance of thoſe his Important Undertakings; for which as the King did now by him return them his hearty Thanks, ſo he let them know, That on his part He was reſolved to ſeek the common Peace and Tranquillity of all his People; eſpecially by enforcing a due Obſervation of all good and wholſome Laws, and by amending ſuch of them as ſhould be thought defective, as alſo by eſtabliſhing new ones, where neceſſity ſhould ſo require.

[1] Id. n. 5, 6. *Their Proceedings.*

Then [1] they proceeded to appoint Receivers and Tryers of Petitions for *England*, *Ireland*, *Wales*, &c. as alſo for *Aquitaine* and other foreign Countrys. The ſame Day the King declar'd with his own Mouth to all the Eſtates, how Citations and falſe Suggeſtions were daily made to the Pope, for Matters determinable in his Court within the Realm, and for procuring *Proviſions* for Eccleſiaſtical Dignitys, to the great Scandal of the Antient Laws, the Derogation of his Crown, to the daily conveying away of the Treaſure of the Land, to the Diminution of Eccleſiaſtical Livings, to the withdrawing of Divine Service, Alms, Hoſpitality, and other Good and Acceptable Works, and to the daily encreaſe of all Miſchiefs, &c.

[2] Rot. Parl. n. 7.

[3] Vid. Stat. 27 Ed. 3. c. 1.

The ſecond Statute againſt Proviſors made.

[4] Vid. Stat. 38 Ed. 3. c. 2.

[2] Then the King from his own Mouth alſo farther requir'd them, That according to a former [3] Statute heretofore made, another Act more ſtrict, but to the ſame purpoſe, ſhould be now made againſt the Pope's *Proviſions* of Biſhopricks and other Eccleſiaſtical Dignities and Benefices, and againſt all that have obtain'd or ſhould obtain any ſuch Benefices by virtue of ſuch *Proviſions*, or ſhould ſerve any Proceſs or Citations to the Pope's Court for that purpoſe: which Act was made accordingly, for which I refer you to the [4] Printed Statute Book, which agrees with the Record, except that there are found therein far more ſharp and biting words againſt the Pope, than are to be found in the Print; but why they were omitted by the Publiſher I cannot ſay.

[5] Rot. Parl. ib. Cot. Abridg. ibid.

The Commons Petitions, with the King's Anſwers.

* *i. e.* Melcomb Regis *in* Dorſetſhire.

† Ib. n. 31. *The K. thanks the Lords and Commons for their Good will.*

Then [5] follow the Petitions of the Commons, with the King's Anſwers to them, the moſt remarkable of which are theſe: The Commons pray, that Three Shillings and Four Pence laid upon every Sack of Wool at *Calais*, and all other unreaſonable Impoſitions may ceaſe. (Anſwer,) The King willeth, that all unreaſonable Impoſitions ſhould ceaſe. It was alſo then agreed, that the *Staple* being removed from *Calais*, ſhould be held at * *Melcomb*, and at *Ipſwich*; and that all Merchants and others for their eaſe, may ſhip Wool at *Lewes* and other Places. As for the reſt of the Statutes that were made this Parliament, you may find them in the Statute-Books. † Then the Buſineſs of this Parliament being finiſhed, the King gave Thanks to the Lords and Commons in Parliament for their good Affection to Him, and ſo diſmiſſed

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miſſed them on the Seventh of *February* following. So that tho this Parliament began in the latter end of the Eight and thirtieth Year of this King's Reign, yet it was not diſſolv'd till the beginning of the Nine and thirtieth.

After this the Pope, to be even with the King for this ſtrict Law He had lately cauſed to be made againſt his *Proviſions*, did this Year write [1] Him a Letter bearing date at *Avignon* in the beginning of *June*, whereby He demanded the Arrears of his Rent or Tribute, for the Kingdoms of *England* and *Ireland*, which had been granted by King *John*; but what Anſwer was made to this Letter, you will find in the Proceedings of the Parliament the next Year. But this affords little more remarkable, ſaving that the King cauſed the Lord Chief Juſtice Sir *Henry Green*, and Sir *William Skipwithe* one of his Juſtices, to be arreſted and impriſon'd, on the account of many notorious Extortions and Enormitys which He underſtood they had committed againſt Law and Juſtice; nor could they redeem themſelves from Priſon, without paying the King very large Fines, which by Injuſtice they had got from Others: but for ever after they were ſecluded from both their Places, as well as from his Favour.

The Pope demands his Arrears of Tribute.

The King impriſons the Chief Juſtice, and one of the Juſtices for Extortion.

This Year King *Edward* married his Daughter the Lady [2] *Iſabella* to a Young *French* Lord, named *Ingelram de Guiſnes*, who was Baron of *Coucy* and divers other great Lordſhips in *France*. He had ^ come over into *England* the laſt Year, and ſo far recommended himſelf to the King by his handſom Perſon and obliging Carriage, that making Love to this Lady, he not only obtain'd her Favour, but the King's Aſſent to the Marriage, which was Celebrated at *Windſor* with great Magnificence, upon which he was created Earl of *Albemarle*, to Him and the Heirs of his Body, and had at the ſame time alſo granted him divers Mannors and Lordſhips in *England*; and he was ſome Years after made Duke of *Auſtria* by the Emperor, tho he never obtained any more than the bare Title.

The King marries his Daughter Iſabel *to the Lord of* Coucy.

^ had been one
of the French
Hostages, and being
set free, came over &c

This Year alſo the King [3] Founded and nobly Built a new College in *Cambridge*, which was called the *King's Hall*, and endowed it with large Revenues; which being afterwards augmented with two or three other ſmall adjoyning Foundations, was by King *Henry* VIII. named *Trinity College*: and albeit He never lived to finiſh it, yet it is now one of the moſt Noble and Magnificent Foundations of that kind in *Chriſtendom*.

As for Foreign Affairs, [4] tho the deſign'd *Croiſado* was defeated by the Death of *John* King of *France*, yet nevertheleſs *Peter* King of *Cyprus*, having receiv'd ſome Aſſiſtance in Mony from the Princes of *Chriſtendom*, and alſo gather'd ſome Troops of Voluntiers in *England*, *France* and other Countries, which were alſo joyn'd with a great many of the Knights Hoſpitallers, they all together made ſo conſiderable a Force, that landing in *Egypt* they valiantly took the City of *Alexandria*, where they found a great deal of rich Plunder; to keep which the *Engliſh*, *Gaſcoigne*, and other Voluntier Commanders being more careful than of their Honour, they with their Soldiers under their Command retired to their Ships, and thereupon forced the King to quit the Enterprize and follow them.

Peter *King of* Cyprus *takes the City of* Alexandria, *but is preſently forced to quit it.*

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[1] O. Raynold. ad hunc An.

[2] Sandf. Gen. Hiſt. p. 178. Froiſ. c. 219.

[3] Vid. Caii Hiſt. Acad. Cantab.

[4] Mezeray ad hunc An.

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[1] Rot. Parl. 40 Ed. 3. n. 1, 2. Cot. Abridg. p. 102.

Another Parliament, the Cauſes of which are declared by the Lord Chancellor.

[2] Ib. n. 3, 4, 5, *&c.*

[3] Ib. n. 7.

The Chancellor communicates to them the Pope's late Demand of the Arrears of the Tribute.

This Year paſt without any thing conſiderable, till the Thirtieth of *March*, on which day King *Edward* held a [1] Parliament at *Weſtminſter*; at the opening whereof in the *Painted Chamber*, the Biſhop of *Ely* Lord-Chancellor declar'd, in preſence of the Lords and Commons, the Reaſons why that Parliament was called, which in effect were theſe; That ſince the King had ſent his eldeſt Son, the Prince of *Wales*, to govern the Country of *Aquitain*, as alſo the Duke of *Clarence* his next Son, then living in *Ireland*, to be his Lieutenant there, his chief care now was, how He might beſt govern his Realm here at Home; and [2] ſo having appointed Receivers and Tryers of Petitions for *England*, *Ireland*, *Wales*, and other Countries, they adjourn'd until the next day, when the Chancellor, in the preſence of the King, Lords and Commons, declar'd, [3] That he had the day before inform'd them in general of the Occaſion of their aſſembling, and that now they ſhould know it more particularly, there being a Matter of great Importance which the King was reſolved to communicate to them, *viz.* He had lately received Notice, that the Pope in conſideration of the Homage which King *John* of *England* had formerly paid to the See of *Rome*, for his Realm of *England* and Dominion of *Ireland*, and of the Tribute then by Him granted unto the ſaid See, intended by Proceſs to cite the King to his Court (then at *Avignon*) to anſwer for his Default, in not performing what the ſaid King his Predeceſſor had ſo undertaken for Him and his Heirs, Kings of *England:* Whereupon the King required the Advice of his Parliament, what Courſe He had beſt to take, in caſe any ſuch Proceſs ſhould be attempted againſt Him.

[4] Ib. n. 8.

The Declaration of the Lords and Commons againſt King John's *Power of ſubjecting his Realm to the Pope.*

[4] Then the Biſhops, Lords, and Commons, each of them ſeverally, deſired time till the next day to give in their Anſwer, when the Prelates, Dukes, Earls, Barons and Commons, upon full deliberation, declared as follows: That neither King *John*, nor any Other, could bring Himſelf, nor his Realm nor People in ſuch ſubjection, without *their Aſſent*, as appears by many Evidences; and if it were done, 'twas without their Aſſent, and againſt his Coronation-Oath; and alſo the ſaid Eſtates above-mention'd, further agreed and granted, That in caſe the Pope ſhould attempt any thing by Proceſs, or any other way, to conſtrain the King or his Subjects, to perform what He ſays He lays claim to in this reſpect, they would reſiſt and withſtand Him with all their Power. Thus was this haughty Demand of the Pope, by the ſtout oppoſition of the Biſhops, Lords, and Commons, quaſhed for ever, for I do not find that it was ever again demanded.

† Ib. n. 9, 10. Cot. Abridg. p. 102.

The Univerſities Complaints againſt the Mendicant Friars, refer'd to the King & Lords.

In this Parliament † the Univerſities of *Oxford* and *Cambridg* made great Complaints againſt the *Mendicant-Friars*, as theſe did likewiſe againſt the Univerſities; and their Cauſe was warmly managed by Proxies on both Sides before the King and Parliament; but in the end both ſubmitted to the Pleaſure of the King and Lords, who having deliberated on this Matter, made an Order, That for the future, as well the Chancellor and Scholars, as the Fryars of thoſe Orders within the ſaid Univerſities, ſhould in beſtowing all *Graces* and School-Exerciſes, uſe each other in a Friendly manner, without any noiſe and diſturbance; and that none of thoſe Orders ſhould receive any Scholar into their Fraternities being under the Age of Eighteen Years: and that the Fryars ſhould take no Advantage, nor procure any Bull, or other Proceſs from the Court of *Rome* againſt the ſaid Univerſities, or proceed therein; but that the King alone ſhould have Power to redreſs and determine all Controverſies between them for the future, and the Offenders ſhould be puniſhed at the Pleaſure of the King and his Council.

The Parliament continued until the Eleventh of *May*, * when the Lord Chancellor declar'd, That the King having married his Daughter *Iſabella* to the Lord *de Coucy*, who had a fair Eſtate both in *France* and *England*, it would be for the King's Honour to create him a Peer of *England*, which [1] all the Lords there preſent agreed to be very convenient: Whereupon He by his Letters Patents dated the ſame day, created Him Earl of *Bedford*; and for the better ſupport of Him and his Lady, gave Him a Grant of a thouſand Marks *per Annum*, to be paid out of the *Exchequer*, as alſo thirty Marks more out of the Iſſues of the County of *Bedford*, to be yearly paid by the Sheriff of that County. Here you may obſerve, that the Parliament did not quarrel with the King, or find fault with his marrying his Daughter to a *French*-man tho a Subject, or that he had confer'd upon Him ſo great an Eſtate out of the Lands belonging to the Crown, or that He would now make him a Nobleman of *England*; for tho it was uſual with this King not to create either Dukes or Earls (even his own Sons) without the privity of the reſt of the Peers, yet we do not find that ever He asked the Conſent of the Commons, or that it paſſed into an Act or Statute, all the Charters of their Creation being granted by the King alone, without the Conſent of the Parliament at all mentioned in them.

* Rot. Parl. 40 Ed. 3. n. 13. Cot. Abridg. p. 103.

The King Creates the Lord de Coucy *Earl of* Bedford.

[1] Rot. Pat. 40 E. 3. m. 12.

As for Eccleſiaſtical Affairs, [2] *Simon Iſlip* Arch Biſhop of *Canterbury*, deceaſing of a Palſie on the Six and twentieth of *April*, the Monks of *Canterbury* choſe *William Edington*, then Biſhop of *Wincheſter*, for Arch-Biſhop; but he declin'd the Dignity, wittily ſaying (as it is reported) *That* Canterbury *was the higher Rack, but* Wincheſter *the better Manger:* So that upon his Refuſal, they choſe *Simon Langham*, Biſhop of *Ely*, who was then tranſlated to the See of *Canterbury*.

[2] God. de Præſul. de Epiſ. Wint.

Simon Iſlip *Arch-Biſhop of* Canterbury *deceaſing, is ſucceeded by the Biſhop of* Ely.

I ſhall now proceed to Foreign Affairs, eſpecially ſince they are ſo nearly conjoyn'd with thoſe of *England*. *France* continued ſtill to be much [3] diſturbed by thoſe diſbanded Soldiers, who called themſelves *Companions*, and who, ſince the Wars of *Bretagne* were ended, had liſted themſelves in new Troops, but under the Command of ſeveral of their former Captains; theſe being moſt of them *Gaſcoignes* or *Engliſh*-men, and but few *Bretons* or *French*-men among them, it very much incenſed the *French* Nobility, who laid the Fault on King *Edward*, and his Son the Prince, that they had not done their utmoſt to ſuppreſs them; for not long before, [4] the Dukes of *Orleans* and *Anjou* who were ſent againſt them by King *Charles* their Brother, with an Army of fifteen thouſand Men, were routed, and many of them taken Priſoners by theſe *Companions*, then commanded by Sir *Nicholas Dagworth*, Son to Sir *Thomas Dagworth*, that had been treacherouſly kill'd in *Bretagne* ſeveral Years before: Yet I give no credit to what the ſame Author relates, that they took both the ſaid Dukes Priſoners, ſince that would have made ſo great a Noiſe, that it could not have eſcaped being mention'd by ſome of the *French*

[3] Froiſ. c. 229.

France *ſtill diſturbed by the Troops of the* Companions.

[4] H. K. col. 2628.

The Army of the Dukes of Orleans *and* Anjou, *routed by them.*

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[s] T. W.

The French *King ſends to* K. Edward *to ſtop their Progreſs.*

King Edward *commands them to quit* France; *which ſome few obey, but moſt of them make an inſolent Anſwer.*

Hiſtorians: However this is more certain from our Author[s], that the *French* K. was ſo terrified with the great Succeſs of theſe *Companions*, that He ſent to K. *Edward*, deſiring Him to interpoſe his Authority againſt thoſe Men, who were for the moſt part *Engliſh*, or at leaſt his Subjects; for it was ſo provided in the Articles of the Peace at *Bretigny*, That if the Soldiers on either ſide ſhould refuſe to acquieſce, both the Kings ſhould join together to compel them. Upon this King *Edward* firſt ſent out his Letters, or Proclamation, commanding them on their Allegiance to quit *France*, and no longer to infeſt that Kingdom. Some few obeyed, but moſt of them made anſwer, That as they held nothing there of the King of *England*, ſo neither for Him, nor any one elſe, would they leave their Gariſons and Livelihood, they had got with ſo much Labour. Whereupon the King, enraged at this Inſolence, immediately prepared to chaſtiſe them in Perſon with a Royal Army. But when King *Charles* heard of his Preparations, He began to fear, leſt after King *Edward* had deſtroyed the *Companions*, He Himſelf might become a Prey, under ſome Pretence or other that Conquerors can eaſily find out: Wherefore He ſent again to Him, deſiring Him to deſiſt, and ſtay at Home, for now He did not need his Aſſiſtance. At which Affront King *Edward* was ſo diſpleas'd, that He ſwore by St. *Mary*, He would never ſtir again to aſſiſt the King of *France*, tho the *Companions* ſhould endeavour to expel Him his Kingdom.

The King offers to go over in Perſon to ſuppreſs them, but is hindered.

* Mezeray ad hunc an.

Bertrand de Gueſclin *carries many of the* Companions *into.*Spain.

Peter King of Caſtile *being for his Cruelty oppoſed by* Henry *his Brother, is driven out of* Spain.

But now when there were no hopes by Force to repreſs theſe Plunderers, the Valiant *Bertrand de Gueſclin* found means to carry a great many of them upon an Expedition into *Spain*, and that upon this occaſion: * *Peter*, King of *Caſtile*, to whom the *Spaniſh* Hiſtorians give the Sirname of *Cruel* ~~and Wicked~~, and that not without cauſe, for He overturn'd all the Laws, and committed Cruelties equal to thoſe of the Antient Tyrants, and not only lived in open Adultery with *Mary de Padilla*, whom afterward He marryed, but poiſon'd his Queen *Blanche*, Siſter to the Queen of *France*: After which He put many of the chief Noblemen to death, without any Crime proved againſt them, and ſpar'd not his own natural Brothers, of whom there were three ſtill living: For having put the ſecond of them called *Frederick* to death out of mere ſuſpicion, He endeavour'd to do the like to the Eldeſt called *Henry*, Count of *Taſtamara*; who taking Arms in his own Defence, and forming a great Party in the Kingdom, made a League with the King of *Arragon*, and by theſe means, for ſome time, made War upon his Brother. But *Henry*'s Forces being at laſt vanquiſhed by thoſe of the King, he was driven out of *Spain*, and forced to take Refuge in *France*; where K. *Charles* the more willingly granted him his Protection and Aſſiſtance, becauſe He now found a fair Occaſion of ridding the Kingdom of thoſe diſbanded Soldiers that diſturbed it: And in order to this, He treated with theſe *Companions* by the means of *Bertrand de Gueſclin* abovemention'd, who was lately ranſom'd from his Impriſonment, by the Pope and the *French* King for that purpoſe (the former of whom had now excommunicated Don *Pedro*): And tho *John de Bourbon* Earl of *Marche* (Couſin to Queen *Blanche* deceaſed) was appointed their General, yet it was this *Bertrand*, whom they indeed looked upon as their Leader, being then in high eſteem for his Valour and Conduct. With theſe Troops of the *Companions*, beſides a great number of Gentlemen Voluntiers, the Earl of *Marche* and this *Gueſclin* conducted Count *Henry* into *Spain*, the King of *Arragon* giving them paſſage thro his Country: but ſo ſoon as they had enter'd *Caſtile*, all the Nobility of that Kingdom, except one Nobleman, (*viz. Hernando de Caſtro*) revolted from K. *Pedro*, and betook themſelves to *Henry*'s Party, who being joyfully received into the City of *Burgos*, was there crown'd King about the end of *March* the foregoing Year: But too ſoon looking upon Himſelf ſettled in the Throne, He not long after diſmiſs'd moſt part of his Foreign Troops, retaining only Fifteen hundred Lances under the Conduct of *Gueſclin* and *Bernard*, baſe Son to the Earl of *Foix*.

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He is aſſiſted by the E. of Marche *and* Bertrand de Gueſclin, *where the Nobility of* Caſtile *make* Henry *King.*

King [7] *Pedro*, finding He was thus deſerted by his Subjects, took Refuge in the Caſtle of * *Corunna*, with his Wife and Daughters, and a ſmall Retinue; but finding He could not be long ſafe there, He wrote Letters to Prince *Edward* by certain Meſſengers on purpoſe, humbly imploring his ſafe Conduct to come to Him, as alſo his Aſſiſtance to reſtore Him to the Crown: Which Letters being received by the Prince, after ſome Debate with the Lords of his Council, it was at laſt reſolved, That they ſhould ſend ſome Ships to fetch King *Pedro* from *Corunna*; but before they could ſet out, He Himſelf arrived at *Bayonne* with his Daughters, his new Wife being lately dead: From whence He was conducted to the Prince's Court at *Bourdeaux*, where He was kindly received and nobly entertain'd; and upon renewing his Requeſt to the Prince for his Aſſiſtance to reſtore Him, it was again ſtiffly debated in Council; ſome of the more prudent maintaining, that it was neither ſafe, nor yet worthy of his Highneſs's great Honour and Reputation, for Him to undertake the Defence of ſo *Cruel* and *Wicked* a Tyrant, who could ſcarce be obliged by any Articles to perform the Conditions that ſhould be agreed on between them, or indeed to perform the common Duties of Gratitude.x But the Prince being moved by Principles of Honour, made anſwer, That tho He knew He had committed a great many horrid Actions, yet ſince He had implored his Aſſiſtance, He did not think fit that a Baſtard ſhould diſinherit his Brother, the right Heir of the Crown, which no King nor their Sons ought by any means to permit, ſince it was an Affront and Prejudice to their Royal Dignity; and beſides this He urged thoſe Antient Alliances that had been made between the King his Father and Don *Pedro*: Upon all which Conſiderations He was reſolved to give Him his Aſſiſtance, with which Opinion his Counſellors at laſt alſo complyed; nevertheleſs it was reſolved that nothing ſhould be concluded, till He had received the King his Father's Advice and Conſent concerning it. Whereupon the Prince preſently diſpatched four Knights into *England*, who having deliver'd his Letters to the King his Father, it was by Him propos'd in Council what was fit to be done in this Affair; where upon a long and ſerious Debate, it was carried by the major part, that it was both juſt and reaſonable for the Prince to aſſiſt and protect the King of *Caſtile*; and the Duke of *Lancaſter* then obtain'd leave to go over and aſſiſt the Prince his Brother in this intended Expedition.

[7] Froiſ. c. 231.

* Froiſſart *calls it* Coulogne, *but I ſuppoſe it is a miſtake in the Scribe.*

Peter *takes Refuge at* Corunna.

He arrives at Bourdeaux, *and is kindly received by the Prince.*

x concluding with this remarkable passage, that all that this wicked Prince had suffer'd was but the rod of God sent to chastise him, and to give example and warning to other Christian Kings and Princes that they should not act like him. Froiss.

The Prince ſends to his Father for his Conſent, which is granted.

So

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[1] Id. c. 132.

The Prince ſummons the Eſtates of Aquitain, *who agree to this War on certain Conditions.*

The [1] Meſſengers being return'd to *Bourdeaux*, deliver'd to the Prince his Father's Letters, and thereupon He aſſembled a Council or Parliament of the Eſtates of *Aquitain* and *Bayonne*; who, finding their Prince highly inclin'd to this Voyage, came to this Reſolve, That they were willing enough to undertake it, provided they and the Men they ſhould raiſe, might be well paid and rewarded for their pains; which King *Pedro* promiſing and undertaking to perform, the Expedition was immediately agreed to by them all; and in the mean time the Prince Himſelf engaged to advance whatſoever Mony ſhould be neceſſary for this Undertaking.

The King of Navarre *perſwaded to join with* Don Pedro.

* See the Ar: ticles of this Agreement at ~~large in~~ large R 3 vol. p. 515 to 520.

* *In* Froiſſart *it is* Francs, *but it ſhould be* Florins, *as all other Writers have it.*

In ſhort, it is needleſs to repeat all the Conditions that were agreed to between this expel'd King and the Prince, in order to his Reſtoration, ſince He never perform'd any part of them as He ought to have done; only it is worth our notice, that *Charles* King of *Navarre*, being now return'd into his own Kingdom, was (tho with ſome Difficulty) perſwaded to quit it for a time, and come to this Aſſembly, where He made an *Agreement with Don *Pedro* and the Prince of *Wales*, upon that King's Promiſe to reſtore certain Territories and Places, which He had forcibly ſeized on the Borders of *Navarre*; and upon paying down twenty thouſand * *Florins*, He would order the Paſſages of the *Pyrenean* Mountains to be laid open, thereby to give the Prince's Army a free Way into *Caſtile*, without which it had been impoſſible for them to have got thither, ſince the King of *Arragon* their Enemy, had ſtopped up all the Avenues thro his Territories.

The Conditions granted by Don Pedro *to the Prince of* Wales.

x but also to indemnity, and satisfy for all other expences he should be at in this expedition, amounting in the to 550000 flor. See y Agreement [illegible] p 528 x See likewise a copy of it from the Original in R vol. 529

† Ex Charta in Cam. Ducat. Lancaſt. *cited in* Sandford's *Gen. Hiſt.* p. 185.

The Prince's Grant to the D. of Lancaſter.

King Pedro's *Charter of Precedence granted to K.* Edward.

But the Prince at that time obtain'd of King *Pedro* very advantageous Conditions, ſince He not only engaged to pay fifty five thouſand *Florins* for the Wages of his Army, and likewiſe left his two Daughters Pledges for the Mony, but alſo by his Charter transfer'd the Caſtles of *Vermejo*, *Lequitio*, *Bilbao* and *Ordiales*, with the Province of *Biſcay*, to Pr. *Edward* and his Heirs for ever, wholly diſcharg'd of all Sovereignty and Reſort; and accordingly we find the Prince to uſe, beſides his former Titles, that of Lord of *Biſcay*, and of the Caſtle of *Ordiales*, as appears by an † Inſtrument bearing date the eighth day of *October* in the Year 1370. whereby He grants unto his Brother *John* Duke of *Lancaſter*, the Caſtle and Town of *la Roche Sur Yon*, and ſtiles Himſelf *Edward*, eldeſt Son of the King of *France* and of *England*, Prince of *Aquitain*, &c. Lord of *Biſcay*, and of the Caſtle of *Ordiales*. And as a farther Teſtimony of the great Honor and Reſpect K. *Pedro* had for K. *Edward* and the *Engliſh* Nation, He then ſeal'd another Charter, whereby He granted to King *Edward*, and the Prince his Son, and to their Heirs and Succeſſors, Kings and Princes of *England* for ever; that whenſoever it ſhould pleaſe any of them to be in Perſon in the Wars with any King of *Caſtile*, againſt the King of *Granada*, or any other Enemy of the *Chriſtian* Faith, they ſhould have the chief Place in the Vanguard, above all other Princes of *Chriſtendom*; and that altho at ſuch a time neither of them ſhould be there in Perſon, yet there ſhould always be provided by the Kings of *Caſtile* and their Succeſſors, a Standard of the Arms of *England*, to be born in the ſame place for the Honour of *England*. This Charter is ſtill preſerved in the Chapter-houſe at *Weſtminſter*, and is publiſh'd in the Original *Spaniſh* by the Learned Mr.

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* *Selden* in his *Titles of Honour*; and in *Engliſh* by the Reverend Mr. † *Barns*, in his elaborate Hiſtory of King *Edward* III. yet theſe were all mere empty Titles, and ſignified nothing either to this King or his Son.

* 1 Part. c. 8. p. 266.

† P. 684.

[a] All things being thus ſettled between theſe two Kings, and Prince *Edward* (who was now reſolved to reſtore *Don Pedro*) there was nothing remaining, but to find old experienced Soldiers ſufficient for ſo great an Enterprize; for which purpoſe He ſent private Meſſengers into *Spain* to the *Engliſh* Captains and Officers of the *Companions*, [b] the chief of whom were Sir *Hugh Calverly* and Sir *Robert Knolls*, who had lately help'd to place King *Henry* on the Throne, to engage them and their Followers to quit his Service, and come and ſerve the Prince of *Wales*, which they being moſt of them *Engliſh*-men, or *Gaſcoignes*, readily accepted, as well out of Duty as hopes of Plunder; and ſo having obtain'd of K. *Henry* the Pay due to them and their Men (He being glad to be rid of ſuch troubleſom Gueſts, and thinking himſelf ſafe enough without them) gave them leave to depart: Upon which leaving *Caſtile*, they paſſed over the Mountains of *Navarre* into *France*; in [c] the Borders of which being ſet upon by the Nobility of thoſe Parts, who looked upon them as the ſworn Enemies of their Country, they could not get into Prince *Edward*'s Territories without great Difficulties; for when they came near *Montauban*, to the number of about four or five thouſand, the Earl of *Narbonne*, and the Seneſchal of *Tholouſe*, with the Governours of other Towns for the *French* King, having got together ſufficient Forces, fell upon them, and there began a furious Battel between them; but at laſt the *Companions* being aſſiſted by Sir *John Combes* Governour of that Place for the Prince, defeated the *French* Army, and took the Earl of *Narbonne* and ſeveral others Priſoners, with a great deal of rich Booty, and killed a great number of them upon the place. This Victory was obtain'd the fourteenth of *Auguſt* this Year: And theſe *Companions*, tho in ſeveral Parties, arrived at laſt at *Bourdeaux*, to the number of about Twelve thouſand, whom the Prince paid and maintain'd to his great Charge all the reſt of the Year.

[a] Froiſ. c. 133.

[b] T. W.

Prince Edward *ſends to the* Companions *in* Spain *to come to his Aſſiſtance.*

[c] Id. c. 134.

They leave Spain, *and defeat the* French *Army.*

But I muſt here obſerve, that one main Reaſon why theſe *Companions* ſo eaſily quitted King *Henry*, was, that *Bertrand de Gueſclin* who had brought them over to Him, was then gone back to *France* about his own Occaſions: Yet ſo ſoon as he heard of Prince *Edward*'s Deſign, he immediately return'd back with a ſtrong Party of *Bretons* to ſupport King *Henry*'s Intereſt: and I take the more notice of this, becauſe * *Mezeray* ſuppoſes, that the great Jealouſie Prince *Edward* had entertain'd of the Glory that *Gueſclin* had gain'd by his late Expedition into *Spain*, was the chief Reaſon why the Prince now undertook to reſtore King *Pedro*; whereas it appears by what hath been already related, that the Prince perform'd this upon nobler Motives; neither was the late Succeſs of *Gueſclin* (a mere Soldier of Fortune) over King *Pedro*, who had been deſerted by his Subjects, a proper Object of the Envy of ſo famous a Warrior as the Prince of *Wales*.

Upon the News of Pr. Edward's *engaging in this Enterprize,* Bretrand de Gueſclin *returns into* Spain.

* Ad hunc An.

The [a] reſt of this Year was ſpent in making ſufficient Proviſions both of Men and Mony in order to the next Campagne, which the Prince reſolved

[a] Froiſ. c. 133.

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[s] Id. c. 135. *King of* Majorca *applys to* Pr. Edward *to be reſtor'd to his Kingdom.*

reſolved to undertake ſo ſoon as the Seaſon would permit: But He was then ſo grievouſly put to it, that he was forced to melt down his Plate into Mony, to give to theſe *Companions* who were come to his Aſſiſtance. In the mean while I find nothing worth obſerving, [s] but that *James*, King of *Majorca*, the Son of him who is falſly ſuppoſed to have been kill'd at the Battel of *Creſſie* (or as Others relate, murder'd by his Uncle *Pedro*, King of *Arragon*, in Priſon at *Barcelona*) indeed had been lately married to *Joan* Queen of *Naples* and *Sicily*, and now applied Himſelf to Prince *Edward*, imploring his Aſſiſtance to revenge the Death of his Father, and to recover his Right in the Kingdom of *Majorca*, and to the Earldoms of *Rouſſillon* and *Cerdonna.* The Prince made Him very welcome, maintain'd Him ſuitable to his Dignity, and gave Him great hopes that He would reſtore Him to the Dominions his Father had loſt; but tho He attended the Prince in his Expedition the next Year, yet I do not read that He was ever able to do any thing for Him. Nor do I meet with any thing to have been done in *England* in the mean while, but that King *Edward* gave leave for a great Number of Voluntiers to liſt themſelves for the Prince's Service, who were commanded by *John* Duke of *Lancaſter* to go to his Brother the Prince of *Wales*, being in all Four hundred choſen Men of Arms, and Four hundred Archers; at the News of whoſe coming He very much rejoiced.

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[t] T. W. Froiſ. c. 136. K. Richard *the 2d born at* Bourdeaux.

While the Prince of *Wales* was thus imployed at *Bourdeaux* in making Preparations for his intended Expedition, the beautiful Princeſs his Conſort was on [t] the Twelfth Day brought to Bed of a ſecond Son, who was called *Richard*; and after the Death of *Edward* his elder Brother (who died about ſeven Years of Age) and the deceaſe of his Father and Grandfather, He ſucceeded Him by the Name of King *Richard the Second.*

[u] Id. ib. *The Prince leaves* Bourdeaux, *and comes to* D'aſt.

So ſoon as this [u] Infant was Chriſtened, Prince *Edward* with King *Pedro*, attended by a great Number of the Nobility, left *Bourdeaux*, and followed the Army which was marched ſome days before: And when they were arrived at the City of *D'aſt* in *Gaſcoigne*, He ſtaid there a few days, becauſe He heard his Brother the Duke of *Lancaſter* was newly landed with his Forces, and was making haſt to come to Him; which he did not long after, and was received with great Joy and Kindneſs. Whilſt the Prince remained here, the News came that the King of *Navarre* was reconciled to King *Henry* the Baſtard, which very much diſturbed the Prince and *Don Pedro*, and all that were with them. But when he knew that the King of *Navarre* was at St. *Jean Pie de Port*, He ſent his Brother the Duke of *Lancaſter* and the Lord *John Chandois* thither, with a ſmall Retinue, there to diſcourſe the King, and try if they could again fix Him to their Intereſt; who thereupon agreed to have an Enterview with King *Pedro* and the Prince, at a Town called *Pierre-ferrade*, or *Peyre-hourade*, on the Borders of *Navarre:* where being met, that King more ſolemnly renewed the Agreement with King *Pedro* for the delivery of the Places and payment of the Sum agreed on; for till that was done He would do nothing, and being Himſelf a Prince of great Subtilty and Falſehood, it is no wonder if He were jealous of the Sincerity of others. This ended, they parted Friends, and the Avenues of the Mountains being

The King of Navarre *renews his former Agreement with* Don Pedro.

being open, they might paſs when they pleaſed; the [3] *Navarrois* being bound to find the Army Proviſions for their Mony: So all things being ready for a March, about the end of *February*, they began to paſs the *Pireneans*; the Army divided into three Battalions, marched three ſeveral days one after another, becauſe the Paſſages of the Mountains were ſo ſtrait, that they could not take different Ways. During [4] this March, the King of *Navarre* plaid a very falſe and cowardly Trick; for, to avoid accompanying Prince *Edward* in this Expedition, He by a private Agreement, ſuffered Himſelf to be taken Priſoner by a Knight of *Bretagne*, called Sir *Oliver Manny*, by whom He was ſent to the King of *Arragon*, where he was detain'd for ſome time, till the War in *Caſtile* was over, and then he was ſet at Liberty without any Ranſom: But to return to the Matter.

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[3] Id. c. 137.

The Prince's Army begins to paſs the Pireneans.

[4] Id. ib. & Chron. Franc. MS.

King of Navarre *ſuffers himſelf to be taken Priſoner.*

I ſhall ſay no more concerning the March of this Army, [5] but that the firſt Battalion was led by the Earl of *Lancaſter* and Lord *Chandois*, with divers other Perſons of Quality; after whom, the day following being Tueſday, the ſecond Body began to march, and was led by the Prince of *Wales*, King *Pedro*, with many Noblemen of *England* and *Aquitain*; and on the third day, the laſt Diviſion advanced, commanded by *James* King of *Majorca*, the Counts of *Armagnac* and *Albret*, with other Noblemen of *Gaſcoigne* and *Bretagne*. Theſe, with their reſpective Forces, paſſed the Mountains with much difficulty, by reaſon of the great Winds and the Snow that ſtill lay there; ſo that they loſt many Men and Horſes in their paſſage: and then marching towards *Pampelona* in *Navarre*, they encamped in the Country about it, to refreſh themſelves and their Horſes after ſo long a Fatigue; whilſt the Prince and King *Pedro*, with the reſt of the Nobility, took up their Quarters in the City it ſelf, into which they had been invited by the King of *Navarre*.

[5] Id. ib.

The manner of the Armies march.

They come to Pampelona.

From hence theſe Princes marched in Battel Array towards the Borders of *Caſtile*; where in the mean while King *Henry* being highly beloved by his Subjects for his juſt and equal Government, had raiſed an Army of near a hundred thouſand Men, with which he advanced towards the Frontiers to meet the Prince of *Wales*, who with his Forces went on without any Reſiſtance till they came to *Salvaterra* a Town on the Borders of *Caſtile*, which was preſently ſurrender'd to them: and here the Prince received Intelligence, that King *Henry* was not far off with his whole Army; whereupon He immediately marched from thence to a Place called *Victoria*, near which he drew up his Army, conſiſting of about Fifty thouſand Men in Battel Array, expecting King *Henry*'s Approach, who now made a halt with all his Forces, till Sir *Bertrand de Gueſclin* with Four thouſand Men at Arms, beſide ſome others out of *Arragon*, could arrive. But the day [6] following, the Count *de Teillo* Brother to King *Henry*, received his Orders to march out with Six thouſand Men at Arms to view the *Engliſh* Army, and meeting with a Party of them who were going to the Camp, he not only kill'd moſt of them, but falling upon the Duke of *Lancaſter*'s Battalion, as they lay encamped, beat down their Tents, and kill'd a great many of his Men, till the Earl fearing he ſhould be engaged with the whole Army, thought it beſt to retreat, which he did without any great damage; but in his return met with

K. Henry *raiſes a great Army, with which he waits the Prince's coming.*

The Prince arrives at Victoria.

[6] Id. c. 236.

The Count de Teillo *routs a Party of the* Engliſh *Army.*

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Kills Sir Will. Felton, *and routs his Forces.*

with another Party of *Engliſh* Forces of about Five thouſand, commanded by Sir *Thomas* and Sir *William Felton*, the laſt of whom by his Raſhneſs here loſt his Life, and the other with moſt of the Men were either ſlain or taken Priſoners, tho they defended themſelves with great Bravery and Courage. With which Succeſs the *Spaniſh* King and his Army being much animated, they marched forward to meet Prince *Edward* and his Army, who were now diſlodged from the Place where they had been, and were come to a Town call'd *Vianna*, near the River *Ebro* on the confines of *Navarre*; where hearing that King *Henry* lay encamped before *Najara*, He ſent Him a Letter by his Herald, in anſwer to another He had a little before receiv'd from Him, wherein He had deſired to know, *Upon what ground the Prince made War upon Him*; to which He return'd in × Anſwer, × *That it was to maintain Right and Juſtice, as it becomes all Kings and Princes, and in perſuance of the Antient Alliances between the King his Father and King* Pedro; *yet nevertheleſs that if He* (Don Henry) *were willing to it, ſince He heard he was a Worthy and Valiant Perſon, He would do his Endeavour to reconcile Him to the King his Brother, who ſhould allow Him a part of the Kingdom, provided He would renounce his Pretenſions to the reſt:* and ſo left Him to take the beſt Advice about it. But theſe Propoſals were wholly refus'd, ~~ſince~~ He very well knew that in his caſe he muſt either conquer, die, or at leaſt quit the Kingdom.

The Prince returns K. Henry *an Anſwer to his Letter.*

× (as appears by [illegible] in the Prince's letter, in which he justifyes his own title to the Crown) for

v. for.

[1] Id. c. 237.

The Battel of Najara, *where* K. Henry's *Brothers quit the Field.*

Then [1] on Friday, being the Second of *April*, the two Armies approached each other not far from *Najara*, and the next Morning early they engaged. I ſhall not trouble you with the Order of their ſeveral Battalions; but not long after the beginning of the Fight (wherein the *Spaniards* at firſt acquitted themſelves well) the Prince of *Wales* with King *Pedro* brought up the main Battel, and fell upon Count de *Teillo* and his Brother *Don Sancho*, who, being either terrified by the Prince's briſk and reſolute Attacque, or for ſome other reaſons, upon the very firſt Charge fled out of the Field with above Three thouſand Lances in their company; which ſo diſcouraged the reſt of the next Battalion, that being charged afreſh by the King of *Majorca* and the *Captal* of *Buche* (whoſe Diviſion immediately followed that of the Prince) the whole Battalion was quite routed and put to flight; whilſt the Prince, who aim'd at greater matters, marched forward againſt the main Body, conſiſting of about ſixty thouſand Men, commanded by King *Henry* Himſelf. Here the Fight was very fierce and bloody; for as the *Spaniſh* Foot conſiſted of a great many Slingers, who ſlung Stones with a mighty force, ſo the *Engliſh* Archers with their Arrows did a great deal of miſchief both to Horſe and Man; and there was a ſharp Conflict between the *Engliſh* Soldiers and thoſe of *France* headed by Sir *Bertrand de Gueſclin*, who commanded the *French* and *Britiſh* Voluntiers; and theſe being all old Soldiers, behaved themſelves ſo gallantly, that if the *Spaniards* had acquitted themſelves as well, they would in all probability have obtain'd the Victory. But being cloſely preſſed by the Troops of the *Companions* and others on the *Engliſh* ſide, they at laſt began to give Ground; and in fine, notwithſtanding all King *Henry* could do, tho He rallied his Men three ſeveral times that day, and made them many ſhort encouraging Speeches, they were at laſt quite routed and put to flight, with the loſs of betwixt Five or Six thouſand, who were left dead upon the

The Spaniſh *Army is routed.*

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the Place; which when King *Henry* ſaw, He mounted upon a ſwift Genet, and eſcaped into *Arragon:* but as for the reſt, Sir *Bertrand de Gueſclin* (notwithſtanding all his Valour and Conduct) was there taken Priſoner, with the Lord *Arnold d'Endreghan* Mareſchal of *France*, as were alſo a great many Officers and Soldiers of that Kingdom; but for the *Spaniſh* Priſoners, who were above Two thouſand, [2] the Chief of them were the * Earl of *Denia* in *Valencia*, the Grand Prior of St. *Jago*, and the Great Maſter of *Calatrava*, with divers others of conſiderable Note; the two laſt were ſeized in the Town of *Najara* not far off, which was quickly taken by the Prince's Forces, together with a great many Jewels and rich Treaſure belonging to King *Henry*. As for the number of the ſlain they were between Five and Six thouſand Men, beſides thoſe that were cut off in their flight, which might be about Three thouſand more. This Battel was fought between *Najara* and *Navaret*, in the Province of *Rioxa* in old *Caſtile*, on the Third day of *April*, being Saturday, *An. Dom.* 1367.

Sir Bertrand de Gueſclin, *and Mareſchal* D'Endreghan *taken priſoners.*

[2] T. W.

* Froiſ. ib.

About [3] Noon, when the Battel was ended, the Prince cauſed his Banner to be erected on the ſide of a little Hill, thereby to direct his Men in their return from the Chace; whither not long after came the Duke of *Lancaſter*, the Lord *Chandois* (who had behaved himſelf very Gallantly that day) and many other Earls and Barons of *Gaſcoigne:* then came alſo from the Purſuit the King of *Majorca*, and preſently after Him King *Pedro* Himſelf, mounted on a Black Courſer, having fought valiantly to recover his Crown; who, when He came near the Prince, alighted, and would have kneel'd to give Him Thanks, but He, running to embrace Him, would no ways permit it; however bowing very low, He gave Him Thanks, that *by his Valor and Aſſiſtance He had now regain'd his Crown*; to which the Prince modeſtly reply'd: *Sir, render Thanks to God Almighty, and give Him all the Praiſe; for by Him alone, and not by Me, have you obtain'd this Victory.* Then the Prince having aſſembled his Council, conſulted a while what was to be done in the preſent Conjuncture, for during this time his Men were return'd from the perſuit; and being near Night, it was reſolv'd they ſhould go to their Quarters; where having poſſeſs'd themſelves of the *Spaniſh* Camp, they were very well refreſhed with the Proviſions their Enemies had left, for they had been before in great want. The next Morning when the Prince was ready, He received the Solemn Congratulations of his Brother the Duke of *Lancaſter*, and the reſt of the Princes, Noblemen and Commanders in the Army; but when K. *Pedro* began to threaten what ſevere Revenge He would take againſt his Baſtard Brothers, and all thoſe who had rebel'd againſt Him, Prince *Edward* generouſly interceded for them, and deſired the King's Pardon, except for one Arch-rebel *William Garilz*, who He was contented ſhould be made an Example. This Requeſt King *Pedro* conſented to, tho much againſt his Inclination, ſince He could not handſomly deny any thing to his Benefactor, tho He did not afterwards make good what He had now promiſed.

[3] Id. c. 242.

The Prince, &c. return from the perſuit.

K. Pedro *comes up to the Prince, with the particulars of their meeting.*

The Prince receives the Congratulations of his Brother and the reſt of the Commanders.

Preſently after this, [4] King *Pedro* took his Leave of the Prince, and being attended by his Baſe Brother, the Earl of *Sancellona*, and divers others of his Subjects (who had come in upon Promiſe of Pardon) and guarded by a ſtrong Party of the *Engliſh* Army, marched to *Burgos*, where the Magiſtrates preſently opened the Gates, and begging the

[4] Id. ibid.

K. Pedro *takes Leave of the Prince, and goes to* Burgos.

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King's Pardon, received Him with all outward ſigns of Satisfaction; and three Days after the Prince Himſelf, accompanied with the King of *Majorca*, and the Duke of *Lancaſter*, and the reſt of the Nobility, came to that City, but the Soldiers lay encamped without it in the Fields. Here King *Pedro* and the Prince paſſed the *Eaſter*, and the former then received the Submiſſions of all the reſt of the Cities and Towns of *Caſtile*, and thoſe other ſmaller Provinces that belonged to that Kingdom, all whom, on the renewing their Homages and Oaths of Fidelity, He freely forgave and pardon'd: ſo that the whole Nation quickly ſubmitting, and making their Peace, ſcarce any thing was to be ſeen at *Burgos* for many days but Feaſting, Entertainments and all ſorts of Diverſions. ✗

Where the King and Prince paſs their Eaſter.

✗ to shew how much
~~[illegible]~~ that
their Victory was valued
~~[illegible]~~ in England
I must here [illegible] that
so soon as the Prince
had obtained ~~[illegible]~~
it, he
immediately
dispatched ~~sent~~ James
[illegible] senger to the King his
father to give him
an account of [illegible]
and so presented him
with Don Henry's
own charging [illegible]
which was
taken [illegible]
at the battle. [illegible]
[illegible] news the King
was so well
pleased y[e]
he orders the [illegible]
[illegible] the sum of 100 [illegible]
[illegible] as a reward
to be paid out of
his exchequer
[illegible] under ye
privy Seal
S. Col
p. 557.

Id. ibid. *The Prince puts the King in mind of his Promiſe to pay the Army.*

After [1] which King *Pedro*, being now ſettled in his Throne, the Prince civilly put Him in mind of his Agreement in *France*, and that He would take all the ſpeedy Care he could to raiſe Mony ſufficient to pay the Army, that it might be diſbanded as ſoon as poſſible, ſince it was not only a great Expence to them both, but alſo a mighty Burthen to the Country where they lay; to which the King reply'd, *That He had not the Mony yet ready, but would take care to raiſe it, as ſoon as He had marched to the Borders of* Sevil, *and there ſettled his Affairs; in the mean while He deſired Him to ſtay at* Valladolid, *promiſing Him to return about* Whitſontide; tho He never was as good as his Word, as you will preſently find: for when the Prince had lain with his Army in and about *Valladolid* till *Midſummer*, expecting the King's return, and that He neither ſaw Him nor heard any thing from Him; He was extreamly diſpleas'd at it, and thinking Himſelf deluded, was adviſed by his Council to ſend certain Knights to the King to know his Reſolutions, and why He had not made good his former Engagements. He received them very civilly, and made them a plauſible Excuſe for his Failure; that his Subjects averred they could not raiſe any Mony, by reaſon the *Engliſh* Army (and eſpecially the *Companions*) lay ſo hard upon them, who had twice or thrice robbed his Officers of the Mony He was ſending to the Prince; and therefore He now deſired Him to diſmiſs his Soldiers ſo ſoon as he could, eſpecially the *Companions*, who ſpoiled and ravaged the Country where-ever they came; and if the Prince's occaſions requir'd his Departure, He need only leave behind Him ſome of his faithful Knights, to whom He would certainly pay all ſuch Sums as ſhould appear to be due according to his late Engagement in *France*.

And finding Himſelf at laſt deluded, He is much diſpleaſed.

The King excuſes the Failure of his Promiſe.

Id. c. 243. *The Prince finding Himſelf over-reached, is adviſed to return Home.*

This [2] being all that the Prince's Deputies could then obtain of Him, they return'd back to their Lord, and gave Him an account of what the King had ſaid to them; at which the Prince was more out of Temper than before: for He now perceived that He was as *Falſe* and *Perfidious*, as He had been *Wicked* and *Cruel*. But ſeeing He could not well force Him to make good his Word, becauſe the Prince's Army not being able to endure the Summer's Heats in *Spain*, many of them were dead, and more lay in a very languiſhing condition; therefore his Council adviſed Him, That ſince He was thus over-reached by King *Pedro* to his Shame and Diſhonour, and that his Army died ſo faſt, to return Home before matters grew worſe, and by his Preſence to prevent the Attempts of the *Baſtard Henry* upon his Principality of *Aquitain*. This being reſolved on, the Mareſchal

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D'Endreghan with other Knights and Eſquires of *France*, to about the number of Two hundred, were admitted to Ranſom; but as for Sir *Bertrand de Gueſclin* he ſtill continued a Priſoner, for he was look'd upon as ſo dangerous an Enemy, that it was not ſafe to let him go, becauſe he might preſently join with *Henry the Baſtard*, who they then heard was gone into the Country of *Bigorri*, and had got the Town of *Bagneres*, whereby He had done much miſchief in thoſe parts.

The French *Priſoners are admitted to Ranſom, except Sir* Bertrand de Gueſclin.

For *Henry* flying firſt to the King of *Arragon*, and not finding Him either [a] able or willing to give Him any Aſſiſtance, he went into *Languedoc* to the Duke of *Anjou*, who out of hatred to the *Engliſh* furniſhed Him with Men and Mony to invade Prince *Edward*'s Territories; and the Duke had done more, had He not, upon the Complaint of the Prince of *Wales* to the *French* King his Brother, been by Him forbidden acting any further, leſt it might produce a Breach of the Peace between the Two Kingdoms; *France* not being then in a Condition to renew the War, as you will find it was the Year following.

[a] Id ib.

K. Henry *not finding the K. of* Arragon *willing to relieve him, goes into* Languedoc.

But we ſhall now return to the Prince of *Wales*, [a] who whilſt He lay this Summer at *Valladolid*, loſt above half his Men by Fluxes or Feavers; and among others the King of *Majorca* fell ſo dangerouſly ill, that the Prince was forced to leave Him behind for the Recovery of his Health. After this Prince *Edward* took the firſt opportunity he could to march away; but ſince the King of *Navarre* neither came nor ſent to Him concerning his repaſſing thro his Country, He was forced to treat with the King of *Arragon* by certain Commiſſioners on both ſides, (who met on the Borders for that purpoſe) and it was there at laſt concluded between them, That the King ſhould lay open his Country, and permit the Prince and his Army to paſs thro freely, they paying for ſuch Proviſions as they needed and ſhould take from the People. But when the King of *Navarre* heard that Prince *Edward* was like to return without having any occaſion to paſs thro his Country, being afraid of his Diſpleaſure, He ſent to offer Him free paſſage by the ſame way He came, as alſo for the Lords and other Great Men and their Retinue, yet He would by no means ſuffer the *Companions* to paſs thro *Navarre*; wherefore the Prince order'd them according to the Agreement He had made with the King of *Arragon*, to paſs thro his Country: but becauſe He knew the paſſage thro *Navarre* was ſhorter and more commodious than the other, He choſe to go that way Himſelf, being convey'd with the reſt of his Army quite thro that Kingdom, beyond the Paſſages of *Roncevaux*; from thence the Prince marched at his eaſe till He came to *Bayonne*, where He was received with great Joy, and tarried there Four days, to refreſh Himſelf and his Men. After this He proceeded towards *Bourdeaux*, where they received Him in Triumph: He was here alſo met and welcom'd by his Princeſs with her Eldeſt Son *Edward*, who was then about Three years of Age; and here likewiſe the Prince disbanded the greateſt part of his Army, and ſent the Lords and Captains of *Gaſcoigne* and others to their ſeveral Countrys, having own'd his Obligations to them, and promiſed to pay every Man punctually what was due, ſo ſoon as He could raiſe Mony, even tho King *D. Pedro* ſhould not keep touch with Him, *And, for his own part, Honour ſhould be his Reward.* Not long after this, the *Companions* that went thro *Arragon*, return'd into the Dutchy of *Aquitain*, where they had Quarters aſſign'd them, till they could be paid their Wages.

[a] Id. ib.

The Prince loſes above half his Men.

He agrees with the K. of Arragon *for Leave to paſs thro his Country.*

He arrives at Bourdeaux, *where he is received in Triumph.*

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[1] Id. ib.

K. Henry returns into Arragon.

But [1] King *Henry* the *Baſtard* the mean while hearing of the Prince's return into *Gaſcoigne*, thought it beſt not to ſtay any longer in thoſe Parts; therefore retiring with his Forces into *Arragon*, He was again kindly received by that King, who promis'd to aſſiſt Him againſt his Brother: but we ſhall hear more of *Henry*'s Succeſs the next Year.

This Expedition proved very unfortunate to Pr. Edward.

And thus ended this Famous Expedition of Prince *Edward*, which tho (as Great and all Extraordinary Actions do) it procur'd Him a deal of outward Glory, yet whether it was that God did not approve of his aſſiſting ſo wicked a Tyrant, or that the Sins of the *Engliſh* Nation call'd for freſh Judgments, I leave it to the Great Diſpoſer of all things to determin. But as we muſt here put a period to the Health and Happineſs of this Prince's Life, for in this Expedition He contracted ſo incurable an Indiſpoſition, as turning to a Dropſy, ever after render'd Him unfit for Action, and never left him till He died: ſo we muſt likewiſe conclude all the Happineſs and good Succeſs of King *Edward*'s Reign, during the reſt of which we ſhall ſcarce meet with any thing, but the untimely Death of his Sons, and that of his Deareſt Conſort the Queen, the Diſcontents and Factions of his Nobility and Subjects, with the loſs of all He had gotten by his Conqueſts in *France*; nor was the ſtate of things any whit better, but rather much worſe during the Reign of his Grandſon.

[2] H. K. Col. 2629.

On K. Henry's *invading* Gaſcoigne, *the Earl of* Cambridge *is ſent thither.*

[3] T. W.

Pope Urban *goes to* Rome, *to ſettle Affairs there.*

As for the Affairs of *England*, I find nothing worth noting this Year, [2] only upon the News of King *Henry* the *Baſtard*'s Invading *Gaſcoigne*, *Edmund* Earl of *Cambridge*, the King's Fifth Son, was ſent over thither with Five hundred Men at Arms, and a competent number of Archers; but that Prince being retir'd before his Arrival, I cannot find he perform'd any thing worth our Obſervance. ✱ As to Eccleſiaſtical Affairs, it is remarkable that [3] Pope *Urban* the V. remov'd his Court this Year from *Avignon* to *Rome*, to ſettle Affairs there, which by the long Abſence of his Predeceſſors were very much out of order; but He ſtay'd not above three Years in *Italy*, and then return'd to *Avignon*. ✱

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[4] Froiſ. c. 244. Paul. Jov. in Vit. Galeatii.

The Match concluded between Lionel *Duke of* Clarence, *and the Daughter of the Viſcount of* Milan.

After the Prince's coming back from *Bourdeaux*, nothing happen'd worth our taking notice of, [4] until the end of *April*, when a Match was concluded (according to a Treaty that had been begun two Years ago) between *Lionel* Duke of *Clarence* (a young Widower) and the Lady *Violanta*, Second Daughter to *Galeazzo* Viſcount of *Milan*, upon very Advantageous Conditions, That Prince *Lionel* ſhould receive two Millions of *Florins* of Gold, together with the Cities of ~~*Mondovi* and *Longueville*, as her Dowry~~; upon which the Prince made great Preparations to go into *Italy* with all ſpeed poſſible thro *France*, and being arrived there, He was received and conducted to *Paris* by ſome Perſons of the higheſt Quality, and was moſt magnificently treated there by the King, Queen, and other Princes of the Blood Royal. He ſtay'd there but few days, and then took his Journy for *Italy*; and having paſſed thro *France*, arrived at *Chambery* in *Savoy*, and there again he was nobly treated by the Duke, who after ſome ſhort time accompanied him to *Milan*, where he ſaw his Niece, Daughter to Duke *Galeazzo*, ſolemnly married to Duke *Lionel* on the Nine and twentieth of *May*, in the Cathedral Church of that City, the Duke her Father Celebrating the Marriage with Tourneaments, Balls, and other Magnificent Entertainments, which put him to great Expence, as alſo in noble and rich

Which is celebrated at Milan.

✱ As to France all I can find done there in relation to England was that upon complaint [illegible] that [illegible] spoil and violence [illegible] great Ravage [illegible] still committed by the disbanded officers and soldiers [illegible] the English [illegible]

✱ See the [illegible] under this Treaty R: Col. p. 549. See the Articles of this marriage [illegible] ib: 547. 548.

Retire

[illegible] rule of the Companions he issued out a Declaration under the great Seal of France commanding them not to [illegible] any prejudice or Dammage to the subjects of the King of France as being contrary to the late Peace; and that if they continued so to do they should be [illegible] and that all their Goods and Estates should be forfeited to the King and if they were found within his Kingdom, treated as Traytors and Rebels without having any grace or pardon for the[illegible] also at the same time wrote to his son the Prince, being then newly return'd out of [illegible] commanding him to ~~keep~~ take care the said Articles of Peace be kept in all points by his subjects in [illegible] Rot: Franc: 42 Ed: 3. m. 3. vid. R: Col. p 571. 578. but since the Prince either could not reduce ~~confess~~ or restrain those Plunderers, it ~~[illegible]~~ gave the King of France a [illegible] to break the Peace on the account that the Articles had not been kept on the English side.

rich Preſents, as Horſes, Plate, Furniture, *&c.* upon the Duke his Son-in Law, and thoſe other Noblemen that attended him. The Solemnities being over, Duke *Lionel* ſpent the reſt of the Summer with his young Lady in ſuch Sports and Diverſions as became a Prince of his Years and Quality, till about five Months after, either by change of Air, Diet, or too much Luxury, falling dangerouſly ill in the City of *Alba Pompeia*, now called *Longueville*, in the Marquiſat of *Montferrat*, He within a few days unhappily deceaſed, tho not without ſuſpicion of Poiſon given by ſome of that Family, who envy'd that Glory He was like to obtain to the diminution of their Grandeur. He died greatly lamented, not only by the Dutcheſs his Wife, but by all that knew Him, being one of the moſt Beautiful, Affable and Valiant Princes of that time. As for the young Lady his Widow, [1] tho ſhe was again married to *Otto Palæologus* Marqueſs of *Montferrat*, yet ſhe did not long enjoy him, for he was ſtab'd by an Hoſtler on the Mountains of *Parma.* Before I diſmiſs this Melancholy Subject, I cannot but take notice, that [2] the Lord *Edward Spencer* (who came over with the deceaſed Prince) together with Sir *John Hawkwood*, that had married the baſe Daughter of the other Viſcount *Barnabo* (as hath been already obſerv'd, and had thereby a great Intereſt) muſter'd up the Voluntiers he had brought along with Him, which together with other Forces, that called themſelves the *White-Company*, made fierce War upon the Viſcounts of *Milan*, in Revenge of Duke *Lionel's* Death, whom they looked upon as poiſon'd, until thoſe Princes had by Oath, as well as by other Means, ſatisfy'd them of their Innocence and unfeigned Sorrow for the Death of ſo worthy and near a Relation. But it is time to return to *England.*

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The Duke falls ſick and dies, not without ſuſpicion of being poiſon'd.

^ which had been settled upon him by the Viscount his Father in Law, the Prince of Milan

[1] Id. ibid.

His Widow is married to the Marqueſs of Montferrat.

[2] T.W.Hypod. Neuſt. Froiſ. c. 242.

The L. Spencer *and Sir* John Hawkwood *make War on the Viſcounts of* Milan, *to revenge his death.*

Tho King *Edward* received the ſad News of his Son's Death with that Equanimity of which He was always Maſter, yet it was certainly an extreme Affliction to Him, as being the firſt Attacque of Adverſe Fortune that had befel Him. He [3] order'd his Body to be buried (according to his Teſtament) at the Monaſtery of *Clare* in *Suffolk*, near that of his firſt Lady *Elizabeth de Burgh* Counteſs of *Ulſter*, by whom He left one only Daughter, *Philippe*, who was not long after married to *Edmund Mortimer*, the Third Earl of *Marche.*

[3] Dugd. Bar. 2. Vol. p. 167.

But We muſt now look back ſome Months, to the beginning of *May*, when, according to the * King's Summons, a Parliament was aſſembled at *Weſtminſter*, in the Painted Chamber; but the Lords and Commons were then adjourn'd until the Thurſday following, and then *Simon Langham* Arch-Biſhop of *Canterbury*, in the preſence of the King, Lords and Commons then aſſembled, † ſpoke to this effect, That the King yielded unto God Almighty moſt hearty thanks for having given to Him the Victory over all his Enemies, as alſo for the Peaceable and Flouriſhing Condition of his Realm, and for the great Loyalty of his Subjects, and their conſtant Readineſs to ſerve him, both in their Bodys and Eſtates, all which Bleſſings he deſired as much as in him lay to continue, or rather to increaſe: and that He might the better ſucceed in that Reſolution, He had at this time called his Parliament, to confer with them concerning matters relating to the Premiſes. So the remainder of the Day was ſpent in appointing Receivers and Tryers of Petitions, according to the accuſtom'd manner.

* Rot. Clauſ. 42 E.3. m. 22.

A Parliament ſummon'd.

† Rot.Parl. 42 E. 3. n. 1. Cot. Abr. p. 100.

The cauſes of it declared by Simon Langham *Arch biſhop of* Canterbury.

[1] Rot. Parl. ib. n. 7.

He further declares the Subſtance of the Treaty with the K. of Scots, *and asks the Parliament's Advice upon it.*

The [1] next day, the ſaid Arch-Biſhop farther declared the Subſtance of a Treaty between the King's Commiſſioners, and *David Bruce* King of *Scotland*, who had lately made this Offer, *That He was willing to preſerve a perpetual Peace with* England, *if He might quietly enjoy the Kingdom of* Scotland, *free and diſcharg'd of all Homage to that Crown, ſince to hold it otherwiſe would be a conſtant Reproach to Him and his Kingdom.* Concerning which Terms of Peace the Lords and Commons being ask'd their Advice, gave in their Anſwers ſeverally to one and the ſame effect, *viz. that they could not aſſent to any ſuch Peace upon any account, without a diſheriſon of the King, his Heirs and Crown, to which they themſelves were ſworn*; *and therefore muſt adviſe Him not to hearken to any ſuch Propoſition.*

[2] Ib. n. 8.

The Parliament grant the King a great Subſidy upon Wool, &c.

[2] After which the Arch-Biſhop in the King's name gave thanks to the ſaid Eſtates for their ready compliance in aſſiſting the King's wants by Aids and Subſidies; and ſhewed them farther, how at that time the King ſtood in as great need of a conſiderable Supply as ever to pay off his Debts. Whereupon the Lords and Commons granted Him for two Years out of every Wool-pack thirty ſix Shillings and eight Pence, for every twelveſcore of Fells as much, and for every Laſt of Skins four Pence, over and above the uſual Cuſtom of ſix Shillings and eight Pence for every Wool-pack, and the ſame for every twelveſcore of Fells, and of thirteen Shillings and four Pence for every Laſt of Skins. Then certain new Statutes were prepar'd for the King's Royal Aſſent, and certain old ones were explain'd and confirm'd, as may be ſeen at large in the Printed Statute-Books, which for the moſt part agree exactly with the Records.

[3] Ib. n. 20.

The reſt of the Buſineſs tranſacted in this Parliament.

Sir John Leigh Leigh *committed to the Tower.*

[3] There were divers other Buſineſſes tranſacted in this Parliament, which ſince they are of no great moment, I ſhall but ſlightly mention, tho they are alſo found upon Record. On the twenty firſt of *May* the King gave thanks to the Lords and Commons for their coming, and that day all the Lords and divers of the Commons dined with the King; after which Sir *John Leigh* was brought before Him, and the Lords and Commons (I mean ſuch as dined there) to anſwer certain Objections made againſt him by *William Latimer*, concerning a Lordſhip belonging to *Robert Latimer*, with certain Lands which had been granted during his Minority, and being afterwards granted to the ſaid Sir *John Leigh*, he being *Steward* of the King's Houſhold, compel'd the ſaid *William* by Dureſs of Impriſonment to ſurrender up the Eſtate into his hands: And tho Sir *John* excuſed himſelf, as being the King's Grantee, yet was it not admitted, becauſe he had uſed force, and had not outed the ſaid *William* by due Proceſs of Law. There were alſo divers other Complaints againſt him, that as Steward of the King's Houſhold, he had cauſed ſeveral Perſons to be attached by Order of the Council, and then appear before him alone, and make anſwer out of Council; with ſeveral other Miſdemeanors too long to be here inſerted. Of all which Accuſations Sir *John* not being able to purge himſelf, was by Order of the King and Lords committed cloſe Priſoner to the *Tower*, and order'd to pay a Fine according to the King's Pleaſure; which I here take notice of, to let the Reader underſtand, that this is the firſt Precedent I can find, not only of any Accuſation or Impeachment of a Perſon in Parliament, for a ſimple Miſdemeanor, and not for Treaſon, but alſo where the Offender

was committed to Priſon by the King and Lords at a private Meeting, when the Parliament was not ſitting. I have no more to add concerning this Parliament, but that it was preſently after diſſolv'd.

Yet before I leave the Affairs of *England*, I muſt take notice [1] that this Arch-Biſhop of *Canterbury* above-mention'd was about the latter end of *September* following created a Cardinal of *St. Sixtus*; and reſigning his Arch-Biſhoprick, went to *Rome*, where he liv'd about eight Years in great Eſteem, being ſucceeded in this Arch-Biſhoprick by *William Witleſey* a Man of great Parts and Learning.

Pr. Edward *being forced to keep the Troops of the Companions undiſbanded, they commit great Diſorders.*

We will paſs over into *Aquitain*, [2] where now began thoſe Diſturbances, which prov'd the ruin of the *Engliſh* Affairs in *France*; for in the beginning of this Year, Prince *Edward* being ſtill in great want of Mony, and not likely to receive any of the Arrears that were due to Him in *Spain*, He was forced to keep good part of his Forces (and eſpecially the *Companions*, who were ſtill about ſix thouſand) on foot and undisbanded; and they having no pay, could not forbear their old trade of plundering and robbing the Country, whereof the People made loud Complaints to the Prince. He was thereupon forced to ſend to the *Companions*, commanding them either to deſiſt from their Exorbitances, or to depart his Dominions, ſince the Country was no longer able to bear them; which it ſeems either out of Love or Fear of the Prince they not long after obey'd, and paſſing the *Loire*, went into *France*; and by that time they were got into *Champaigne* and the Biſhoprick of *Rheims*, their Numbers were mightily encreas'd, many idle Fellows and disbanded Soldiers out of hopes of Plunder joining themſelves with them, who ſtill marched on ravaging the Country as they went. Then the People loudly exclaim'd againſt the Prince of *Wales*, for imploying theſe *Companions* to make War upon them, and ſent daily Complaints thereof to their King at *Paris*, but not being able to apply a preſent Remedy ſufficient to encounter the Diſeaſe, all He could do at preſent, was, to raiſe ſome Forces to put a ſtop to their further Progreſs, of which He made the Lord *Oliver Cliſſon*, a valiant and experienced Warrior, chief Commander.

Whereupon the People complain.

Pr. Edward *holds an Aſſembly of the Eſtates of* Aquitain, *wherein a great* Fouage *is granted.*

While theſe *Companions* were thus diſturbing *France*, [3] the Prince of *Wales* was adviſed by ſome of his Council, eſpecially the Biſhop of *Rodez*, then Chancellor of *Aquitain*, to raiſe a *Fouage* or Tax upon all Chimnys throughout his Principality, thereby to enable Him to pay the great Debts he had contracted by his late *Spaniſh* Expedition; and beſides, the Court which the Prince then kept was ſo great and expenſive, that there was ſcarce the like in *Chriſtendom*: Wherefore He held a Parliament of the Eſtates of *Aquitain*, for raiſing this *Fouage* at *Niort*; to which were ſummon'd all the Barons of *Gaſcoigne*, *Poictou*, *Saintogne*, and of divers other Parts, and Deputies from all the Cities and great Towns of that Principality; before all whom the Biſhop of *Rodez* declar'd in preſence of the Prince, that this *Fouage* was neceſſary to be raiſed, and that the Deſign of it was, to enable the Prince their Lord to pay ſuch Debts as He owed upon the account of his *Spaniſh* Expedition; but however it was the Prince's intention not to continue the ſaid *Fouage* any longer than for the ſpace of five Years to come, during which time at [4] the rate of one *Frank* for each Chimny, the Prince would have a yearly Supply of

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[1] Godwin. de Præſul.

[2] Froiſ. c. 144.

[3] Id. c. 241.

[4] Du Cheſne, p. 699.

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[1] Froiſ. ib.

All Pr. Edward'*s Subjects agree to this Tax, except the Lords of the higher* Gaſcoigne.

one Million and two hundred thouſand *Franks*, if the matter had been effectually put in execution. But [1] altho to this Ordinance all the *Poictovins* readily agreed, as did alſo the Deputies of *Saintogne*, *Limoſin*, *Rovergne* and *Rochelle*; yet divers of the Lords of the Marches of the higher *Gaſcoigne* refus'd to concur with them, as the Earl of *Armagnac*, the Lord of *Albret* his Nephew, the Lord of *Conde*, the Lord of *Pincornet*, the Lord of *Cominges*, the Viſcount of *Carmaine*, the Lord *de la Barde*, and ſeveral other Barons and Deputies of Cities and Towns, who ſaid, how that "heretofore, when they were "under the *French* King, they were not then griev'd nor oppreſs'd "with any ſuch Subſidies, or Gabels; nor any more would they be "now, if they could help it: *for they ſaid, their Lands and Seignio-"ries were free, and exempt from all ſuch Duties; and ſo the Prince "had ſworn to keep and maintain them.* Yet however theſe Lords, becauſe they durſt not openly oppoſe the Prince, and had a mind to get home as ſoon as they could, only anſwered in general, that they would go back, and take further Advice with their Tenants or Feudataries, and would then return again by ſuch a time. This was all the Anſwer that the Prince and his Council could then get from them; and ſo they broke up, and left *Niort*, having received a Command from the Prince to return again thither by a Day prefix'd, which they never perform'd.

[2] Id ib.

They reſolve to rebel rather than ſubmit to it.

x to the Assembly of the Estates or.

Theſe Lords, &c. *appeal to the King of* France *as their Sovereign.*

Who gives 'em a very ſubtil Anſwer.

[3] Id. c. 239.

Thus theſe Barons and [2] Lords of *Gaſcoigne* went to their ſeveral Countries and Seats, having firſt firmly agreed together by no means to return to the Parliament appointed by the Prince, nor to ſuffer the *Fouage* to be raiſed in their Lands, but rather to rebel againſt Him; wherefore ſhortly after the Earl of *Armagnac*, the Lord of *Albret*, the Lord of *Cominges*, the Viſcount of *Carmaine*, and the reſt of the Barons, Knights, and Gentlemen of thoſe Parts, went into *France*, and there put up their Complaints, to the *French* King's Court at *Paris*, in the Preſence of Him and his Peers, of the great Grievances and Oppreſſions which the Prince of *Wales* would now impoſe upon them; adding that in ſuch caſes their whole Reſſort and Appeal ought to be to the King of *France*, as unto their Sovereign Lord. The *French* King, who at firſt ſeem'd to make ſome ſcruple to meddle with this Affair, as that which would tend to the breaking of the Peace, which had been ſo ſolemnly eſtabliſh'd between the two Kingdoms, anſwered them, (with diſſimulation enough) "Surely, my "Lords and Gentlemen, the Juriſdiction of our Inheritance, and of "the Crown of *France*, We will always preſerve and augment to "our Power; but We have ſworn to keep ſundry Articles contain'd "in the Peace of *Bretigny*, which are not now in our remembrance; "but We ſhall inſpect them, and conſider the Tenor thereof, and as "much as in Us lies, We will do you Right, and ſhall be glad to "reconcile You with the Prince, our dear Nephew: For perhaps He "is not well adviſ'd thus to deprive either You, or your Vaſſals, of "their Cuſtoms and Franchiſes. [3] With this Anſwer for the preſent they ſeem'd contented, but tarried at *Paris*, reſolving not to return to their own Homes, nor to the Prince's Parliament, at which He was extremely diſpleas'd; but for all that He proceeded in raiſing the aforeſaid Duty; and being in great want of Mony, admitted Sir *Bertrand de Gueſclin* to ranſom himſelf for two hundred thouſand *Franks*, and

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who upon his diſcharge went immediately to the *French* King, and afterwards became more than ever an Enemy to Prince *Edward* and the *Engliſh* Intereſt.

I cannot but here obſerve, that [1] Sir *John Chandois*, a wary and prudent Baron, and one of the Prince's chief Counſellors, when he found Matters run ſo high, and foreſaw the evil Conſequences of them, adviſ'd the Prince to remit this *Chimny-Mony*; but perceiving he could not prevail, that ſo he might not incur any blame in this matter on either ſide, he deſired leave to go and look after his Eſtate in *Normandy*, which the Prince admitting him to do, he return'd no more into thoſe Parts, till the breaking out of the War; and then he came again to his Aſſiſtance againſt the *French*.

The Ld Chandois *ſeeing the ill Conſequences of this Chimny-Mony, adviſes the Prince to remit it.*

But to continue our Hiſtory of the Diſturbances that now began in *Gaſcoigne*, [2] the King of *France* cunningly fomented the Diſcontents of thoſe Lords and Barons and their Feudataries, till they had kindled as great a War between the two Nations, as ever had been before: For He had under-hand already aſſured to Himſelf theſe *Gaſcoigne* Lords, and the Princes of *Germany* by his ready Mony, of which He knew they were very greedy, and by that means He drew great numbers of Voluntiers into his Service, as alſo by the Perſuaſions of Sir *Bertrand de Gueſclin*, who was then mightily admired by all Military Men. The King was likewiſe furniſhed by the Eſtates of the Kingdom with ſufficient Subſidies to carry on a War, without any great Burden to the People.

The King of France *foments the Diſcontents of the* Gaſcoigne *Lords.*

The [3] *Gaſcoigners* being thus ſupported, reſolved never to ſubmit to the *Fouage*, which the Prince would needs lay upon them, and therefore made divers freſh Remonſtrances againſt it; ſo that tho He held ſeveral Parliaments at *Niort*, *Angouleſme*, *Poictiers*, *Bourdeaux*, &c. yet theſe rebellious *Gaſcoigners* refuſed to appear at them, ſaying, that for their parts they could not ſuffer this *Fouage* to be levied in their Country, and declared that their laſt Reſſort and Appeal had ever been to the Chamber or Parliament of *France*. At this mention of *Reſſort* the Prince was extremely offended, and plainly told their Deputies, that they ought not to make any *Reſſort* or Appeal thither for the future, becauſe the *French* King had quitted for Himſelf, and his Heirs for ever, all Reſſorts and Juriſdictions whatſoever, when He reſign'd thoſe Lands entirely and abſolutely to the King of *England*; as was evident from the Tenor of the Charter of Peace, wherein theſe Matters were ſo clearly explain'd, that there is not the leaſt Clauſe in any one Article, whereby there is any Reſervation for the *French* King again to challenge any Juriſdiction over them. But tho this Meſſage of the Prince was ſent to thoſe Lords of *Gaſcoigne*, who ſtill ſtood out; yet they would not for all that come to his Parliament, but return'd him an Anſwer by their Letters to this effect: That it was not in the power of the King of *France* to acquit them of their Reſſort to his Court; for the Prelates and Barons of the Cities and good Towns of *Gaſcoigne* did not aſſent to it, nor ever would they, tho the Realm of *France* ſhould continue perpetually in War upon that account. Thus the reſt of this Year was ſpent in Meſſages and Diſputes between the Prince and the Lords and Barons of *Gaſcoigne*, the greateſt and moſt powerful of whom (being thoſe already mention'd) ſtill remain'd at the Court of the King of *France* to ſollicit

The Gaſcoigners *make ſeveral Remonſtrances, and refuſe to come to any of the Prince's Parliaments.*

The Prince is much offended with them.

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[1] Id. ib.

[2] Mezeray ad hunc An.

[3] Froiſ. c. 242.

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licit their Cauſe, which they brought to effect the Year following.

[1] Id. c. 241.

K. Pedro *returning to his former Cruelties, provokes his Subjects again to call in* K. Henry.

But before I conclude this, I ſhall give you a ſhort account of what happen'd in the mean time in **Spain**, where after King *Pedro's* being ſettl'd on the [1] Throne by the Prince of *Wales's* means, He began again to ſhew Himſelf more than ever a Tyrant, taking horrid Revenge upon all thoſe He had before pardon'd, and treating the reſt of his Subjects with utmoſt rigour and ſeverity, which made 'em ſo deſperate, that they reſolv'd to recal King *Henry* the Baſtard, who had been driven out of his Kingdom the laſt Year; who being a Prince as much belov'd for his good Qualities, as his Brother was hated for his bad ones and Cruelties, He was reſolved to lay hold on this opportunity of the Prince of *Wales* his being engag'd in domeſtick Jars and Differences with his Subjects, and to take his leave of the King of *Arragon*, that aſſiſted Him with ſome Forces, as did alſo the Duke of *Anjou* and Count *de Foix*. x Thus making up an Army of about ſix thouſand Foot and three thouſand Horſe, beſides certain mercenary *Genoueſes*, with theſe ſmall Forces He marched to *Caſtile*, and coming before *Burgos*, the Citizens open'd their Gates to Him upon the firſt Summons, and again acknowledg'd Him for their King; from whence He went to *Valladolid*, where He was received in like manner: And here finding *James* King of *Majorca*, who had not yet recover'd his Health, He ſeized his Perſon, and took him Priſoner, for having taken part with his Enemy the Prince of *Wales*. Upon this King *Henry* marched to the City of *Leon*, which was likewiſe immediately ſurrender'd; and whilſt He was there, the whole Province of *Galicia* came over to Him; nor did He meet with any Oppoſition till He came to the City of *Toledo*, and that indeed ſtood out, and would not own Him for King; wherefore He laid cloſe Siege to it.

x For the ~~Fren~~ King of France had now made a League offensive and defensive with that Tyrant, as you'll find by the Article of it in Rs. Col. p 598. to 602.

Who marches into Caſtile, *where the Cities of* Burgos *and* Valladolid *open their Gates to him, and all* Galicia *revolts.*

[2] Id. ib.

K. Pedro *ſummons his Subjects to his aſſiſtance, but they deſert him.*

King [2] *Pedro* was at this time at *Sevil* in the Borders of *Andaluſia*, where hearing of the Invaſion of his Baſtard-Brother, and the Revolt of ſo many Cities from Him, He was very much ſurprized at it; but when He had ſent out his Summons to his Subjects, and found that but few would come into his Aſſiſtance, almoſt all of them deſerting Him, He began to deſpair, till being encourag'd by his intimate and faithful Counſellor *Hernando del Caſtro*, He was by him adviſ'd to crave the aſſiſtance of his Couſin *Ferdinand* King of *Portugal*, as alſo of the *Mooriſh* Kings of *Granada* and *Tremeſin*, which they promiſed Him: So that being ſuccour'd by theſe Princes, He made up in all, of *Chriſtians*, *Moors* and *Jews*, an Army of about forty thouſand men, with which He marched towards the City of *Toledo*, that was then cloſely beſieg'd by King *Henry* the Baſtard; who, when He heard of his Brother's approach, by the Advice of *Bertrand de Gueſclin* (now come in to his aſſiſtance with two thouſand *French*-men) raiſ'd the Siege from before *Toledo*, and leaving a part of the Army to block it up, march'd away with the reſt to meet the Tyrant as ſoon as He could; and ſo He did within a few days after, near the Caſtle of *Montiel*, where ſurprizing *Don Pedro* before He was aware, [3] He routed the Rear of his **Army**; but drawing up the reſt in good order, there began a ſharp and bloody Battel, which was fought for a time with equal Succeſs, both the Brothers behaving themſelves with great Gallantry, till at laſt the *Caſtilians*, *French*-men and *Arragonians* being

He marches with an Army of 40000 men to raiſe the Siege of Toledo.

[3] O. Raynold. ad hunc An.

K. Henry *routs the Tyrant.*

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being too hard for the *Jews*, *Moors* and *Portugueſes*, King *Pedro*'s Army was entirely routed, and He himſelf forc'd to take refuge in the Caſtle of *Montiel*, which tho very ſtrong of it ſelf, and well man'd, was not able to hold out for want of Water and other Proviſions. King [1] *Pedro* finding He could not ſubſiſt there any longer without ſurrendring, was reſolved to try to make his eſcape in the Night. But as He attempted to do it with a very few Perſons in his company, He was ſeized by the * *Beague* of *Vilain* a *French*-man, who then commanded the Guard before the Place, or (as [2] others relate) was betray'd by *Bertrand de Gueſclin* himſelf, to whom he offer'd twenty thouſand Crowns to let him eſcape. But this is certain, that whoever took Him, He was immediately ſecur'd in a Tent under a ſtrong Guard, where He had not been long, but King *Henry* and the Count of *Rochebreton* came in upon Him, and ſeveral opprobrious Words paſſing between them, the two Competitors preſently grapl'd together; and King *Pedro* flinging *Henry* down, had there ſtab'd Him with his Dagger to the Heart, had it not been for the Count of *Rochebreton*, who laying hold on *Pedro*, pull'd him off, and thereby gave *Henry* the advantage of being uppermoſt, who immediately drew out a Knife or Dagger, wherewith he ſtab'd the other in the Body, where He lay till he breathed his laſt. Thus fell this wicked and unhappy Prince by his Baſtard Brother, and Competitor, who now recover'd the Crown, which (notwithſtanding the foulneſs of the Action) remains to his Poſterity to this day: And it being ſomewhat extraordinary, I thought it would not be amiſs to give you a particular Hiſtory of ſo remarkable a Revolution: and tho the manner of this Prince's Death is differently related by our *Engliſh*, as well as *French* and *Spaniſh* Hiſtorians; yet I have ſet down this Account from an Author of Credit, as the moſt probable of any I have met with: and I have here put all things relating to this Tranſaction together, tho the laſt part of them properly belongs to the next Year, this [3] Battel being fought on the fourteenth of *March* 1368. and the Death of King *Pedro* happened about ten days after.

He endeavours his Eſcape, but being prevented, is carry'd to a Tent, where K. Henry *ſtab'd him with a* Dagger.

In the mean while the Diſpute between Prince *Edward* and the Barons of *Gaſcoigne* ran higher than ever; for [4] the Prince ſtill aſſerting his Right of impoſing the ſaid *Fouage* or Chimny-Mony, they ſtill inſiſted, that in ſuch extraordinary caſes their laſt Reſſort or Appeal was to the King's Chamber or Parliament at *Paris*. Wherefore they humbly deſired the King, that the Prince of *Wales* might forthwith be ſummon'd to make his Appearance there, to anſwer before the Peers of *France* concerning thoſe Grievances and Innovations, which he had began to exerciſe upon them. But tho the *French* King was willing enough to comply with theſe *Gaſcoigners*, who thus addreſs'd themſelves to Him as to their Sovereign Lord; ſince otherwiſe He muſt loſe all Juriſdiction and Sovereignty over them for ever, as alſo the opportunity of making War again upon the *Engliſh*; yet Matters not being then ripe for it, and his Brother the Duke of *Berry*, with others of the *French* Nobility being ſtill Hoſtages in *England*, it was thought fit at leaſt that the chiefeſt of them ſhould be got out of King *Edward*'s hands, before any open War ſhould be declar'd. To this end therefore, [5] *John* Duke of *Berry*, who had received a private Account of theſe Matters, had ſome time before obtain'd leave of

The Barons of Gaſcoigne *inſiſt on their Appeal, and deſire that Pr.* Edward *may be ſummon'd before the Peers of* France.

[1] Froiſ. c. 245.

* *The Name of an Officer or Magiſtrate.*

[2] Mariana, l. 17. c. 13.

[3] Id. ib.

[4] Froiſ. c. 247.

[5] Id. c. 244.

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King *Edward* to return into *France*, and there to recreate Himſelf among his Friends and Relations for the ſpace of one Year; but when He was got into his own Country, He order'd his matters ſo dextrouſly, and found out ſuch cunning and plauſible Excuſes for his not coming over again, that he ſpinned out the time till the War was declared; and then He thought Himſelf freed from all Obligations of returning: but *Guy* of *Luxemburgh*, Earl of St. *Paul*, made a ſhift to ſteal into *France*, without ever taking his Leave of King *Edward*.

The Earl of St. Paul *arriving in* France, *does all he can to make King* Charles *take the* Gaſcoign *Lords into his Protection.*

This [1] Nobleman being an implacable Enemy to the *Engliſh* Nation, upon his return home, perſuaded King *Charles* all he could to take the *Gaſcoign* Lords into his Protection; for he believed that if once the Pr. of *Wales* ſhould be ſummon'd to the Parliament at *Paris*, a War would moſt certainly break out, which was like to turn to the Advantage of *France*: and to this agreed ſeveral of the Chief Prelates, Earls and Barons of *France*, who perſuaded their Maſter to inſiſt that the King of *England* had not truly kept the Peace, to which He had ſworn and ſeal'd, according to the Tenor of the Treaty made at *Bretigny*, and afterwards confirm'd at *Calais*: for the King's Council then urged, That the *Engliſh* had more diſturb'd the Realm of *France*, ſince the Peace was made, than they had done before, and that what they aver'd was true; farther they deſired, that the Charters of Peace ſeal'd by K. *Edward* and the Prince his Son, and which they were by Oath obliged to obſerve, ſhould be produced and read in the King's Preſence; who thereupon, to be inform'd of the truth of the matter, cauſed the ſaid Charters to be brought into the Council-Chamber, and heard them read over twice or thrice, that ſo He might the better conſider the Articles therein comprized. But that which He thought made moſt for his Advantage was, [2] the Great Charter of *Renunciation*, ſeal'd by King *Edward* at *Calais*, and called that of *Ceſtaſſavoir*, as has been already related; whereby it is expreſly provided, That if by Diſobedience, Rebellion, or Force of any of the Subjects of the *French* King, the ſaid King ſhould be hinder'd from performing all the ſaid Articles, yet neither ſhall the King of *England* nor his Heirs, for all that make any War upon the Realm of *France*; but both Kings ſhall joyn together to bring thoſe Rebels to Obedience, and to obſerve the ſaid Peace and Concord: So likewiſe that tho the Subjects of the King of *England* ſhould refuſe to yield up any Towns, Caſtles or Fortreſſes, which they held in the Realm of *France*, and which by reaſon of the Peace ought to be deliver'd up; or what any other cauſe ſhould hinder, that the King of *England* could not perform what He was bound to by reaſon of this Treaty; yet the King of *France* ſhall not make War therefore upon the Dominions of the King of *England*; but both the Kings were to joyn together to reduce thoſe Rebels to Obedience, and by force to recover ſuch Towns, Caſtles and Fortreſſes, and to deliver them to whom they ought to be deliver'd.

The Fr. King's Council alledg ſeveral Breaches on the ſide of the Engliſh.

To which end they moſt inſiſt upon a Clauſe in the Charter of Renunciation.

And there is alſo another Article in the ſame Treaty, * where after a recital of the Oath that the King of *England* had made for Himſelf, his Heirs and Succeſſors, not to do, nor ſuffer to be done any thing againſt this *Renunciation*, or againſt any thing contain'd in the afore-ſaid Articles; it follows thus: " And if We do, or ſuffer to be " done the contrary any manner of way (which God forbid) then " We will that We be reputed for *Falſe* and *Forſworn*, and incur

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[1] Id. ib.

[2] Du Cheſne p. 693. Froiſ. c. 246.

* Vid. the Articles of Renunciation already related.

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"ſuch Blame and Infamy, as a King Sacred ought to incur in ſuch a caſe. To the Obſervation of which Charter, not only the King, but all his Sons and the Major part of the Earls and Barons of *England* were ſolemnly Sworn.

Now [1] that which the King and Council of *France* urged on behalf of themſelves and that Kingdom, againſt King *Edward* and the Prince his Son, was, "That They having ſince the making of the late Truce broken their ſaid Oath, by not yielding to the King of *France* their due Aſſiſtance in driving out the *Companions*, that ſtill held divers Towns, Caſtles and ſtrong Places in *France*, and from thence ſpoil'd and ravaged the adjacent Countries, but had alſo ſent a new Army of the ſaid disbanded *Companions* into the King's Dominions, who had done as much Miſchief as thoſe that were there before, and do ſtill keep ſeveral Towns and Caſtles, contrary to the ſaid Peace; and thereby have, and alſo do commit divers great Hoſtilities againſt the King and his Subjects: And tho King *Edward* might think Himſelf an Abſolute Sovereign in *Aquitain* by the Treaty of *Bretigny*, and ſo not lyable to anſwer for the Oppreſſions of his Subjects in thoſe Parts, yet ſince He had not truly obſerved the Articles on his ſide, therefore the whole Treaty was null and void; ſo that the ſaid King *Edward* and the Prince his Son, ſtill remain'd Vaſſals to the Crown of *France*, as they were before the ſaid Treaty. [2] They alſo further urged, That it was void for another more weighty Reaſon, *viz.* "The Agreement made between the two Kings at *Boulogne*, on the twenty ſixth of *October* 1360. by which it was accorded, That whereas for ſome Difficulties, which then happen'd, the *Renunciations* to be made at *Calais* could not be then perfected, both Kings ſhould by the Feaſt of St. *Andrew* the Year following ſend their Deputies to *Bruges*, to bring with them the ſaid Treaty of Peace and Renunciation, in new Letters Patents, ſealed with their Seals, and until that time they ſhould be of no effect: and that till then the King of *France* ſhould have and enjoy the ſaid Reſſorts and Sovereignties in the ſaid manner as before. So that theſe Inſtruments not being deliver'd at *Bruges* by the Day appointed, the *French* King's Sovereignty over *Aquitain*, *&c.* was again revived. But of this I ſhall ſpeak further, under the Year 1370; but ſhall now confine my ſelf to treat of the Year enſuing.

[1] Du Cheſne ibid. Chron. Franc. MS.

The Allegations of the King and Council of Fr. *whereby they would make void the Treaty of* Bretigny.

[2] Du Tillet Recueil de Traictez, *&c.* p. 73, 74.

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When King *Charles* had thus held the Barons of *Gaſcoigne* in ſuſpence for divers Months, [3] and found they were now fixt, and that rather than ſubmit to the Prince of *Wales*, they would abſolutely revolt, and become Subjects to the Crown of *France*, and joyn with Him in making War upon the *Engliſh*, He was then encouraged to declare Himſelf more openly; and to this end, with the Advice of the Earls of *Armagnac*, *Perigort* and *Cominges*, as alſo the Lord of *Albret*, and other Barons above-mention'd, He order'd a Letter of Summons to be drawn up, and ſent by two Perſons of no great Quality to the Prince of *Wales*, then at *Bourdeaux*, which they deliver'd into his own hands, which the Prince order'd to be read aloud; and was to this effect:

[3] Froiſ. c. 247.

The King of France *having fix'd the Barons of* Gaſcoigne *in their Reſolutions of revolting, ſummons the Prince to appear at* Paris.

"*CHARLES*,

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"CHARLES, by the Grace of God, King of *France*, to Our Nephew the Prince of *Wales* and *Aquitain*, Greeting; Whereas divers Prelates, Barons, Knights, Univerſities, *&c.* of the Limits of the Country of *Gaſcoigne*, and inhabiting on the Borders of Our Realm, with ſeveral others of the Country and Dutchy of *Aquitain*, have withdrawn themſelves unto Us in Our Court, there to have Right of certain Grievances and Moleſtations, which You by weak Council and ill Information have purpos'd to do unto them; and at which We are ſurpriſed with wonder: to obviate therefore and remedy the ſaid Matters, We being ſo ſtrictly engaged unto them, do by Our Majeſty Royal and Sovereignty, Command You to come to Our City of *Paris* in Your Own Perſon, and there to ſhew and preſent Your Self before Us, in Our Chamber of Peers, to hear Right concerning the ſaid Complaints and Grievances, begun and acted by You upon Your People, who claim to have Reſſort to Our Court; and that herein there be no Failure, but that it be ſpeedily Performed, after Sight of Theſe Letters. In Witneſs whereof, We have ſet Our Seal to Theſe Preſents. Given at *Paris* the Twenty fifth Day of *January*.

[3] Id. c. 248. *Upon which the Prince is highly incenſed.*

And orders the Meſſengers to be ſeiz'd.

When the [3] Prince had heard theſe Letters read, He was highly incenſed; yet endeavouring to reſtrain his Paſſion, He return'd them this Short but Reſolute Anſwer: *Gentlemen, We ſhall be willing to wait on Our Uncle the King of* France *at* Paris, *ſince He hath thus Invited Us; but it ſhall be with Our Helmet on Our Head, and attended by Sixty thouſand Men.* At which the *French* Gentlemen in a great Fright, beg'd his Pardon, ſaying, they were commanded to do what they did by the King their Maſter. But the Prince being under ſome Diſturbance, withdrew into another Room, and left them at liberty to go when they pleas'd, as preſently they did; for they left the City, and went towards *Tholouſe*, where the Duke of *Anjou* then reſided. And the Prince being incenſed by the Lords of his Council at the ſawcineſs of this Action, that theſe Men having no Safe-Conduct, ſhould preſume to ſerve Him with ſuch a Summons, thereupon forthwith ſent certain Meſſengers after them, who ſeizing their Perſons upon the Road, carried them Priſoners to the City of *Agen*; which being told the Duke of *Anjou*, by ſome of their Servants that eſcaped, He was very well pleas'd at it, becauſe he knew it would prove a freſh cauſe of War and Rupture with *England*, which He very much deſired.

[4] Id. ibid. *King of* France *makes ſecret Preparations to prevent the Pr. from doing him any prejudice.*

And lulls King Edward *aſleep with frequent Ambaſſies*, &c.

[5] T. W. ad hunc An.

But tho King [4] *Charles* Himſelf did not receive the Anſwer that was ſent Him, by thoſe to whom it was deliver'd, yet He ſoon heard it by ſome that belonged to them; and therefore being much concerned at what had happen'd, He made the beſt Preparations He could to avoid the fatal effects that muſt be expected from that Summons. For altho He had made ſecret Leagues and Confederacies with the Emperor and other Princes, and privatly agreed with many of the Captains of the *Companions* to engage in his Intereſt, yet all this while [5] He carried things ſo cunningly, and ply'd King *Edward* with ſuch frequent Meſſages and Ambaſſies, as alſo Remonſtrances and Overtures, for the better obſerving of the Peace, that He thereby reckoned Himſelf ſo ſecure of the *French* King's Intentions, that when his Son

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wrote Him word of the evil Affections and Deſigns of the Barons of *Gaſcoigne*, and what they were doing at the Court of *France*; and therefore intreated Him that He would not too much rely upon the ſmooth Words and Profeſſions of the *French* Ambaſſadors; the King was ſo far from giving credit to what the Prince had written, that He looked upon it as the warm Apprehenſions of a Young Man, who was impatient of Peace. Thus did this Politick Prince lull this Credulous King aſleep, till he had ſecretly by his tampering with his Subjects, not only in *Gaſcoigne*, but in the Country of *Ponthieu*, made them ready for a Revolt; whilſt the other being too ſecure, uſed no means to prevent it by reinforcing his Gariſons in thoſe Parts, as He might eaſily have done, had He been ſooner aware of the *French* Deſigns: Which may ſerve as a laſting Warning to our *Engliſh* Kings, either wholly to come over to the *French* Intereſt, or if not, timely to provide againſt a Breach, which will never fail to happen on the firſt Occaſion or Advantage they can think themſelves Maſters of; and againſt which no Oaths or Promiſes, tho never ſo ſolemnly made, have ſignified any thing, according to the beſt of my Obſervation. But to proceed to our Hiſtory.

King of France *calls an Aſſembly of the Eſtates.*

When the Appeals of the Lords of *Gaſcoigne* (above-mention'd) had been for ſome time received by the King of *France*, in his Great Council or Parliament at *Paris*, He to engage all the Eſtates of the Kingdom in his Quarrel, ' on the Twenty firſt of *May*, held a great Aſſembly of them at *Paris*, according to the accuſtomed manner; and the firſt thing He did, was to lay before them the Appeals of the *Gaſcoign* Barons, with the Cauſes why He had receiv'd them; and deſired their Advice what He had beſt to do thereupon. After ſome debate, they all anſwered with one Conſent, That his Majeſty had done well and reaſonably in receiving the ſaid Appeals, and that they ought not to have been refuſed; declaring further, That if the King of *England* began a War upon Him on that Account, it would be unjuſt and againſt all Equity.

' Chron. Franc. MS. penes Cler. Urb. London.

King Edward*'s Letter is alſo read, with King* Charles's *Reply.*

After this, the Letters or Memorial which K. *Edward* and his Council had lately deliver'd to K. *Charles's* Ambaſſadors at *London* were alſo read before them, conſiſting of ſeveral Remonſtrances and Complaints of the late Breach of the Treaties of *Bretigny* and *Calais*; which being ſet down under ſeveral Heads or Articles, the *French* King had politickly added his Anſwers to each of them. Theſe being very long, I omit, ſince they are now of little Uſe; but they chiefly contain that King's Juſtification for receiving the ſaid Appeals, and that for theſe Reaſons:

" Firſt, Becauſe the Prince of *Wales* had infringed the Liberties and Privileges of thoſe Countries, Cities and Towns, that had lately made their Appeals to the King of *France*; and eſpecially of thoſe that had been delivered to King *Edward* by virtue of the Treaties above-mention'd; by which it is expreſly provided, and by Him agreed to, that they ſhould be duly kept and obſerved: and this He (the King of *France*) having ſtill retain'd the Sovereignty over all thoſe Places, was thereby impower'd to ſee perform'd; which Sovereignty, tho He had not thought fit to exerciſe, and put in practice till there ſhould be occaſion for it, yet had that wholly depended on his own Good will and Pleaſure, ſince He might have reaſſumed the Exerciſed of it whenever He pleaſed, and for this He appealed to the Charter

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of the intended Renunciations already mention'd, in which it is expreſly provided, *That till the ſaid Renunciations were actually made in the Manner and Form thereby appointed, the Sovereignties and Reſſorts belonging to the ſaid Places were to remain in the ſame State as before, till ſuch time as the King of* France *had expreſly renounced all his Right and Title to them, which He had never yet done, nor was now at all obliged to do:* For that the King of *England* had never ſent thither any Perſons before whom the King of *France* might make and excuſe his ſaid Intended Renunciation; but this the ſaid King did not now require at his hands, becauſe the time within which it was to be made was long ſince elapſed.

“ But as for what the King of *England* had replied, That if the *French* King refuſed to make the Renunciations agreed on, but would ſtill receive the Appeals of the *Gaſcoign* Lords, He the ſaid King *Edward* was likewiſe free to reaſſume his Right to *France*, together with the Title of King thereof: To this it was anſwered, That there were not the ſame Reaſons for the one as for the other; ſince if King *Edward* ſtiled Himſelf King of *France*, it only concern'd his own Pleaſure and private Intereſt; but for the K. of *France* to receive the ſaid Appeals, He did not only regard his own private Advantage, but chiefly thoſe who had appeal'd againſt the Oppreſſions of the Prince of *Wales*, their immediate Lord, and for which the ſaid King was obliged to do them Juſtice, as being ſtill their Sovereign.

“ That as for the K. of *England*'s offering to repair the Attempts and Breaches he had made on the Liberties and Privileges of the Appellants, provided they would return to his Obedience; and as for his alledging his being ſtill ready to make the ſaid Renunciation on his part, whenever the *French* King would do the like on his: To this He anſwer'd, That this was no Juſt nor Reaſonable Propoſal, becauſe He had not done any thing in Breach of the ſaid Treaty by receiving thoſe Appeals, but had rather done his Duty towards thoſe who ſtill continued under his Sovereignty; nor were they any more obliged to return to the Obedience of the Prince of *Wales*, unleſs it could be prov'd, that they had appeal'd without any juſt Cauſe, in which Caſe the King of *France* would act according to Juſtice and Reaſon.

“ But as for his Receiving the King of *England*'s Renunciation, or making any ſuch Himſelf, the time being long ſince elapſed for the Performing of it, He did not look upon Himſelf now at all obliged either to accept it from that King, or make Him any ſuch Renunciation as He demanded.

This is the Sum of what was material in the *French* King's Anſwer to King *Edward*'s Demands, as to that King's Renouncing the Homage and Sovereignty over *Aquitain*. The reſt of his Anſwers concerning the Reſtitution of ſeveral Places ſtill detain'd and undelivered by King *Charles*, I omit, becauſe they contain only matter of Recrimination upon King *Edward*, for not reſtoring ſeveral Towns as He ought to have done by the ſaid Treaties; as alſo becauſe they ſhew more of Trick and *French Chicanry*, than Truth or ſolid Reaſon. But what Reply King *Edward* made to theſe Reaſons, I do not find; yet I think it plain enough to any unprejudiced Reader, That the King of *France*'s

Arguments are indeed meer Cavils; for it appears evidently from the above-recited Inſtruments of the Intended Renunciations, that the King of *France* was not to have, or exerciſe any Sovereignty over *Gaſcoigne*, nor the Towns and Territories to be given up by Him, until the time of the ſaid Renunciation to be made at *Bruges*, as is already mention'd. And tho it may from thence ſeem to be intended, that in caſe thoſe Renunciations were not made and ſent to *Bruges* in the manner as was therein preſcribed, that then each King, as to the Sovereignty over each others Dominions, ſhould remain in the ſame State as before; yet ſince this Engagement was mutual, and that King *Edward* was no more obliged to make the Renunciation on his part, before the *French* King had done the like for Himſelf and his Heirs, they being to do it both together; the King of *France* could not in Juſtice take any Advantage of that Omiſſion, unleſs He could have proved at the ſame time that He had offer'd to make his ſaid Renunciation at the Place and within the Time required, which had been refuſed to be accepted of and performed on King *Edward*'s part.

But to return to the Hiſtory. All I ſhall farther relate concerning this Affair is, That the Eſtates of *France* did now ſo far approve of their King's Proceedings with his Adverſary of *England*; [d] that they promiſed Him their utmoſt Aſſiſtance, in caſe a War ſhould break out between the Two Nations, as it did indeed the Summer following. Wherefore in perſuance of their former Vote, the Eſtates at their next Meeting in *December*, upon the King's Declaring to them, That He could not carry on the War without an extraordinary Expence, did therefore grant Him an Exciſe of Twelve *Livres* upon each Meaſure of Salt, and Four *Francs* upon each Chimney in all Cities and Good Towns, and One *Franc* upon all ſmaller Villages; and beſides theſe, they likewiſe impoſed a Great Exciſe upon Wines, and all Cattle that were to be ſold in *Paris*, and other Cities and Great Towns. Thus reſolute was the *French* Nation to maintain what they thought to be for the Honour and Intereſt of their King and Country, and ſo far leave an Example worthy the Imitation of other Nations as well as their own. I have here added this laſt Tranſaction, tho done at the latter end of this Year, becauſe I would put all things relating to this Affair together. But I ſhall now proceed to what happened the Summer before, and how the War broke out again between the two Crowns.

[d] Id. ibid. *The States of* France *promiſe the King their utmoſt Aſſiſtance in caſe of a War with* England.

When all things were ripe for Action, and that the Chief of the *French* Hoſtages had one way or other got out of King *Edward*'s Power, the War ſo long deſign'd by the *French* King thus broke out: The rebellious Lords of *Gaſcoigne* being reſolved to revenge the late ſeizing of K. *Charles*'s Meſſengers, as done on their Account, and having Intelligence that Sir *Thomas Wake* [e] Seneſchal of *Rovergne* was on ſuch a day to go from thence to *Rodez* with Sixty Lances to reinforce that Gariſon, they laid an Ambuſh for him of Five hundred Men, led by the Earl of *Perigort*, who falling upon the *Engliſh* on the ſudden, killed moſt of them, and had done the like to Sir *Thomas* himſelf, or at leaſt had taken him Priſoner, had he not by the goodneſs of his Horſe made his Eſcape to *Montauban*. Upon which Prince *Edward* being highly incenſed, ſent immediately into *Normandy* to Sir *John Chandois* to come to his Aſſiſtance, which he preſently did, and waiting

[e] Froiſ. c. 250. *How the Barons of* Gaſcoigne *began the War there.*

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on him at *Angoleſme*, he was immediately ſent with certain Troops of Men of Arms and Archers to reinforce the Gariſon of *Montauban*, and thence to make War upon the *Gaſcoigners* and *Frenchmen*, who daily encreaſed in their Numbers, and over-ran his Territories: but the Prince was not ſtrong enough to act otherwiſe than upon the Defenſive, tho the *Captal de Buche*, and many other great Lords and Officers came in to his Aſſiſtance; yet not having Money ſufficient to raiſe or pay an Army, he could at preſent do no great matter againſt the *French*, till he had receiv'd freſh Succours from *England*; to the Affairs of which it is now time to return.

The Prince not being ſtrong enough, can only act defenſively.

Before King *Edward* could receive any account of what had been done in *Gaſcoigne*, the [4] King of *France* had underhand tamper'd with the Townſmen of of *Abbeville* in *Ponthieu* to try if they would revolt, and receive a *French* Gariſon: and finding them weary of the *Engliſh* Government, He reſolv'd to put his Deſign into ſpeedy Execution; and tho he had at this time his Ambaſſadors in *England*, who to blind the Buſineſs trifled away the time in making frivolous freſh Complaints, yet it was without any mention of a War. But all things being now ripe for Action, He thought it unbecoming a King to begin it, without any notice firſt given [5]; and therefore by the Advice of his Council He ſent King *Edward* Letters of Defiance, not by any Prelate, Lord, or Man of Quality, but by an ordinary Valet, or Serving-man, at which King *Edward* was much provoked, looking upon it as a great Affront to his Royal Dignity; when but juſt before this, the King upon receiving Intelligence that K. *Charles* had begun ſome Hoſtilities in *Ponthieu*, had diſmiſſed his Ambaſſadors, and at the ſame time refus'd a Preſent of Wines and other things which had been juſt before ſent Him by their deceitful Maſter. And indeed it was a great ſurprize to the King to find open War thus declared againſt Him on the ſudden, by a Prince who was never look'd upon as a Warrior, and would never have preſumed to have done it, had He not receiv'd very great Encouragements at Home as well as Abroad. But now King *Edward* thought it high time to ſecure his Frontiers in *Ponthieu*, where the Lords *Piercy*, *Nevil* and *Windſor* were order'd immediately to paſs over with ſufficient Forces for that purpoſe; but as they were juſt ready to depart [6], the News came, that the Earl of St. *Paul*, and Sir *Hugh de Chaſtillon* Maſter of the Croſs-bows of *France*, had by that King's Command, already ſeiz'd the Town of *Abbeville*, the Men opening their Gates to receive them; and that preſently after they had made themſelves Maſters of the whole County of *Ponthieu*, taking all the Officers both Civil and Military, together with the Soldiers, Priſoners. Thus did King *Edward* loſe on the ſudden all his Territories in *Picardy* (except *Calais*, and the Country about it) without ſtriking a ſtroke.

The King of France *tampers with the Townſmen of* Abbeville.

He ſends King Edward *a Letter of Defiance by an ordinary Valet.*

The King receives News of the taking of Abbeville, *&c.*

So there was no way to recover theſe Loſſes but by the general Aſſiſtance of the Nation in Parliament, * which was now ſummon'd to meet on the Octaves of the *Holy Trinity*, or the next Sunday after that Feaſt, being the 27*th* of *May*; † when the King, Prelates, Dukes, Earls, Barons, Knights, Citizens and Burgeſſes being aſſembled in the Painted-Chamber, *William* of *Wickham*, then Biſhop of *Wincheſter*, and Chancellor, ſhew'd them the Cauſe of Summons, telling them, that the King in all his great buſineſſes touching Himſelf and the King-

A Parliament ſummon'd.

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[4] Id. ib.

[5] Du Cheſne, Mezeray.

[6] Froiſ. c. 246.

* Rot. Clauſ. 43 Ed. 3. m. 24. dorſ.

† Rot. Parl. 43 Ed. 3. n. 1.

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Kingdom, had in all times acted and proceeded by the Counſel and Advice of the Great Men and Commons of the Realm, whom He ſtill found in all his arduous Affairs truly Loyal, for which He thanked them; and not being willing any thing ſhould be unknown to them, he further told them, that with their Advice and Counſel He had formerly made Peace with his Adverſary of *France* upon certain Conditions, that he ſhould cauſe to be deliver'd unto him certain Lands and Countries beyond Sea, and alſo pay him certain Sums of Mony at ſtated times appointed by the Articles of the Peace; and further, that He ſhould lay aſide the Sovereignty and Reſſort in all the Lands and Countries of *Gaſcoigne*, and other Territories which the King held beyond Sea; and that He was in conſideration thereof to part with the Name and Title of the King of *France* for ever. But that his ſaid Adverſary had wholly fail'd to make Delivery of the Lands and Countries ſo agreed to be deliver'd by the Peace, as alſo in his Payments; yet that nevertheleſs he had receiv'd the Appeals of the Earl of *Armagnac*, the Lord *de la Bret*, and others, who were the King's Lieges in *Gaſcoigne*, and by virtue of their Appeals had cauſed to be ſummoned his Son the Prince of *Wales* to appear before Him at *Paris* the firſt day of *May* laſt, to anſwer their Appeal, which was againſt the Form of the Peace; and * farther, that he had ſent a great number of Men at Arms and others into the Countries of *Gaſcoigne*, and there by Force had taken Towns, Caſtles, and other Places; kill'd ſome of the King's Liege-People, taken others, and impriſon'd them, in expectation of great Ranſoms; the like alſo he had done in ***Ponthieu:*** and becauſe of theſe things done in the Principality of ***Aquitain*** againſt the Form of the Peace, † the Prince had ſent Meſſengers on purpoſe to inform the King, that he had called to him the wiſeſt Men of the ſaid Principality, and treated with and propounded to them, whether by reaſon of theſe things his Father might not by Right retake upon Him, and uſe the Name of King of *France*; who anſwer'd and affirm'd, the King might do it by Right and good Faith. Upon which Point the Archbiſhop of ***Canterbury***, and the other Prelates were charged by the King to treat and ſhew their beſt Advice and Counſel.

The Biſhop of Wincheſter *ſets forth the Breach of the Peace by the* French.

* Ib. n. 2.

† Ib. n. 3.

|| On Wedneſday following the Archbiſhop and Prelates after mature Deliberation had upon the Charge, with one accord anſwer'd, that the King for the Cauſes aboveſaid might juſtly reaſſume and uſe the Name of King of *France* by Right and good Conſcience: to which agreed the Dukes, Earls, Barons, and other Great Men, and Commons in full Parliament.

|| Ib. n. 8. *The Biſhops and Lords agree, that on failure of Performance on the* French *King's part,* K. Edward *might reſume the Arms and Title of* France.

* On the ſame day, and the Thurſday following, the State of the Kingdom was laid before the Great Men and Commons; and becauſe the War was now open'd, and the King would be at great Charges as well by Sea and Land, which He could not maintain without their Aid, He requeſted them that they would treat and adviſe how He might be beſt aſſiſted to his greateſt Profit, and the leaſt Charge and Damage to his People. Then the Prelates, Dukes, Earls and Barons by themſelves, and the Commons of one accord, granted to the King a Subſidy of *Wools*, of every Sack three and forty Shillings and four Pence, and of every twelve ſcore of *Woolfels* as much, and of every Laſt of Leather four Pounds, which ſhould paſs beyond Sea for three

* Ib. n. 9, 10. *The State of the Kingdom laid before the Parliament.*

Who grant a great Aid upon Wool, Woolfels and Leather.

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three Years, beſides the antient Cuſtoms, to begin at *Michaelmas* next coming; and of Denizons or Strangers for every Sack of Wool four Marcs, of every twelve ſcore of *Woolfels* as much, and of every Laſt of Leather the ſame rate.

* Ib. n. 25.

The King promiſes his Subjects all they could conquer from France.

And * the King not only provided Himſelf with Mony this Parliament, but alſo, to encourage his Subjects the more readily to aſſiſt Him, openly declar'd a Compenſation to ſuch Lords or others, of whatſoever Eſtate, Degree, Condition, or Nation they were, who would maintain his Cauſe and Quarrel againſt his Enemies of *France*, that they ſhould hold and enjoy for ever what they ſhould there recover and conquer, be they Dutchies, Earldoms, Vicounties, Cities, Towns, Caſtles or Lordſhips, ſituate in *France*, to hold them of Him as King of *France*, by the Services and Dues accuſtomed; but then reſerved expreſly to Himſelf and his Heirs all Demeaſns, Royalties, Services, Homages, Dues, Reſſorts and Sovereignties belonging to the Crown of *France*; except all Church-Lands, and the Lands of all ſuch, as without Force or Difficulty would obey, adhere to, and remain in Obedience to Him of their own good-will, and aſſiſt Him in his Quarrel, *&c.* againſt the ſaid Adverſary.

* Rot. Parl. ib. n. 8.

The King reaſſumes the Title and Arms of France.

* See the particu-
lar Seals then
changed. Rot.
Claus. 43 [illegible]
m. 8

Then before this * Parliament was diſſolv'd, the King again claimed the Title, and reaſſum'd the Arms of *France*; and on the 11*th* day of *June*, his preſent Great Seal being laid aſide, and the former Seal engraven with the Stile and Arms of *England* and *France*, was again taken out and uſed, and ſeveral Patents and Writs therewith ſealed: and the ſame day all the King's other Seals were alſo changed, one of them being circumſcribed with the word *Franciæ* in the firſt place, and others with *Angliæ*, as at the firſt taking that Title; from which time even to this day the Kings of *England* have continued to quarter their Arms with thoſe of *France*, in token of that antient Right, to which King *Edward* now renew'd his former Claim. *

[7] Froiſ. c. 253.

He ſends Forces to ſecure the Frontiers of Scotland.

* Rot. Pat. 43 Ed. 3. p. 1. m. 27.

Ld Windſor *appointed Lieutenant of* Ireland.

* Ib. n. 32.

[8] Froiſ. ib.

The Dukes of Berry *and* Anjou *invade* Aquitain.

* Lord in or-
der to per-
form more
than the taking of [illegible]
by titles, the King
sent over [illegible]
[illegible] patents
to his son
Prince of [illegible]
Aquitain and Wales
letting him know,
since his Cosin Char-
les of France
had begun [illegible]
to
ye Articles of Peace
made with his Father King John, and that he was [illegible]
to reassume the Arms and Title of the [illegible] and [illegible] all
of [illegible] enemies therefore to encourage all Lords and other
whatsoever who should assist him agst. them, this was to assure all [illegible]
whatever Countries, Cities and Towns &c. they should conquer and win from his
enemies, [illegible] them to themselves, and their Heirs forever,
only reserving to the King his Sovereignty, Homage and Resort [illegible]
[illegible] dated June 19. [illegible] Rot. [illegible] p. 122. But what effect this brought

* Rot.
Vasc.
43
[illegible]
m. 3.

Then [7] the King, to prevent any Miſchief that might be done by the *Scots* (whom He heard were engaged in a new League with the King of *France*) ſent a conſiderable number of Archers and Men of Arms to ſecure the Frontiers of that Kingdom; beſides which He ſent a good Fleet to cruiſe about the Channel, for He heard the *French* King was ſetting forth a great Navy to Sea, which was to come and invade *England*, or (as others ſay more probably) *Ireland*; wherefore * He was obliged to ſend thither no ſmall Forces under the Command of the Lord *William Windſor*, who was alſo appointed Lieutenant of that Kingdom; he immediately repair'd to it, being * accompanied by the Lord *Faulkenbergh*, and other Perſons of Quality and Experience. Thus did the King, not knowing where the Storm would fall, take all poſſible care to ſecure his Dominions againſt the ſudden Attempts of his newly declar'd Enemy. In the mean while the War between the two Crowns was open'd in *France*; for not [8] long after the ſaid Defiance was ſent to K. *Edward*, the Dukes of *Anjou* and *Berry*, Brothers to the *French* King, immediately invaded the Dutchy of *Aquitain*; and the latter of theſe having ready at his Command all the Barons of *Auvergne*, of the Biſhopricks of *Lyon* and *Maſcon*, together with the Lord of *Beaujeu*, and divers other Noblemen, theſe coming with a notable number of the *Companions*, who were now brought over to the *French* Intereſt, made up a very conſiderable Army,

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Army, and invaded the County of *Poictou*, while the Duke of *Anjou*, who likewiſe had gain'd over to his Party certain *Gaſcoigne* Captains of the *Companions*, as St. *Perdicas*, *D' Albret*, and ſeveral others, all bringing in their Troops to the *French* Service, ravag'd *Gaſcoigne* on that ſide towards *Tholouſe*. But many of theſe *Companions* with their Captains, eſpecially thoſe who lay about the City of *Mans*, and in the *Lower Normandy*, continued ſtill firm to the *Engliſh* Intereſt, and with their Forces took the City of *Vire*, and deſtroy'd the Country round about.

But theſe Numbers were too weak to do any thing conſiderable; wherefore King *[1] *Edward* in the beginning of the Spring ſent over five hundred Lances, and a thouſand Archers, under the Command of *Edmund* Earl of *Cambridg* (afterwards Duke of *York*) the King's fourth Son, and *John Haſtings* Earl of *Pembroke* his Son-in-law, who landing with their Forces at St. *Malo's*, were kindly received by the young Duke of *Bretagne* their Brother-in-law. Theſe marching thro the Dutchy of *Aquitain*, arriv'd at *Angoleſme*, where the Prince then was; but he being much indiſpoſed, was not able to accompany them; wherefore after ſome days reſt theſe Lords being join'd with certain Troops of the *Companions*, that Sir *Hugh Calverly* had lately brought out of *Spain*, made up in all a ſmall Army of above three thouſand Men, and marching into the County of *Perigort*, waſted it with Fire and Sword, and laid Siege to the ſtrong Caſtle of *Bourdeilles*, which was at laſt ſurrender'd, tho after a long Siege, as you will find hereafter.

Earl of Cambridg *ſent to aſſiſt the Prince his Brother with a conſiderable Force.*

With which they march into Perigort, *and beſiege* Bourdeilles.

But on the [s] other ſide, the *French* Forces, who were much more ſuperior in number than the *Engliſh* about the Borders of *Poictou*, ſurprized certain of theſe latter Troops by an Ambuſh: and tho they made a brave and noble Defence, yet they were either kill'd, or put to flight, and moſt of their Captains taken Priſoners; the chief of whom was Sir *Simon Burley*, who had been bred up with Prince *Edward* from his Childhood. The News of his being taken with the loſs of ſo many brave Men, was a great trouble to Him.

The French *being ſuperior in* Poictou, *ſurprize certain Troops of the* Engliſh.

In the mean while [t] the Lord *Chandois*, and Sir *Guiſchard D'angle* were in and about *Montauban* with their Troops; but tho they had been hitherto diſappointed in ſeveral of their Undertakings, yet they now march'd with their Forces, and laid Siege to the Town of *Terrieres* in *Tholouſaine*, which being taken by a Mine, the Place was plunder'd, and the Inhabitants put to the Sword. But the Duke of *Anjou*, who was then at *Tholouſe*, ſent the Earls of *Perigort* and *Cominges*, and divers other Commanders, with their Troops to the number of about ten thouſand, with which they marched into *Quercy*, where they began to do a great deal of miſchief by burning and ravaging the Country, and ſo came before *[2] *Roanville*, a Town in thoſe parts: But the Seneſchal of that Province had ſo well furniſh'd the Place with all things neceſſary, that it was not to be taken without a formal Siege of ſeveral Months, and that not by ſtorming, but by ſpringing a Mine, and then all the *Engliſh* therein were put to the Sword; but the Townſmen upon their ſwearing Allegiance to King *Charles* were receiv'd to Mercy.

The Ld Chandois *lays ſiege to* Terrieres, *and takes it by Aſſault.*

The French *take the Town of* Roanville *by ſpringing a Mine.*

Whilſt [u] theſe *French* Commanders were thus employ'd in *Quercy*, the Duke of *Berry* was in *Auvergne* with a great number of Men at

* Arms,

the end thereby intended. [illegible] not fixed

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[1] * Id. c. 254.

[s] Id. c. 255.

[t] Id. c. 256.

[2] * Froiſ. *calls it* Riaumulle, *but his Abridgers (more rightly) as it is here.*

[u] Id. c. 257.

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Arms, the chief Leader whereof was the Lord of *Armagnac*, and ſeveral other Barons of thoſe Parts, who ravag'd the Borders of *Rovergne*, *Quercy* and *Limoſin*; when beſides open Force, the Duke of *Anjou* made uſe of Religion as a pretence (as it hath often been a handle to juſtify very unrighteous Wars) for the Archbiſhop of *Tholouſe*, a Politick Prelate, was prevail'd upon to go to the City of *Cahors*, of which Place his Brother was then Biſhop; and there thoſe two Brothers ſo powerfully preach'd up the Right of King *Charles* againſt King *Edward*'s Pretenſions, that the whole City revolted, and ſwore Allegiance to the *French* King.

The Archbiſhop of Tholouſe *is prevail'd on to preach up the* French *Cauſe, and thereby the City of* Cahors, *&c. revolt from the* Engliſh.

With theſe Arts the Archbiſhop rode about through the County, ſetting forth the Juſtice of his Maſter's Quarrel with ſuch Popular Arguments, and inforc'd with ſuch ſeeming Proofs out of Scripture, that together with the Terror of the Duke of *Anjou*'s Arms, who hover'd thereabouts, he brought over no leſs than fifty Cities and Towns to the *French* Obedience. And becauſe this Archbiſhop was found to ſucceed ſo well in *Gaſcoigne*, therefore in *Picardy* did divers Prelates and Clergymen take upon them to diſcuſs the Rights of theſe two Kings in their Pulpit, and you may be ſure always determin'd it on the behalf of their own Prince, whilſt the unthinking *Vulgar* ſwallow'd vvhatever they thus pretended to be Divinity as well as Juſtice: vvhilſt thoſe that vvere the ſetters on of theſe Preachers obtain'd two ſeveral Ends by it; the one to reduce thoſe Places back again to the Crown of *France*, that had been before given up by the Treaty of *Bretigny*; and the other to render the People more eaſy and willing to ſupport the Charge of the War.

[3] Id. ib. Mezeray. *K.* Charles *ſhews great Devotion by ſolemn Proceſſions and Prayers.*

Nor [3] vvas King *Charles* Himſelf wanting to perform his part; for either He really or ſeemingly expreſſed great Signs of Devotion, cauſing Faſtings and ſolemn Proceſſions to be uſed by the Clergy and Layety, at vvhich both Himſelf and his Queen often aſſiſted, vvalking vvith them bare-foot to the principal Churches, vvhere conſtant Prayers vvere put up to God to protect and aſſiſt the Kingdom of *France*, vvhich had been ſo long in great Tribulation.

[4] Id. 16. *Whereupon K.* Edward *does the like.* * Godwin de Præſul. Lond. Simon *Bp of* London *preaches to ſet forth the Injuſtice of the* French *King.*

King [4] *Edward* was alſo oblig'd as vvell through Piety as Policy to uſe the ſame Methods in his Kingdom, thereby to render his Subjects more vvilling to venture their Lives in his Cauſe, when they were made ſenſible of the Juſtice of it; and **Simon Sudbury** * Biſhop of *London*, a Man vvell read in the Canon Laws and holy Scriptures, and of great Eloquence, preach'd many Sermons, declaring and proving unto the People, that the *French* King had renew'd the War, not only againſt his Oath, but alſo againſt all Right and Reaſon, by manifeſt Injuſtice, Fraud and Perjury: All which, together vvith King *Edward*'s Title to *France*, he ſet forth with great ſtrength of Argument and Rhetorick, to the ample Satisfaction of his Auditors. Nor was King [5] *Edward* wanting to his own Intereſt in renewing his Alliances Abroad vvith the Dukes of *Haynault*, *Guelders* and *Juliers*; but tho the two laſt being King *Edward*'s near Relations engag'd to aſſiſt Him, yet *Albert* Duke of *Bavaria*, then Governor of *Haynault* (inſtead of his Brother Duke *William*, who at that time labour'd under an incurable Diſtraction) and the Duke of *Brabant*, who had not long before contracted a League with the King of *France*, reſolv'd to ſtand Neuter; and as for the Earl of *Flanders*, he having newly

[5] Id. ib. *K.* Edward *renews his Alliances with the Princes of the* Low-Countries.

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newly married his only Daughter to *Philip* Duke of *Burgundy*, the *French* King's Brother, had abſolutely declar'd himſelf for their Intereſt. Thus vvas *England*, as to Foreign Aſſiſtance, in a worſe Condition than ever, being left in a manner deſtitute of any conſiderable Alliances from Abroad, the Princes that took his part being but few, and thoſe inconſiderable.

K. Charles *orders divers Diſcourſes to be publiſh'd in Juſtification of his Cauſe.*

Nor vvas this War carried on only by Temporal and Spiritual Weapons, but alſo by Paper Combats; for King *Charles* to render his Cauſe more plauſible to the Eye of the World, now cauſ'd to be publiſh'd certain Letters or Extracts relating to the Peace made at *Bretigny*, and ratified at *Calais*, wherein he ſets forth the ſubſtance of what according to his Obligation he had perform'd, and vvhat the King of *England* had not done, tho by Oath and Honour bound thereunto, producing ſuch Articles and Points as made for himſelf; but cuningly concealing or putting falſe Gloſſes upon vvhatſoever made againſt him. And he now alſo cauſed certain Doctors learned in the Laws to be vvell fee'd for ſetting forth their Opinions at large concerning the Right of the *French* King againſt the King of *England*, both as to the Crown, and alſo to the Superiority and Reſſort of *Aquitain*; and there are yet extant two Diſcourſes, vvritten by two famous Civilians of thoſe days, belonging to the Univerſity of *Bononia* in *Italy*, whoſe Names were *John de Lyana*, and *Richard de Salicette*: But many ſuch like Papers, together with his own Charters, did the *French* King publiſh and diſperſe in the Courts of Foreign Princes, the more to incline them to abet his Quarrel; inſomuch that King *Edward*, not to be behind hand with him, was oblig'd to make uſe of the ſame methods, and to employ ſome Learned Pens to juſtify and defend his Claim to the Crown of *France*, and to prove the Breach of the Truce wholly to lie on the *French* King's ſide, which was alſo cauſed to be thrown abroad in thoſe Places where he valued his Reputation moſt, or hoped at leaſt thereby to promote his Intereſt. Divers antient * Copies of this kind are to be ſeen in Latin in a Manuſcript of the moſt Learned Dr. *Stillingfleet* late Biſhop of *Worceſter*; and there is in *Engliſh* another Manuſcript of the ſame kind, formerly belonging to the Reverend Dr. *Spencer* late Dean of *Ely*, and Maſter of *Chriſt College* in *Cambridg*: which *Engliſh* Copy ſeems to have been tranſlated with much care from the other by ſome Perſon of Quality, for the uſe of that moſt hopeful Prince *Henry*, Son to King *James* the Firſt. But it is time to return again to the Arguments of the Sword.

King of Navarre *again fortifys his Towns and Caſtles in* Normandy, *and admits* Engliſh *Forces into them.*

The only [1] amends that King *Edward* had for the falling off of ſo many antient Allies, was, that *Charles*, King of *Navarre*, being now returned into *France*, and remaining unſatiſfy'd in his Demands upon the *French* King, wanted only an other Opportunity to renew the War againſt Him; and He himſelf reſiding at *Cherburg* in the *Lower Normandy*, began to fortify his Towns and Caſtles in *Coutantine*, and the Earldom of *Eureux* and other Parts of *Normandy*, which came unto Him by his Mother the Counteſs of *Eureux*: and He was not long after prevail'd upon by Sir *Euſtace d' Ambreticourt*, an antient Servant of King *Edward*, but then Governor of *Charenton*, and one of that King's Principal Counſellors, that He took ſhipping in a Man of War belonging to *England*, and ſo paſs'd over hither; and being

* *The curious Reader may find the ſubſtance of theſe Papers abridg'd in* Mr. Barnes's *Hiſtory*, p. 747, 748.

[1] Froiſ. c. 258.

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kindly receiv'd by King *Edward*, it was agreed between them, that He ſhould admit *Engliſh* Troops into his Gariſons, and then ſend to defy the *French* King; and ſo He return'd into *Normandy* with a very good Force of *Engliſh* Archers and Men at Arms, which were diſpos'd of in moſt of his Gariſons, according to the ſaid Agreement. But Sir *Euſtace d' Ambreticourt* being ſent for by the Prince of *Wales*, went into *Aquitain*, and as ſoon as he arrived was ſent away to reinforce the Lord *Chandois* and the Captal *de Buche*, who lay then at *Montauban*, keeping the Frontiers againſt the *French*, of whom we ſhall ſpeak more hereafter.

[1] Froiſ. c. 259. *The* French *in* Picardy *beſiege the Caſtle of* Ardres, *but are repuls'd.*

[2] Id. c. 260.

The Caſtle of la Roche de Pozay *is ſurpriz'd by the* French.

All the reſt of this Year was ſpent in taking of Towns and Caſtles on either ſide, or elſe in ſlight Skirmiſhes, but without coming to any ſet Battel; but whether it proceeded from the great Caution of the *French* Commanders, or the want of ſufficient Forces on the *Engliſh* Side, you will find hereafter. But theſe Actions being of no great importance, and ſet down by my Author very confuſedly, without any due Order of Time, I ſhall give you as brief an account of them as is poſſible. [1] The *French* Forces in *Picardy*, making up a Body of about two thouſand men, under the Command of the Conſtable of *Fiennes*, marched and beſieged the ſtrong Caſtle of *Ardres* not far from *Calais*; but by the Valour of the Gariſon they received a ſhameful Repulſe, and were forced to march off. [2] In the mean time Sir *John de Bueil*, with ſome other Captains of the Companions for the *French*, and a Party of about twelve hundred men, ſurprized the ſtrong Caſtle and Fortreſs of *la Roche de Pozay*, on the River *Creuſe*, which put all that Country into a great conſternation; whereupon Prince *Edward*, who was ſtill ſick, and unable to do any thing in Perſon, ſent for Sir *Guiſcard d' Angle*, and other Gentlemen with their Forces from *Montauban*, and order'd them to *Poictiers* to defend that City, which now lay open.

[3] Id. ib. *The Lord of* Chauvigny *falls off to the* French *Intereſt.*

The Ld Audley *marches into* Berry, *and ſpoils the Country.*

About this time, [3] the Lord of *Chauvigny* (who was alſo Viſcount of *Breuſe*) abandon'd the *Engliſh* Intereſt, and fell off to the *French*; and ſo having furniſh'd his Town of *Breuſe* in *Maine* near *Lavardin* with *Bretons* and other Soldiers, he went himſelf to *Paris* to the *French* King. As for his Town of *Chauvigny*, that was ſtill in the hands of the *Engliſh*. To revenge which Treaſon, the Lord *Audley*, a Man of great Courage and Conduct (who had ſo ſignaliz'd himſelf at the Battel of *Poictiers*) being now Seneſchal of *Poictou*, by the Prince's Command raiſed a ſmall Army of twelve hundred Men at Arms, beſides Archers and other Footmen. With theſe Forces he marched from *Poictiers* into *Berry*, pillaging and ſpoiling the Country wherever they came; as they did alſo in *Touraine*, the People flying before them into ſtrong Towns and Fortreſſes: but when they came into the Lord of *Chauvigny*'s Country, there they put all to Fire and Sword, finding nothing to reſiſt them, except ſome Fortreſſes. At laſt they came before the Town of *Breuſe* in *Maine*, on which they gave ſuch brisk Aſſaults, that they ſoon took it by Storm, and having plunder'd and burnt it, put all the Gariſon to the Sword, and ſo the *Engliſh* return'd again into *Poictiers*.

[4] Id. c. 261.

About the ſame time, [4] Sir *Robert Knolles* being then in *Bretagne*, tho he was by the Duke's Favour ſettl'd in a very good Eſtate, yet preferring his Honour before his Eaſe, when he heard of the War the

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Sir R. Knolles *leaves* Bretagne, *and goes to aſſiſt Pr.* Edward.

the *French* had begun upon the Prince of *Wales*, ſet out four Veſſels in the Mouth of the River *Vilaine*, and leaving his Caſtle of *Derval*, with ſixty Men of Arms, and as many Archers, went on board and landed at *Rochel*, from whence he went to *Angoleſme*, where he was ſo welcome to the Prince, that as an acknowledgment of his great Valour and Conduct, He made him Commander in chief of all his Forces in thoſe Parts: But Sir *Robert* being a man of but mean Birth, this Honour created ſuch an envy againſt him among the reſt of the *Engliſh* Commanders, many of whom were of greater Birth and Quality, that it afterwards proved very prejudicial to the Prince's Affairs.

He marches into the French *Country, and beſieges and takes divers Towns.*

However, [1] Sir *Robert* being now in Supreme Command, began his March againſt the Enemy, attended by the Lord *Haſtings*, Sir *Neal Loring*, and divers other Lords and Perſons of Quality, who with their Soldiers made up a ſmall flying Party of above a thouſand men. With theſe marching into the *French* Territories, he beſieged a ſtrong wall'd Priory call'd *Durmel* near the City of *Cahors*, which being very well fortified by the *Companions* that were of the *French* ſide, was by them ſo well defended, that after five weeks Siege, they were forced to riſe from before it, and march away and ſit down before the Town of *Domme* on the River *Dordonne*, where likewiſe meeting with no better Succeſs, they marched off, and went to a Caſtle called *Foines*, which the *French Companions* had newly taken; but not being ſtrong enough to hold it, they preſently ſurrender'd, and ſwore Fidelity to the Prince, tho they did not long obſerve it. From thence the *Engliſh* Army went to *Rochemador*, a Town of *Quercy*, on the ſame River, which being briſkly aſſaulted, ſurrender'd upon Conditions. After which they marched towards *Ville Frenche* in *Perigort*, waſting and ravaging the Country all along as they went, and taking in divers Towns and Caſtles, till they came to the Place abovemention'd, which after four days Aſſault was ſurrender'd upon good Conditions, the loſs of which was much reſented by the Duke of *Anjou*, who vowed to revenge it.

The Siege of Bourdeilles *carry'd on by the Earls of* Cambridg *and* Pembroke, *which at laſt they take by Stratagem.*

Whilſt the *Engliſh* Army was thus ſucceſsful in the Borders of *Auvergne*, *Agenois* and *Rovergue*, [2] the Siege was ſtill carried on before *Bourdeilles* by the Earls of *Cambridg* and *Pembroke* for the ſpace of eleven Weeks, and that with various Succeſs; for the Place being very ſtrong, and the Gariſon making a vigorous Defence, the Beſiegers at laſt deſpairing to take it, were about to raiſe the Siege; and had done it, had it not been reſolved in a Council of War to try the Succeſs of a Stratagem (which we find to have been us'd more than once) and it was this: The Army keeping cloſe in the Camp, they ſhould ſend out a Detachment of ſome two hundred choſen men to ſkirmiſh with the Beſieged at the Barriers; they being encourag'd by their former Succeſs, readily accepted of it, and ſallying out, there began a hot diſpute, in which the *Engliſh* feigning themſelves to be worſted, fled with ſome Confuſion; and to cover the Deſign the better, ſome of them ſuffer'd themſelves to be taken Priſoners: at which the *French* thinking the Day their own, perſued the reſt with that eagerneſs, that they fell into an Ambuſh of above five hundred men led by Sir *John Montague*, Nephew to the Earl of *Saliſbury*; and tho the *French* made a long and vigorous Defence, yet they were all at laſt either kill'd

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[1] Id. ib.

[2] Id. c. 264.

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kill'd or taken Priſoners. In the mean while the *Engliſh* General, with the reſt of their Forces, advancing to the Barriers, and finding them undefended, and the Gates open, eaſily took the Town, which but for the raſhneſs of the Beſieged, could not have been taken, unleſs by Famine. After this the two Earls with their Armies return'd to the Prince at *Angoleſme*.

Sir J. Chandois *and Sir* R. Knolles *return to the Prince.*

During this Action, [1] Sir *John Chandois* and Sir *Robert Knolles* were ſtill perſuing their Succeſs in *Quercy*, when the former of theſe, together with the Captal *de Buche*, was ſent for by the Prince to receive his Commands; but Sir *Robert Knolles* was order'd to remain behind with the *Companions* to proſecute the War. However, Sir *Robert* not being willing to ſtay without them, went along with them with the greateſt part of the Forces, leaving the reſt under the Command of Sir *Perdiccas d' Albret*, who was to remain in the Town of *Rochemador* to defend thoſe Parts. Preſently after which ſome of the Captains of theſe *Companions* joined [2] their Forces with Sir *John Devereux* Seneſchal of *Limoſin*, where contriving how they might beſt offend and prejudice their Enemies, they at laſt reſolved to ſurprize the Caſtle of *Belleperche* in *Bourbonnois*, wherein was the Lady *Iſabella*, Mother to the Duke of *Bourbon*, and the *French* Queen; which Deſign taking, ſhe was there detain'd a Priſoner, to the great affliction of the King and the Queen her Daughter.

The Captains of the Companions *ſurprize the Caſtle of* Belleperche.

In the mean while Sir *John Chandois* [3] and Sir *Robert Knolles*, with the reſt of the Commanders, having waited on Prince *Edward* for freſh Orders, He told them his Reſolution was, that they ſhould all join their Forces together, and go and beſiege the ſtrong Town and Caſtle of *la Roche ſur Yon* in the *Lower Poictou*, which belonged to the Duke of *Anjou*; upon which the Earls of *Cambridg* and *Pembroke*, with Sir *John Chandois*, muſtering up in all an Army of above three thouſand men, preſently went and laid Siege to the Caſtle above-mention'd, the Governor whereof was one Sir *John Blondeau*, who finding he was not like to be ſpeedily reliev'd by his Maſter, after ſome time enter'd into a Parly with the Beſiegers, and at length he came to this Agreement with them, That if the Caſtle were not reliev'd within the ſpace of a Month, he was willing to ſurrender it upon their paying him the Sum of ſix thouſand *Franks* for the Victuals and Ammunition that were therein; whereupon He ſent his Lord the Duke notice of what he had done, and to deſire his ſpeedy Aſſiſtance, who not being able to relieve the Place within the time prefixed, the Governor ſurrender'd it to the *Engliſh*, and had his Mony duly paid him, and ſo he marched out with his men to *Angeers*: but when he came thither, he was arreſted by the Governor for what he had done; which the Duke of *Anjou* hearing of, commanded him to be ſow'd up in a Sack, and thrown into the River, becauſe he took Mony for a Place, which if it had been defended as it ought to have been, might have held out a whole Year. Then the *Engliſh* Lords having put a ſtrong Gariſon into the Caſtle, went back to the Prince to *Angoleſme*, and taking their leaves of Him, return'd to their own Houſes for ſome time.

The Earls of Cambridg *and* Pembroke *beſiege the Caſtle of* Roche ſur Yon, *which is ſurrender'd.*

For which the Governor is order'd to be flung into the River.

But we ſhall now ſee what has been the reaſon that King *Charles* hath all this while ſent no greater Forces to the aſſiſtance of his Brothers the Dukes of *Anjou* and *Berry*; [4] for indeed He was engag'd in

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[1] Id. c. 265.

[2] Id. c. 266.

[3] Id. c. 268.

[4] Id. c. 267.

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K. Charles *makes great Preparations to invade* England.

a higher Deſign, having ſpent the moſt part of this Summer in ſetting forth a Fleet to invade *England* with a mighty Army, and thereby to make a War by way of Diverſion; on which He was ſo intent, that He lay continually at *Rouen,* that ſo He might be near at hand to inſpect and haſten the Work, going thrice a week to view his Navy, that then lay below in the River *Seine,* giving out that theſe Preparations were making againſt *Portugal.* Nor could He be diverted from it by the Remonſtrances of the Lord *Oliver Cliſſon* one of his Counſellors, who ſhew'd Him the great Difficulty and Danger of this Undertaking: but when King *Edward* heard of it, He was not at all diſmay'd; for tho He might have much better encounter'd them at Sea with a powerful Fleet, yet whether it was that He could not ſet one out time enough to prevent the King of *France*'s coming, or that He rely'd upon the Valour of his Subjects; He and his Son the Duke of *Lancaſter* reſolv'd to fight the *French* ſo ſoon as ever they landed; and in order to receive them, had ſufficiently man'd all the Ports of *England* over againſt the Coaſts of *Picardy* and *Ponthieu:* and beſides this He had got in readineſs a vaſt Army, which He reſolved to command Himſelf in Perſon ſo ſoon as they could be got together. From whence we may obſerve how ſtrong and conſiderable the *Engliſh Militia* was in thoſe days, when ſo warlike a Prince durſt truſt Himſelf at the Head of it without any Standing Army.

K. Edward *upon notice of it fortifys his Ports,* &c.

He ſends the D. of Lancaſter *over to* Calais.

Yet however, [1] to prevent the *French* King's coming, He ſent over the Duke of *Lancaſter* to *Calais,* accompany'd with the Earls of *Warwick, Hereford* and *Saliſbury,* the Lords *Manny, Roſs* and *Piercie,* and other Noblemen and old Commanders, with five hundred Men of Arms and as many Archers, who going on board, paſſed over to *Calais*; where being arrived, He ſummon'd in all the *Companions* and other Voluntiers, and making up a conſiderable Army within a few days, He marched into the *French* Territories [2] as far as the Abby of *Licques,* where he found much Plunder, and brought it away to *Calais.* Another time He went towards *Bologne,* where He deſtroy'd all the plain Country round about it; and tho at that time the Earl of *St. Paul* lay not far from thence at the City of *Terouenne,* yet he durſt not ſtir to oppoſe Him. So ſoon as King *Charles* received the News of the Duke of *Lancaſter*'s arrival with his Forces, and the Miſchief He had done, and might do further in his Country, it broke all his former Meaſures: and tho it had been reſolved by Him and his Council, that the Duke of *Burgundy* ſhould that very week ſet ſail for *England,* yet after a full Debate it was concluded, that that Expedition ſhould be laid aſide for the preſent, and all the Soldiers deſign'd for the Fleet ſhould be led by the Duke of *Burgundy* from *Rouen* towards *Calais,* to encounter the Duke of *Lancaſter:* Wherefore ſoon after the Duke of *Burgundy* marched from thence with his Army toward the River *Somme,* which He paſſed at *Abbeville,* and ſo by eaſy Marches He went to *Monſtrevil,* and there, and about *Heſdin,* ſtaid for the reſt of his Army that was behind.

Who marching into the French *Territories, the D. of* Burgundy *is ſent to encounter him.*

When [3] the Duke of *Lancaſter* heard that the Duke of *Burgundy* was advancing towards Him, He was well enough pleas'd, being a young and active Prince that hop'd for ſome Action, whereby He might ſhew his Valour and Conduct; and ſo marched out of *Calais* with all his Forces, reſolving to meet Him and give him Battel; and

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[1] Id. ib.

[2] Id. c. 269.

[3] Id. ibid.

The Duke of Lancaſter *encamps near* Tournham.

The Duke of Burgundy *encamps upon the Hill above it; yet dares not fight the* Engliſh.

to that end encamped in the Vally near *Tournham* between *Ardres* and *St. Omers*. He had not been there above a day or two, before the Lord *Robert* of *Namur* came to his Aſſiſtance (as He had lately promiſed the King his Father) with a hundred Lances, and was very kindly received by the Duke his Couſin. Here the *Engliſh* Army lay, being ſtrongly entrench'd, and well furniſhed with Proviſion from *Calais*. Not long after which, the Duke of *Burgundy* marched thither alſo with a great Army, and encamped not far off from the *Engliſh* upon the Hill above *Tournham*. But tho the latter were by much the fewer in number, and marched almoſt every day out in Battel-Array to meet the Enemy, yet would not the *French* venture to come to a ſet Battel; for King *Charles*, taking warning from the ill Succeſs of his Father and Grandfather, not downright to oppoſe the Courage of an *Engliſh* Army, gave his Brother expreſs Orders to reſt ſatisfied with keeping the Enemy at a ſtand, and not to come to a Battel: So that great part of the time was ſpent in Skirmiſhes between Parties, in which ſometimes the *French*, and ſometimes the *Engliſh* had the better.

Ld Chandois *ſends to the E. of* Pembroke *for his Aſſiſtance, but is refus'd.*

He ſends again, but is put off.

Whilſt the two Armies thus lay idly confronting each other, let us ſee what hath been doing in [o] *Poictou* and *Aquitain*, between the Forces of the Lord *Chandois* and the Earl of *Pembroke*, and the reſt of the Commanders of the Prince of *Wales*, who had perform'd divers remarkable Exploits. The Lord *Audley* being retired into *England*, either for his Health or his own Occaſions, is by *Froiſſart* falſly ſuppoſed to be dead; but after his departure Sir *John Chandois* being made great Seneſchal of *Aquitain* in his ſtead, muſtered up the Prince's Forces, and reſolved to make an Expedition into *Anjou*, and return back by *Tourain*, to ravage and ſpoil the *French* Territories. But to make his Party the ſtronger, He ſent to the Earl of *Pembroke*, who then lay at the Caſtle of *Mortagne* in the Borders of *Anjou* with two hundred Lances, to accompany Him in this Expedition; but the Earl being over-perſuaded by ſome young Gentlemen that were then about him, they inſinuated, that He being ſo great a Peer, and ſo nobly ally'd, it was below him to accompany one ſo much his Inferior, and who being a Commander of ſo great a Reputation, would be ſure to have the Glory of any great Action that ſhould be perform'd; ſo that he refus'd to come to Sir *John*: which childiſh Emulation proved not only a great Hindrance to this Expedition, but alſo a mighty Shame and Prejudice to the Earl himſelf, as you will find by and by. Notwithſtanding this, the Lord *Chandois* would not alter his Reſolution, but having muſter'd up three hundred Men at Arms and eleven hundred Archers, and being alſo attended by divers Noblemen and experienc'd Officers, he marched into *Anjou*, ſpoiling and plundering the Country for fifteen days together: But his Forces being not numerous enough, He could not take any Town or Caſtle of note; however having notice that the Marqueſs of *Sancerre*, Mareſchal of *France*, was at *la Hay en Touraine* with a conſiderable Body of Men, and being deſirous to march that way, but not thinking Himſelf ſtrong enough to encounter the Mareſchal, He ſent a Herald again to the Earl of *Pembroke* to deſire his Company and Aſſiſtance. To which Meſſage the Earl only return'd, ***That he could not come, being now engag'd another way.*** Upon the receipt of which Sir *John Chandois* being

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[o] Id. c. 270.

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much diſpleas'd, only reply'd, *Well then, in God's name be it ſo, ſince a Man of Honour can be biaſs'd from the good of his Country by private Deſigns.* And therefore finding he was able to do nothing more conſiderable, he diſmiſs'd his Troops, and return'd to *Poictiers*.

[3] Id. c. 271.

The Earl of Pembroke *goes with his Forces into* Anjou, *and ſpoils the Country.*

Now [3] when the Earl heard he had ended his Expedition, he thought it high time to do ſomething that might eſtabliſh his own Reputation; wherefore he marched out with three hundred Lances, and ſome Voluntiers of Quality, that had lately been with the Lord *Chandois*; and with theſe he marched thro *Poictou*, and from thence into *Anjou*, taking almoſt the ſame way the Lord had done before, ravaging the Country, and getting all the Plunder the other had left: and ſtaying ſome time in the Country about *Loudun*, went from thence into the Lands of the Count *de Rochechouart*, who had lately revolted from the *Engliſh* Intereſt, burning the Country, and doing what Miſchief he could; which when Sir *Robert de Sancerre*, the Mareſchal's Couſin, with other *French* Commanders who lay in thoſe Parts, underſtood, and knowing the Earl was a young man, raw and unexperienc'd, they reſolv'd to ſurprize him, and ſo muſtering up what Forces they could out of the adjoining Gariſons, they made up a Party of about ſeven hundred Men; which being commanded by the Mareſchal *de Sancerre*, they marched after the Earl, then upon his return home with a great Booty; and coming to a certain Village called *Puirenon*, he reſolv'd to bait there, but having no Scouts out, nor Intelligence of the Enemy, they were upon them before they were aware, and falling into the Town, kill'd the *Engliſh* in the Streets and Houſes; ſo that all the Earl of *Pembroke* could do, was to rally about two hundred of his Men, and with them immediately to take refuge in an Encloſure pretty ſtrongly wall'd, belonging to an old Houſe of the *Templars*, where ſhutting up the Gates, and cloſing them with Stones and Earth, they reſolved to defend themſelves as long as they could; but the *French* ſoon followed them, and made a briſk Aſſault upon the Place, and clapping Ladders to it, endeavour'd to ſcale it; but the *Engliſh* from within ſo well defended themſelves with Stones and Arrows, that tho the Aſſault laſted till it was dark night, yet could they not take the Place. So ſoon as the *French* were retir'd, the Earl conſider'd with himſelf what to do, and finding he could not long hold out, without ſurrendring either by Force or Famine, preſently diſpatched away an Eſquire of his by a Poſtern to Sir *John Chandois*, who was not far off at *Poictiers*, to deſire his ſpeedy Aſſiſtance; but the Meſſenger loſing his way, could not get thither till about Nine the next Morning. In the mean while, ſo ſoon as it was day, the *French* renewed the Aſſault; but being again repulſed with loſs, they reſolved to take another courſe, and to imploy Pioneers to undermine the Walls: but whilſt the Workmen and Tools were providing for that purpoſe, the Earl not ſeeing Sir *John Chandois* coming to his relief, took this opportunity to ſend another Meſſenger to him with a Diamond Ring for a token, again to deſire his ſpeedy Aſſiſtance. When this Meſſenger got thither, he found Sir *John*, who, tho he had already notice of it, yet out of ſome Reſentment of the Earl's late unkind Dealings towards him, was not very haſty to go; but at laſt calling to mind, that he was the King's Son-in-law, he preſently roſe from the Table (being ſat down to Dinner) and march-

He is ſurpriz'd by the French *at* Puirenon.

ed

Ld Chandois *comes to his relief, whereupon the* French *march off.*

ed away with his Forces to the Earl's Aſſiſtance; but the *French* Officers, who had now renew'd the Aſſault, having timely Intelligence by the Scouts they had ſent out, that Sir *John* was upon his March with a ſtrong Party to reſcue the Beſieged, they thought it the ſafeſt way to march off with what they had got, and to return homewards before the *Engliſh* could arrive, which they did accordingly, carrying away a great deal of rich Booty with many Priſoners. When the Earl and his Company ſaw that the *French* were gone off, and out of ſight, they ventur'd out of the Place, and taking Horſe, rode forward towards *Poictiers*, to ſee if they could meet Sir *John Chandois*, which they did about a League off, who upon their meeting congratulated their eſcape, and ſeem'd very ſorry that the *French* were gone before they could arrive. Then taking their leaves of each other, the Lord *Chandois* return'd to *Poictiers*, and the Earl to the Caſtle of *Mortagne*, from whence he firſt ſet out; having, I ſuppoſe, learn'd by a dear bought Experience the evil effects of Raſhneſs, bad Conduct, and needleſs Emulation. But we ſhall now look to what was doing on the ſide of *France*.

The French *aſſault the* Engliſh *Camp, but are repulſ'd.*

In the mean while, the *French* and *Engliſh* Armys near *Calais* ſtill [1] lay facing each other, without coming to any Engagement; only once it happen'd, that certain Knights and Voluntiers of *Artois* and *Picardy* reſolved (unknown to their Captains) to aſſault the *Engliſh* Camp, and ſo fell ſomewhat before day upon that Quarter, where the Lord *Robert* of *Namur* lay with his Troops: He having been that night upon the Guard, was not gone to Bed, but was taking ſome Refreſhment, when upon the hearing of the Alarm, He immediately ran with his drawn Sword in his Hand to head his Men, which He did with that good effect, that the *French* were beaten off, and retired for fear of the coming in of greater Forces.

The Earl of Warwick*'s going now over into* France *with ſome Troops, ſeems improbable.*

Yet it [2] diſpleas'd many warm Spirits of both Parties, that the two Armys ſhould lie thus long confronting one another to no purpoſe; tho on both ſides they were alarm'd every day by Reports, that they ſhould fight without fail on *the Morrow*, which *to Morrow* it ſeems, never came; for (as we ſhew'd before) the Duke of *Burgundy* durſt not diſobey the Commands of the King his Brother, who had ſtrictly charged Him by no means to fight the *Engliſh* without expreſs Order. But it is related by divers of our [3] Hiſtorians (both in Print and Manuſcript) that *Thomas Beauchamp*, Earl of *Warwick*, continuing ſtill in *England*, and hearing how meanly the *Engliſh* Commanders then declin'd a Battel with the *French*, muſter'd up ſome choſen Troops, and paſſed over with them to *Calais*; and that upon the News of their Arrival the *French* decamped in great haſt, and march'd off into their own Territories; and that ſo ſoon as the Earl arrived at the *Engliſh* Camp, He highly blam'd thoſe who occaſion'd that ſhameful Delay, and ſaid, *I will go on and fight the Enemy, whilſt the* Engliſh *Bread and Beef is yet in their Bellys:* and that thereupon he immediately enter'd the Iſle of *Caux* in *Normandy*, which he laid waſt. But this, tho related by good Authors, may very well be queſtion'd; for *Froiſſart*, who wrote not long after, ſays expreſly, that this Earl went over at firſt with the Duke of *Lancaſter*; and alſo that the fault lay not on the *Engliſh*, but *French* ſide, that they did not come to a Battel: and it is very much that the Duke of *Lancaſter* and the Lord *Manny*,

Perſons

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[1] Id. c. 273.

[2] Id. c. 274.

[3] T. W. & Contin. MS. ad Muremouth.

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Perſons of great Courage and Experience in Military Affairs, ſhould be blam'd for not doing their Duty; whereas it would have been next to Madneſs to have ſet upon the *French* in their Trenches, when they had ſo much the odds in number. And as for the buſineſs of *Caux*, tho *Froiſſart* makes the Duke to have been there, yet he aſcribes the main Honour of it to the Duke of *Lancaſter*, who commanded in chief, as you will find by and by; ſo that as for this Action of the Earl of *Warwick*'s, I ſhall leave it to the Reader to judg as he pleaſeth, ſince 'tis very doubtful, if not improbable. But to come to ſomewhat more certain.

The [2] Duke of *Burgundy* being uneaſy in lying ſo long encamped againſt the *Engliſh* without any Action, at laſt grew quite tired of it, and ſent to the King his Brother, either that He would give him leave to come to a Battel, or elſe to break up his Army and return home; which he judging but reaſonable, thought the latter to be more ſafe, and ſo ſent him immediate Orders to decamp; thereupon the Duke preſently roſe, but ſo privatly, that the *Engliſh* Commanders had not the leaſt notice of it: So that when one of the chief Officers, who was that night upon the Guard, ſaw the great Light proceeding from the burning of the Huts in the *French* Camp (which they had ſet on fire before their Departure) He believed it to be ſome Stratagem of theirs, and went immediately to inform the chief Commanders of the Army thereof. Whereupon the Duke of *Lancaſter* expecting ſome ſudden Surprize or Aſſault, immediately gave Orders for the whole Army to be drawn out in Order of Battel; which being done, and ſeeing no Enemy advance, Scouts were ſent out to diſcover what was doing in the *French* Camp, who not long after brought word, that it was entirely deſerted, none being left behind but ſome few Sutlers that had followed the Army. This ſeem'd very ſtrange News to the *Engliſh* Generals, ſince they did not imagine the *French* would have ſtolen away as they did; but upon it the Duke of *Lancaſter* decamp'd, and return'd to *Calais* with all his Forces.

[2] Froiſ. ib.
The D. of Burgundy *decamps and retreats.*

Then [3] after a few days reſt to recruit his Army, the Duke again drew out his Forces, and being attended by the Earl of *Warwick* and the Lord *Beauchamp*, the two Marſhals of the Camp, marched into the *French* Territories; and paſſing by the Towns of St. *Omers* and *Terouenne*, as too ſtrong then to be undertaken, they went into *Artois*, intending to have ſurprized the ſtrong Town of *St. Paul*, belonging to the Earl of that Name; but he, upon the approach of the *Engliſh* Army, ſuſpecting their deſign, left *Terouenne*, where he was Governour, and marching all night with a Body of ſelect men, got into the Place abovemention'd, and thereby ſaved it from being taken: So that tho the *Engliſh* made an Aſſault, yet they were forced to leave it, and then advancing further, burnt the Town of *Luchen*, but the Caſtle they could not take. Thus the *Engliſh* marched three or four Leagues a day, burning and deſtroying the Country as they went, until they paſſed the River *Soame* at *Blanchettaque*, with a deſign to march to *Harfleur*, and there ſet fire on the *French* King's Navy, whilſt the Earl of *St. Paul* and the Conſtable *de Fiennes* follow'd them at ſome diſtance with a conſiderable Body of Men at Arms to obſerve their Motions; but tho they could do nothing upon the *Engliſh* in their March, by reaſon they kept ſo good Order, yet the Earl of

[3] Id. c. 276.
Upon which the Duke of Lancaſter *marches into the* French *Territories.*

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And paſſing thro Normandy, *returns to* Calais.

[1] T. W. *The Deceaſe of the E. of* Warwick, *with his Character.*

St. Paul having got into the Town of *Harfleur* before they could arrive, thereby fruſtrated that Deſign: So that after they had lain three or four days before that Place, they were forced to leave it, and then paſſing thro *Normandy*, burnt and deſtroy'd that part of the Country called *le Pais de Caux*, and then repaſs'd the River *Soame* at the ſame place they went over before. And thus the Duke of *Lancaſter* return'd in Safety to *Calais* with his Army, without any conſiderable loſs, except that of the [1] Earl of *Warwick*, who deceaſed on the thirteenth of *November* of the Plague, or ſome other infectious Diſeaſe of the Camp; of whom my Author giveth this Character, that *He ſcarce left his Equal behind him both for Loyalty and Courage.* His Body was brought into *England*, and buried in the Choir of the Church of *Warwick*, where his Tomb and Statue of white Marble, with that of his Counteſs, are ſtill to be ſeen.

[2] Froiſ. c. 277. *The D. of* Lancaſter *returns into* England.

When [2] the Duke of *Lancaſter* had been for ſome time at *Calais*, He gave leave to all the *German* and other foreign Auxiliaries to return home, promiſing them to come again the next Year much better provided than He was now; and not long after He himſelf went for *England* on the nineteenth of *November*, the Seaſon being then paſt for any conſiderable Action: tho indeed all that the Duke did this Summer was rather to play a ſaving Game; the King of *France* having by this wary Management ſo far diſappointed the main Deſign of the *Engliſh* in coming to a deciſive Battel. And tho they afterwards did his Country a great deal of Miſchief, yet was it without any other advantage to his Enemies, beſides the getting ſome Plunder, ſince they loſt never a conſiderable Town or Caſtle on this ſide of *France* during this Campagne. But before we conclude this Year, let us ſee what hath been doing in *Poictou* this Autumn.

[3] Id. ib. *E. of* Pembroke *marches again into* Anjou, *where he plunders the Country.*

The [3] Earl of *Pembroke* being reſolv'd to revenge the late Affront he had received from the *French*, went to *Angoleſme* to the Prince of *Wales*, and deſired his leave to undertake another Expedition into *Anjou*; and upon Sir *Hugh Calverley*'s being returned with five hundred of the *Companions* from an Excurſion he had made into the Territories of the Lord of *Armagnac* (where he had committed great Devaſtations) the Prince commanded him to join his Forces with thoſe of the Earl of *Pembroke*, and to accompany him in this Deſign. He was alſo attended by the Lord *Lewis* of *Harcourt* and divers other Voluntiers of Quality, who made up in all a ſmall Army of about eight hundred Horſe and fifteen hundred Foot, with which he again marched into *Anjou*, and burnt and plunder'd the Country as far as *Saumur*; but that being too ſtrong to be taken by his ſmall Forces, he contented himſelf with burning the Suburbs. While the Earl lay here, Sir *Hugh Calverley* and his Troops went to a Town on the *Loire*, called *Pont de Ce*, about a League from *Angiers*, which being not very well fortified, they eaſily took, and put a good Gariſon into it; and not long after they alſo took in the Abby of St. *Maure*, which they ſo ſtrongly fortified, that it proved a conſiderable Defence on that ſide, and did much harm to the Country adjoining, all that Winter, andSummer following.

But theſe ill Succeſſes on the *French* ſide were ſomewhat made up by their Surprizing the ſtrong Town of St. *Salvin*, in which there was an Abby; and a Monk there having an implacable malice againſt his Abbot, had no other way to be revenged of him than by betraying the Abby into the hands of Sir *Lewis* of St. *Julian*, who with ſome Troops of the *Companions* getting into it, from thence eaſily maſter'd the Town, which they preſently new fortified. The loſs of this Place was a great vexation to Sir *John Chandois*, becauſe being Seneſchal of *Poictou*, it lay within his Government; wherefore He reſolved to retake it as ſoon as he could, but loſt his Life in the Attempt, as you will find hereafter.

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The French *take the Town of St.* Salvin.

[1] To give the Reader ſome Diverſion from the Affairs of War; about the beginning of *April* this Year, the Match was concluded between *Philip* Duke of *Burgundy*, Brother to the King of *France*, and *Margaret* Daughter to the Earl of *Flanders*, which was chiefly effected by the Counteſs of *Artois*, Mother to that Earl; and not long after it was Conſummated, to the great joy of the *French*, who thereby defeated the hopes King *Edward* had of making this Match for one of his Sons, and alſo their Power and Intereſt were greatly ſtrengthened by this Alliance.

[1] Mezeray ad An. 1368. Chr. Franc. MS. ad hunc An.

If we look into *England*, [2] we ſhall find nothing there but Grief and Mourning, for the Death of that good Queen *Philippe*, Wife to King *Edward*, who deceaſed at *Windſor* on the Fifteenth day of *Auguſt*, after a long Sickneſs. *Froiſſart* gives a large Account of her Death, and the handſom Speech She made to the King before her Departure; wherein after She had call'd to mind that great Happineſs, Peace and Proſperity they had liv'd in for ſo many years, She concluded with making Him theſe three Requeſts: The firſt was, That He would be pleas'd to pay all her Debts; the Second, That He would make good all her Charities and Donations to Colleges, Churches and Religious Houſes; and the Third, That He would give Orders when ever He died that his Body ſhould be bury'd by Her's at *Weſtminſter*. Theſe being granted by the King with moſt tender Expreſſions, She then, having recommended Him, with Her ſelf and Children, to God's Mercy and Protection, quietly departed, to the great Grief of all her Subjects, who highly loved and honoured Her, as being a true Friend to the *Engliſh* Nation, Liberal to her Servants, and highly Charitable to the Poor. She lies buried in the Abby Church of *Weſtminſter* under a Tomb of black Marble, on which lyes her Effigies in Alabaſter, with an odd Head-dreſs according to the Faſhion of that Age. Near it hangs a Tablet, containing ſome indifferent *Latin* Verſes, ſetting forth Her Birth, Marriage and Vertues, the two laſt Verſes concluding with Her being Foundreſs of *Queen*'s College in *Oxford*:

[2] Froiſ. c. 273.

The Death of Q. Philippe.

Her Character and Acts of Charity.

Oxonii poſuit Studioſis optima Nutrix
Regineas Ædes, Palladiámque Domum.

Tho her Chaplain and Confeſſor, Dr. *Robert Egleſfield* (at her Expence) laid the firſt Foundation of it, *An. Dom.* 1340. yet he never lived to ſee it finiſhed. So much I thought fit to mention for the Honour of that College, where I received the greateſt part of my Education. This Year alſo deceaſed *Blanche* Dutcheſs of *Lancaſter*, during her Husband's abſence abroad, leaving one Son, *Henry* of *Bulling-*

(the place of his birth)

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brook, who was afterwards King of *England*, by the Name of *Henry* the IV. beſides two Daughters *Philippe* and *Elizabeth*. Alſo on the Fourth of *November* died that Noble old Warrier *Robert Ufford*, Earl of *Suffolk*.

I find little worth our notice ~~[illegible]~~ done this year in England which was ... it in issuing ... Commissions ... Arraying ... for arming all Persons of all conditions between 16 & sixty years, and putting them into troops and companies for the defence of the Kingdom agst the French who notwithstanding in September landed with a considerable force near Portsmouth, which being then unfortified was by them plundered and burnt ... [illegible]

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[4] T. W.

The King borrows great Sums, which raiſes much diſcontent.

In the beginning of this Year, [4] notwithſtanding the late great Aſſiſtance the Parliament had given the King, He was ſtill in ſuch great want of Mony, that not being willing again to have Recourſe to his People (in Parliament I ſuppoſe) for fear of being deny'd, He followed very unhappy Councils, and borrowed great Sums of Mony of Merchants and other Perſons of Eſtates, affirming He had need of it for the Defence of the Kingdom, and would lay it out accordingly; tho my Author ſays, it did not turn to any good Account.

[5] Froiſ. c. 277.

Sir John Chandois *endeavors to ſurprize the* Town of St. Salvin, *but is diſappointed.*

But ſince I find nothing ~~now~~ more in *England* worth our remarking, We ſhall look into *France*, and ſee what was doing there in the mean while. [5] Preſently after *Chriſtmas*, Sir *John Chandois* being reſolved to ſurprize the Town of St. *Salvin*, which was not long before unhappily betray'd (as hath been already related) He to that end muſter'd up a ſmall Army of *Engliſh* and *French*, to the number of about Three thouſand Men, who marching thither in the Night, intended to have got over the Ditches of the Place, it being a great Froſt, and the Ice then very thick; but coming thither about Midnight, their Deſign was by an Accident (which I need not here relate) unluckily defeated: whereupon He together with his Forces turn'd aſide to *Chavignie* there to reſt themſelves, where the *Poictovin* Voluntiers (ſince there was no more to be done) deſired leave to go Home, which was granted them; but the Lord *Chandois* ſtaying behind to take ſome reſt, received Intelligence before Day, that there was a Party of the *French Companions* led by Sir *Lewis* of St. *Julian*, and one *Carlonet* the *Breton*, not far off upon the Road: upon which News He would needs go out to look after them, which He did with thoſe few Gentlemen and Voluntiers that were left with Him, not being above Forty in all, when meeting with the *French* Men unluckily at a Bridge call'd *Luſak*, the *Engliſh*, tho much the fewer in number, were reſolved to defend that Paſs, where Sir *John Chandois*, and moſt of his Men alighting, to reſcue an Eſquire of his who was like to be kill'd, He there unhappily fell down, and before He could riſe again, an ordinary *French* Gentleman, called *Jacques de St. Martin*, taking advantage of Sir *John*'s Blind-ſide (for he had loſt his left Eye by an Accident) with a Sword ran him in juſt by it, between the Noſe and the Forehead, that piercing to his very Brain, He fell down for dead; and tho the *Engliſh* behaved themſelves very Valiantly, yet they were all made Priſoners, and might have been very well carry'd off, had not the *French* Pages at the beginning of the Fight run away with their Maſters Horſes, for fear of the Lord *Chandois*, who was then coming upon them.

And encountring a Party of the French, *he receives his Detah's wound.*

[illegible] whole [illegible]

He is reſcued, and the French *defeated.*

But whilſt they were contriving how to get Home, there came ſuddenly upon them the Lords *Guiſchard D'angle* and *Lewis de Harcourt*, with divers other *Engliſh* and *Gaſcoignes* to the number of two hundred Lances, who having parted from the Lord *Chandois* early that Morning, rode about to ſeek for the *French* Men, whom they had heard were abroad; and ſo falling into their Track, came accidentally where this Skirmiſh had happen'd; upon the ſight of whom the *French* beg'd Pardon of the *Engliſh* Gentlemen their Priſo-

[illegible] insisting upon the Homage which he had before renounced ... during the time of the treaty and whilst the King expected his friendly answer ... that ... however ... under the ... of sovereignty and ... which he supposed ... force of Arms taken the Kings Authority ... and Territories, which were to be delivered to him by the ... killing and making Prisoners of his subjects and thereby ... dissolving that Peace which the King was ready to have maintained [illegible] agreed on had been duely observed. therefore since the had been said Charles so notoriously broke the [illegible] Peace and had not kept that faith which he ought, it was [illegible] the King [illegible] likewise no reason to observe it towards him, since it was [illegible] referred, [illegible] [illegible] the sd. Peace that he would never be obliged by his sd. Oath, if the things [illegible]

Priſoners, and deſir'd they might rather ſurrender themſelves to them, which they readily granted. So when theſe Lords came up, and ſaw in what a ſad condition Sir *John Chandois* lay, they were highly concern'd; for He was now ſpeechleſs, and indeed never ſpake more: but being carefully convey'd to *Poictiers* (as were alſo all the *French* Priſoners) He died of his Wounds within two Days after, to the great Grief of the whole Army, eſpecially of Prince *Edward* and his Royal Brothers the Earls of *Cambridge* and *Pembroke*, who now, by the Death of ſo Great a Commander, began to fear the loſs of all they had on that ſide the Sea; inſomuch that the King of *France* Himſelf, when He heard of this Miſchance that beſel ſo Noble a Kinght, is reported to have wept, becauſe of his exceeding Valour, Modeſty, Generoſity, and admirable Prudence; *Beſides that He was of ſo great Worth and impartial Sincerity, that He knew none living ſo likely as He to have renewed the Peace between the two Crowns.*

Soon [1] after the King of *France* ranſom'd thoſe Commanders of the *Companions* lately taken priſoners in the ſkirmiſh at the Bridg of *Luſak*; and about the ſame time divers Barons and Lords of thoſe Parts finding the *Engliſh* Intereſt began to decline, conſpir'd to quit it, and go over to the King of *France*; whereupon the Lord *Felton* caus'd the Lord *William de Pamiers* with his Secretary, and one more of his Council to be apprehended: and being brought to a Tryal, it was proved upon them, that the ſaid Lord *de Pamiers* had covenanted to yield himſelf, and all his Caſtles to the *French* King; whereupon he and his Servants were condemn'd to be beheaded in the City of *Bourdeaux*. There were alſo divers other Knights and Perſons of Quality apprehended upon the like account: but there were [2] ſeveral great Lords of *Aquitain* and *Poictou* who refuſed to break their Oath of Allegiance to King *Edward* and the Prince his Son, the Chief of whom were the Lord *John de Bourbon* Earl of *Marche*, and a great Baron of *Limoſin*, called *Pierre de Buffier*, (who notwithſtanding the very next Year proved falſe to the *Engliſh* Intereſt) yet theſe were but a few in compariſon of that far greater number of the Nobility of thoſe Parts, who out of Levity or Diſcontent quitted the *Engliſh*, and went over to the *French* Intereſt. But the Lord *de Coucy*, tho made Earl of *Bedford*, having a great Eſtate both in *England* and *France*, and finding the Breach between the two Kings impoſſible to be made up, and that if he ſtaid at Home he muſt take up Arms againſt King *Edward* his Father-in-Law, or his Natural Sovereign of *France*, to avoid either of theſe Inconveniences, rather choſe a Voluntary Baniſhment; and ſo paſſing into *Italy* with ſome of his Retinue, ſerved the Viſcounts of *Milan* in their Wars againſt the *Florentines*, and afterwards the Pope. Upon which conſideration, he quietly enjoy'd his Eſtate in *France* during his Abſence; tho I ſuppoſe that which made him take this Reſolution might be, that Solemn * Arreſt or Confiſcation of the Dukedom of *Aquitain*, now iſſued by King *Charles* againſt King *Edward* and his Son the Prince of *Wales*, dated at *Bois de Vincennes* the Fourteenth of *May* 1370. wherein after it is poſitively (tho falſly) affirm'd, That the Superiority and Reſſort of the whole Dukedom of *Aquitain*, and the other Lands delivered and aſſigned to the *Engliſh* by the Treaty of *Bretigny*, were eſpecially and expreſly reſerved to his Father, Himſelf and Succeſſors; and then it farther ſets forth, That K. *Edward* and the

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The Lord De Pamiers *put to Death for conſpiring to revolt to the* French *King.*

Several great Lords of Aquitain *adhere to the* Engliſh *Intereſt.*

The L. De Coucy *goes into* Italy.

K. Charles *iſſues an Arreſt declaring the Dutchy of* Aquitain *forfeited by K.* Edward.

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[1] Id. ib.

[2] Id. c. 278.

* See this printed in *Leibnitz* Cod. Diplomat. p. 228, 229.

[illegible] by the sd. Treaty [illegible] Peace [illegible] not faithfully observed by ye sd. John and Charles his son, so yt if he had been for reassuming the Arms and title of King of France in the same manner as he had done before, he had made use of his Right, since he [illegible] was express by [illegible] ye [illegible] he was now resolved to [illegible] his Right in this case, and by [illegible] God and [illegible] to [illegible] to the [illegible]

sd. Charles by the [illegible] [illegible] him his favours and therefore he had [illegible] they may [illegible] conscience to [illegible] his time and loyal subjects [illegible] himself and his son the Prince as they had [illegible] were [illegible] should [illegible] or accept any promises [illegible] whereby they may [illegible] themselves [illegible] in so doing he should think himself likewise [illegible] always [illegible] as was [illegible]

[illegible] Vid. [illegible] 101 [illegible] where they [illegible] were transcribed in [illegible] but whether they [illegible] who [illegible]

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the Prince his Son, had by ſeveral Oppreſſions and Grievances committed on the Subjects of that Dutchy, and by refuſing to anſwer or obey the Appeal they had made againſt them the ſaid King and Prince for the ſame, tho they had been warned by his (the *French* King's) Ambaſſadors ſo to do, whom nevertheleſs he detain'd and ſtill detains. As alſo by divers Inſults and Invaſions made by the ſaid King and his Son, had violated the Peace they ſolemnly ſwore to maitain; and for that their Rebellion (as it is there ſtiled) Contempt and Uſurpation of the ſaid Superiority and Reſſort of the Dukedom of *Aquitain* and other Lands, and for many other Crimes therein mention'd, that Dukedom with all its Dependencies are declared forfeited; and he alſo ſummons all Perſons of what Degree ſoever within the ſame, immediatly to appear before Himſelf or his Brother the D. of *Anjou*, his Lieutenant in thoſe Parts, to do Homage and ſwear Allegiance to Him.

The Caſtle of Chaſtelheraut *ſurprized by the* Companions.

The D. *of* Bourbon *beſieges the Caſtle of* Belleperche *to ſet free his Mother.*

The Engliſh *Generals not being able to raiſe the Siege, ſhe is remov'd to another Place.*

She is not long after ſet free by Exchange.

But We ſhall now return to the reſt of the Actions of this War in *France*, ſome of the moſt conſiderable of which happen'd before the Date of this Inſtrument above-mention'd: for in the beginning of this Year, [1] Sir *Lewis* of St. *Julian* and *Carlonet de Bretagne*, with other Captains that had been taken Priſoners and lately ranſom'd, joyning their Forces together, which conſiſted for the moſt part of the *Companions*, marched to *Chaſtelheraut* one Morning early, and ſurprized that Place; the Lord *Lewis* of *Harcourt*, who was then Governour, hardly eſcaping half naked. In the mean while *Lewis* Duke of *Bourbon*, knowing that the Lady his Mother was kept Priſoner in the Caſtle of *Belleperche*, muſter'd up a ſmall Army, and went and lay'd cloſe Siege to it, and having raiſed a ſtrong Work or Baſtion before it, encompaſſed with a Ditch, from thence ſo batter'd it with great Stones caſt by certain Engines, that the Beſieged finding themſelves in very great hazard of being taken, ſent to Sir *John d'Evereux*, Seneſchal of *Limoſin*, to deſire his ſpeedy Aſſiſtance; but not having Forces ſufficient for that purpoſe, He went to *Angoleſme*, and moved the Prince to ſend his Brothers the Earls of *Cambridge* and *Pembroke*, with other old Officers and Soldiers to the number of between four and five thouſand, to relieve the Place; where when they arrived, they found the *French* Army ſo ſtrongly entrenched, that tho the *Engliſh* ſat down on the other ſide of the Caſtle, yet could they not raiſe the Siege. The *Engliſh* Generals indeed challenged the *French* to come out of their Trenches and fight them; but all the Anſwer they could get from them, was, That they would not fight at their Appointment, and yet would for all that take the Caſtle before their Faces. Upon this the *Engliſh* finding they could neither oblige the *French* to fight, nor yet ſecure the Caſtle from being batter'd down by the Enemy, they took the Counteſs of *Bourbon* (for whoſe ſake the Duke her Son had undertaken this Siege) and ſetting Her on Horſeback with her Waiting-women, convey'd Her to a ſafer Place: and then the *Companions* having quite ſpoiled the Caſtle, marched out of it, with all their Baggage, and left the Caſtle to the *French*, which they preſently repair'd, and new fortified ſtronger than it was before. But [2] as for the Lady of *Bourbon*, She was not long after ſet free by Exchange for Sir *Simon Burley*, the Prince's Favourite; which was done by means of the Lord *d'Ambreticourt*, who had not only many Thanks, but was nobly preſented by the Queen of *France* for his great Kindneſs and Civility to her Mother.

[1] Id. c. 279.

[2] Id. c. 281.

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Much about this time, [1] Sir *Robert Knolles* took Leave of the Prince, and went into *Bretagne*, from whence he was not long after ſent for into *England* by King *Edward*, in order to make him Commander in Chief of thoſe Forces, which He was now about to ſend over to carry on the War in *Picardy*; and about Eight Days after *Midſummer*, Sir *Robert* taking Shipping at *Southampton*, arrived at *Calais* with his Army, which being there muſter'd amounted to near Six thouſand Men, whereof there were Fifteen hundred Men of Arms, and Four thouſand Archers on Horſeback; over whom the Chief Commanders were, Sir *Thomas Grandiſon*, Sir *Alan Boxhul*, with others of good Note. Then marching from *Calais*, they reached the firſt day to a Town called *Fiennes*; but the Conſtable of *France* (who was then Lord of it) being in the Place with a competent number of Men to defend it, the *Engliſh* Commanders thought fit to paſs it by, without attempting it; and then marching thro the County of *Faukenberg*, they deſtroy'd all before them, till they came to *Terouenne*, which they let alone for the ſame reaſon. Then paſſing the River *Lys*, they enter'd *Artois*, and came by eaſy Marches to *Mount St. Eloy* near *Arras*, where they refreſhed themſelves for two days; in the mean while ſending out Partys to burn and deſtroy the Country round about. But as for the City of *Arras* it ſelf, they paſſed it by without doing it any other harm than burning the Suburbs, which they did without any oppoſition, for not one of the Gariſon offered to ſally out to hinder them. The reaſon was, becauſe the King of *France* having before the Arrival of the *Engliſh* Army very well mann'd and fortified all his Towns upon the Frontiers, ſtrictly enjoyn'd his Governours and Chief Officers, not to be drawn to any Set-fight, but merely to Act on the Defenſive: which Order being punctually obey'd, proved more prejudicial to the *Engliſh* than downright Force; for by this means they could be Maſters of no more than what lay abroad in the Country, or in open and indefenſible Towns, moſt of the Inhabitants of any Note being retir'd with their Effects into ſtrong and well fortified Places.

Sir R. Knolles *made General of the Army which K.* Edward *ſent into* Picardy.

They march into the French *Territories, and deſtroy the Country, but are not ſtrong enough to take any Conſiderable Town.*

Then [2] the *Engliſh* Army leaving *Artois* paſſed into *Vermandois*, and went towards the Town of *Ham*, whither all the People of thoſe Parts had retired with their Goods for Security: But they let this Place alſo alone, as they had done ſeveral others; to which Sir *Robert Knolles* ſent the Marſhals of his Camp to parly with the reſpective Governors thereof about compounding with them, with Aſſurances that for a good Sum of Mony preſently to be paid down, the *Engliſh* Army ſhould march off, without doing any Miſchief to thoſe Towns, or the adjacent Country; and ſo by this means Sir *Robert Knolles* gained in this Expedition for his own ſhare above an Hundred thouſand *Franks*: but this Bargain had like to have coſt him very dear, for he was afterwards accuſed to the King, as having ſpared his Enemies for Mony, as you will find hereafter. But to proceed: Sir *Robert* marching from *Ham*, came to the Town of *Roye*, which he took, plunder'd and deſtroy'd, as he did alſo the Country round about, without ſparing any thing, except the Lands of the Lord *de Coucy*, King *Edward*'s Son-in-Law, whoſe Tenants and Dependants came off very well for his Sake. Thus they went on until they came before *Noyon* in *Picardy*, which, being very well provided to hold out for a Siege, they likewiſe paſſed by, none of the Gariſon offering to make any

Sir R. Knolles *compounds with the* French *to ſpare the Country, for which he is accuſed to* K. Edward.

He plunders the Town of Roye, *but ſpares the Lands belonging to the Lord* de Coucy.

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[1] Id. ib.

[2] Id. ib.

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[1] Ib. c. 285.

He paſſes the River Oyſe, *burns* Pont l'Eveſque, *&c.*

[2] Id. c. 288.

He approaches near Paris, *yet the* Fr. *King dares not give him Battel.*

Whereupon he retreats to the Borders of Poictou.

Sally upon his Army. [1] Then leaving that place, he paſſed the River *Oyſe* at *Pont l'Eveſque*; which Town, tho very well built, was alſo plunder'd and burnt. Then the *Engliſh* Army went thro *Laonnois* without any Oppoſition; only the Viſcount of *Mouſe*, and the L. *Chauny* with ſome other *French* Noblemen and a Flying Party, coaſted along at a pretty diſtance from the *Engliſh* Army, watching for ſome Advantage; but they having Intelligence of it, kept ſo good Order that they could not effect their Deſign: Inſomuch that they encamped every night in the open Country, where they found plenty of Victuals and New Wine, the Vintage being but lately over. [2] Thus they marched thro the Archbiſhoprick of *Rheims*, *Champagne* and *Brie*, burning and plundering all before them, till paſſing the *Seine*, they came near the City of *Paris* it ſelf, hoping thereby to provoke the *French* King to come out and give them Battel. But tho He was at that time in the City with a Conſiderable Army, and attended by the Conſtable of *France*, and the Earls of St. *Paul*, *Tankerville*, and divers others of the Principal Nobility, and that He ſaw from his very Palace the ſmoak of his burnt Towns and Villages; yet did it not ſuit with his cautious and timorous Temper to run the riſque of a Battel: wherefore He followed the Advice of his Great Counſellor the Lord *Cliſſon*, who diſſuaded him from ſending out any Forces to oppoſe thoſe Hot-headed *Engliſhmen*, whoſe Fury, like a Torrent, if not reſiſted, would ſoon abate of it ſelf; which proved true enough: for when Sir *Robert Knolles* had lain near two days before *Paris*, without the leaſt Oppoſition, he thought fit to retire of his own accord, and that Night took up his Quarters between *Paris* and *Montlehery*, by a little River named *Yvette*, and from thence marched back, and retreated into the more Southern Provinces on the Borders of *Anjou*, where he continued till part of the Army, thro their own Wilfulneſs and ill Conduct, received ſuch an entire Defeat, as broke all his Deſigns for the future, which you'll find by and by.

[3] Id. c. 282.

The King ſends the Duke of Lancaſter *into* Aquitain *to oppoſe the Dukes of* Anjou *and* Berry.

Who being aſſiſted by Sir Bertrand de Gueſclin, *&c. take divers ſtrong Places.*

But We will now look back into *England*, and ſee what K. *Edward* hath been doing in the mean while, to oppoſe thoſe great Preparations that the Dukes of *Anjou* and *Berry* had been making, to carry on the War in *Aquitain* this Campagne. Now in order to this, [3] the King not long after Sir *Robert Knolles*'s going over with his Forces to *Calais*, thought fit to ſend his Son the Duke of *Lancaſter*, as his Lieutenant General into *Aquitain*, together with a ſmall Force of Four hundred Men of Arms, and as many Archers commanded by the Lord *Roſs*, Lord *Abergaveny*, and ſome others, who taking Shipping at *Southampton*, landed at *Rochel*; but before they could arrive, the Duke of *Anjou* had marched from *Tholouſe* with an Army of about Ten thouſand Men, whereof Six thouſand were Foot, being commanded by Sir *Bertrand de Gueſclin*, who being ſent for by the *French* King was now return'd out of *Spain*, from aſſiſting King *Henry* the *Baſtard*; the Horſe were commanded by the Earls of *Armagnac*, *Perigort* and others. With theſe Forces they marched thro *Agenois*, and no Body being there to oppoſe them, they took *Moyſac*, ~~and~~ a ſtrong Town of *Quercy*, yielded as ſoon as ever they appeared before it. Then they marched towards *Monpeſat* and *Aguillon*, the latter of which (tho one of the ſtroneſt Caſtles in *France*) was ſurrender'd after Four days Siege, thoſe that then defended it, not being like the Lord *Manny*, who about Twenty years before, had held it out againſt the Duke of *Normandy* and an Army of near a hundred thouſand Men; but after they had taken theſe Places, the *French* Army marched forward without any Reſiſtance along the *Garonne*, until they came to *Port St. Mary*, which they took, as they did afterwards both the Town and Caſtle of *Tonniens*, into which they put new Gariſons.

In the mean while [a] the Duke of *Berry* made an Incurſion into *Limoſin* with an Army of twelve hundred Lances and three thouſand Foot, commanded by the Duke of *Bourbon*, the Earl of *Alenſon*, and divers other Noblemen, with which having done great miſchief to the Country, they laid Siege to *Limoges*. When the Prince of *Wales*, who was then in the City of *Angoleſme*, had the News brought Him of theſe two great Armies invading his Principality on both ſides, and who (as he heard) deſign'd to come and beſiege Him in that City, He thereupon declar'd, that his Enemies ſhould never find Him ſhut up in a Town or Caſtle, but He would forthwith take the Field, and give them Battel; and then immediately ſent out his Summons to all his loyal Subjects in thoſe parts to come in to his aſſiſtance; and tho He was now by reaſon of his Dropſy unable to ride, and therefore was carried in a Litter, yet He went to *Cognac* on the River of *Charente*, where He muſter'd up an indifferent Army, conſiſting of his Barons and Subjects of thoſe Parts, with which He reſolved to give his Enemies Battel, if they would tarry for his coming. Whilſt He lay there, the Duke of *Lancaſter* with his Forces arrived at *Bourdeaux*, where he ſtaid but one Day and a Night, and then marched towards *Cognac*; for he heard that the Prince his Brother was there, and reſolved to give his Enemies Battel, or elſe to march to *Limoges* and relieve it.

The Duke of Berry *makes an Incurſion into* Limoſin, *and lays Siege to* Limoges.

Whereupon Pr. Edward *muſters up an Army, and is join'd by the Duke of* Lancaſter.

In the mean while, [b] the Duke of *Anjou* having now conquer'd above forty Cities, Caſtles and Strong-holds, was come within five or ſix Leagues of *Bourdeaux*; and having waſted all the Country about *Bergerac*, He was then inform'd that the Prince of *Wales* was come to *Cognac*, and that beſides a great Army, which He had newly raiſed, the Duke of *Lancaſter* was alſo come to join Him with a conſiderable Reinforcement; whereupon He called a Council of his great Lords and Barons, in which it was unanimouſly agreed, that conſidering the great Strength of the Prince of *Wales*'s Army, and that even his Preſence, altho now He could do nothing in his own Perſon, would give great Courage to his Men; and that the Duke had met with ſufficient Succeſs this Campagne, in taking ſo many ſtrong Places; as alſo that the Lords of *Armagnac* and *Perigort*, with other Barons of *Gaſcoigne* (who made up the better part of the Army) muſt now return home to defend their own Eſtates; upon all theſe conſiderations, it was thought the beſt and wiſeſt courſe for the Duke to diſmiſs his Army for the preſent, which He did accordingly, and ſo went to the City of *Cahors*, where He put his Men into the Towns round thereabout. But as for Sir *Bertrand de Gueſclin*, he went to the City of *Limoges*, before which the Dukes of *Berry* and *Bourbon* lay ſtill with their Army, and ſomewhat ſtraiten'd the Place; ſo that by the Biſhop of that City's Procurement and Mediation, the Citizens were then upon the point of ſurrendering upon good Conditions, and which being agreed on, they ſoon after open'd their Gates to the Duke of *Berry*, and ſwore Allegiance to the *French* King; and ſo

The Duke of Anjou *retires to* Cahors.

The Caſtle of Limoges *ſurrender'd to the Duke of* Berry.

[a] Id. c. 283.

[b] Id. c. 286.

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having put a ſtrong Gariſon into the Place, the Duke broke up his Army, and retired into the Province from whence he took his Title, whilſt the reſt of the Nobility went to other Places; only Sir *Bertrand de Gueſclin* remain'd ſtill in *Limoſin* with two hundred Lances, to keep the Caſtles of the Lord *Maleval*, a Baron of thoſe Parts, who had newly revolted to the *French*.

When [1] Prince *Edward*, who was going to its relief, received the News that his City of *Limoges* was thus betray'd, and given up by the Citizens and their Biſhop, He was very much incens'd, eſpecially againſt the latter, in whom He had put ſuch great Confidence; and therefore vow'd to be reveng'd upon all of them for their Treachery: So marching from *Cognac* with twelve hundred Lances, one thouſand Archers on Horſeback, and four thouſand Foot, and accompany'd by his Brothers the Duke of *Lancaſter* and Earl of *Cambridge*, with divers other Noblemen, beſides the Captains of the *Companions*; with theſe Forces making up a gallant Army, He marched towards *Limoges* (tho not being able to ride on Horſeback, He was carry'd in a [2] Chariot:) But before he ſat down to beſiege it, He ſent certain Heralds to the Biſhop and Inhabitants, commanding them to drive out the *French* Gariſon, and by ſurrendering the Place to return to their former Allegiance; but they truſting in the Strength of it, and their great Stores of Proviſions, and being alſo encourag'd by the *French* Commanders, wholly ſlighted the Summons. Whereupon [3] the Prince ſitting down before the Town, ſolemnly ſwore by *his Father's Soul*, (the greateſt Oath He was ever known to make) that He would never ſtir from before the Place, until He had reduced it again to his Obedience, and reveng'd Himſelf upon thoſe Rebels. And ſo laying cloſe Siege to the City, He remembred that He himſelf had formerly fortified it ſo well, that there was no way to take it by Aſſault, but only by Mining; and tho He heard that Sir *Bertrand de Gueſclin* ravag'd the Country of *Limoſin* with his Forces, and had daily Complaints made to Him of it, yet would He not leave the Siege. But notwithſtanding all the Counter-Mines the Beſieged could make, his Pioneers carry'd on their Works with ſuch Succeſs, that a great Pane of the Wall was juſt ready to fall, when the Prince having notice of it, gave Orders for a ſtrong Brigade of Foot-men and Archers to be as ready to enter the Breach; which being now made by the Fall of the Wall into the Ditch, and thereby filling it up, the Soldiers immediatly giving a Shout, enter'd the Town, and running directly to the Gates, broke them down with their Axes, as they did alſo the Paliſados; for there was no great Reſiſtance made, the thing happen'd ſo unexpectedly. Then the Prince being carried in his Chariot, enter'd the Gates accompany'd with his Brothers and the other Lords and great Officers of the Army, together with a vaſt number of Foot, who were ready not only to plunder the City, but to kill Man, Woman and Child. This ſevere Commiſſion they executed upon all they met in the Streets without any diſtinction, the Prince himſelf taking no notice of their Cruelty, [4] ſo much was He incens'd againſt the Treachery and Obſtinacy of the Townſmen; ſo that within an hour or two's time, till the Prince Himſelf put a ſtop to the Slaughter, above four thouſand Perſons of all ſorts (moſt of whom were innocent) were miſerably kill'd. This I mention as the laſt and cruelleſt

[1] Id. c. 287. *Upon which Pr.* Edward *marches to retake it.*

[2] T. W. ad hunc An. *The Prince lays Siege to* Limoges.

[3] Froiſ. c. 287.

And takes it by Storm with a great Slaughter.

[4] Mezeray.

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Action of this Prince's Life, and of which during his more youthful and healthy State, He never would have been guilty.

The Prince having now enter'd the City, diſpatch'd [1] a ſtrong Party of *Engliſh* to the Biſhop's Palace, where they found him, who had been the chief Occaſion of all this Miſchief, and the conſequent Slaughter upon it; who being brought before the Prince, tho he beg'd for Mercy, was notwithſtanding his Character, threaten'd to loſe his Head; and being hurried out of his Preſence, was clap'd up a cloſe Priſoner: but as for Sir *John de Villemure*, Sir *Hugh de la Roche*, and *Roger de Beaufort*, (Son to the Earl of that Name) who were the Captains of the Gariſon, together with the moſt valiant of the Soldiers (being about eighty Men at Arms) having no hopes of Mercy, were reſolved to ſell their Lives as dear as they could; and thereupon ſetting their Backs againſt a Wall, defended themſelves with great Gallantry: Whereupon the Duke of *Lancaſter*, and the Earls of *Cambridge* and *Pembroke* with their Men came upon them, and alighting from their Horſes, the Princes encounter'd theſe reſolute *French*-men. The Duke of *Lancaſter* engag'd with Sir *John de Villemure*, and the Earl of *Cambridge* undertook *de la Roche*, whilſt the Earl of *Pembroke* fell upon *Roger de Beaufort*, who all fought with that Courage, which their natural Tempers, as well as Deſpair, then excited, until the Prince happen'd to come by that way, and ſeeing the Engagement, not only put a ſtop to them, but gave theſe three valiant Captains their Lives for the ſake of their Valour; but as for the reſt of the Gariſon, they were all put to the Sword, and the City was made a ſevere Example of the Prince's Revenge, being plunder'd, burnt, and almoſt level'd with the Ground. And as for the Biſhop above-mention'd, he eſcap'd better than he deſerv'd; for the Duke of *Lancaſter* being privately his Friend, yet outwardly expreſſing great Indignation againſt him, obtain'd the Cuſtody of him from the Prince his Brother; and ſoon after he wrote a Letter to the Pope, wherein he repreſented to Him the great danger the Biſhop was in, if He did not ſpeedily interpoſe. Whereupon He wrote preſently to the Duke, deſiring him that he might be pardon'd and ſet free; which Letter being ſhewed to the Prince, He was afraid to diſpleaſe the Pope, and therefore immediately order'd the Biſhop to be ſent to Him to *Avignon*, to which City his Holineſs was lately return'd upon a Buſineſs of great Importance, as you will find anon.

[1] Froiſ. c.289.

The Bp of Limoges *impriſon'd.*

The Prince gives three French *Captains their Lives for their Valour.*

The Bp of Limoges *ſet free at the Pope's Interceſſion.*

After the [2] Deſtruction of *Limoges*, the Prince and his Brethren return'd with their Spoil and Priſoners to *Cognac*, where the Princeſs and her Children then were. At which time the Prince gave leave to the greater part of his Forces to repair to their ſeveral Quarters, reſolving to do no more that Campagne: For it was now late in the Year, and his Sickneſs ſtill increas'd upon Him; whereat his Friends and Relations were much diſcourag'd. Indeed this proved the laſt warlike Exploit which that Gallant Prince ever perform'd; for this Winter He went for *England* together with his Princeſs, as you will hear in a little time. But we ſhall now return to the *French* Affairs.

[2] Id. ib.

The Prince returns to Cognac, *and diſmiſſes his Forces.*

Not long after [3] the Dukes of *Anjou* and *Berry* had finiſhed their Expedition (as you have already heard) Sir *Bertrand de Gueſclin*, who would neither give himſelf nor others any Reſt, with ſome For-

[3] Id. c. 289.

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Sir Bertrand de Gueſclin *invades the Viſcounty of* Limoſin.

[1] Id. c.290.

He is made Conſtable of France.

ces that were left him invaded the Viſcounty of *Limoſin*, a Country which belong'd to *John* of *Montfort* Duke of *Bretagne*, tho the *Engliſh* had alſo ſeveral Gariſons and Towns in thoſe Parts. There Sir *Bertrand* began to make War in the name of the Widow of *Charles* Count of *Blois*: And his Succeſs was as conſiderable as his Invaſion was ſudden; for the Duke of *Bretagne* was now at Peace with the King of *France*, and did not expect any ſuch Treatment: but it ſeems this implacable Commander remember'd that the Duke was not only Son-in-law to K. *Edward*, but had alſo lately given leave to the Earl of *Cambridge* and his Forces to paſs thro his Country into *Aquitain*. Wherefore Sir *Bertrand*, to begin the War, went before the Town of [1] *St. Hyriel*, which not being commanded by any one Man of note, was ſoon ſurrender'd to him; but he took it in the name of the Dutcheſs of *Bretagne*, and put a ſtrong Gariſon into it. Whilſt Sir *Bertrand* lay in thoſe Parts, and had newly taken a Town called *Brandonne*, came Meſſengers to him from the King of *France* in order to his advancement to a much higher Dignity; for the Conſtable *de Fiennes* being now worn out with Age and the Fatigues of War, reſign'd up his Conſtable's Sword to the King, who thereupon was adviſ'd by his Brother the Duke of *Anjou*, and others of his Council, that there was none ſo fit for that great and eminent Office, as Sir *Bertrand de Gueſclin*: Wherefore the King ſent for him (as hath been already ſaid) and when he came told him what He intended to beſtow upon him. At firſt this Great and Valiant Perſon modeſtly refuſ'd it, excuſing himſelf, by reaſon of his mean Quality in reſpect of the King's Brothers, and ſo many Princes of the Blood and other Great Lords, who would expect to be prefer'd before him, and whom he fear'd (ſhould he accept of it) would be very unwilling to obey one every way ſo much inferior to them; but the King would receive none of his Excuſes, and ſo deliver'd him the Sword, being the Badge of that high Office; in which he acquitted himſelf ſo well, that for his many and great Victories againſt the *Engliſh*, he was at laſt looked upon as the *Reſtorer* of *France*.

[1] Id. c. 291.

He asks leave to go againſt Sir R. Knolles, *but is order'd to act only defenſively.*

[2] Mezeray.

[3] Froiſ. ib.

Great Diviſions in Sir Robert Knolles*'s Army.*

Then, [1] in the beginning of *October*, ſo ſoon as the Conſtable was ſettl'd in his new Dignity, He ask'd the King's leave to make an Expedition againſt Sir *Robert Knolles*, who was now retir'd into the Borders of *Anjou* and *Maine*; but the [2] cautious King, fearing his bold and enterprizing Temper, gave Him but few Troops, that He might act only on the defenſive, and not be tempted to come to a ſet Battel; but the Conſtable had other Views, and ſold his rich Jewels and Furniture which He had gotten in *Spain*, that He might thereby encreaſe his Forces: ſo taking the Lord *Cliſſon* in his Company, he left *Paris*, and came to the City of *Mans*, which he made his Head-Quarters, and there muſter'd up above five hundred Lances. Sir [3] *Robert Knolles* was now in theſe Parts with a good Army, but his Officers were much divided; for the young Lords, *Grandiſon*, *Fitz-Walter*, and others of them, would no longer obey their General, nor follow his Directions, becauſe he now adviſed them, ſince Winter was drawing on, to retire with him into *Bretagne*, where they might quarter more ſafely among their Friends and Allies, ſince ſo many of them could not well ſubſiſt in a Country ſo much haraſs'd by the Enemy, who would ſtill take an occaſion to beat up their Quarters. But the major part of the younger Officers would not hearken to this wiſe Propoſal, ſaying, *that they were ſtrong enough to deal with the* French, *who durſt not look them in the Face, ſince they had try'd their Courage ſufficiently the laſt Campagne; and therefore they were now reſolv'd to quarter in that Country, and not to burden their Friends.* Theſe Differences being raiſed in the *Engliſh* Army, were fomented and encreaſed by one Sir *John Menſterworth*, * an *Engliſh* Knight, ſtout enough, but falſe, covetous and diſloyal; for having embezel'd great Sums that were deſign'd to pay the Soldiers, he had no other way to eſcape being call'd to an account by the General, than by raiſing a Mutiny againſt him, by whom he had been advanc'd to that Command he had in the Army: And this [3] ungrateful Man did alſo ſet the young Lords againſt Sir *Robert*, by ſlyly inſinuating into them, that it was below them to be commanded by one ſo much beneath them in Quality and Extraction; that now the Campagne was at an end, ſo likewiſe was his Authority; that all of them had experience enough to do what belong'd to them without the direction of an old *Free-booter.*

* Froiſſart *by miſtake calls him* Maiſtreur-ac.

Which are much increas'd by Sir John Menſterworth*'s evil Practices.*

[3] T. W. Ypod. Neuſt. ad hunc An.

Upon theſe and the like Inſinuations, they divided into different Parties, and into ſeveral Places; Sir *Robert Knolles* and Sir *Alan Boxhul* were at this time not far from *Mans*, tho they deſign'd ſhortly to go into *Bretagne*, and quarter there; but the Lords *Grandiſon*, *Fitz-walter*, and Sir *John Menſterworth*, with a great part of the Officers, were a day's March farther on the Borders of *Anjou* and *Touraine*. When the *Engliſh* General and the Officers that were with him heard of the Approach of the new Mareſchal of *France*, with the Lord *Cliſſon*, into thoſe Parts, they were reſolved not to go into their Winter-Quarters, till they had met with and encounter'd him; and to this end they ſent forthwith to Sir *Hugh Calverly*, who was then in Gariſon at *Saumur*, as alſo to Sir *Robert Bricquet*, with other Captains of the *Companions* in thoſe Parts, to come and join with them at a Place appointed, that they might give the *French*-men Battel. They ſent alſo at the ſame time to the Lords *Grandiſon*, *Fitz-walter*, and the reſt of that Party, to the ſame purpoſe; which Summons, notwithſtanding their late Diviſion, they obey'd.

Sir R. Knolles *reſolves to encounter the new Conſtable, and ſends to the reſt of the Officers to meet him.*

But whether Sir *John Menſterworth* gave the *French* Conſtable any Intelligence of this Deſign (as it is not unlikely by what after happen'd) or that he knew it ſome other way, is uncertain; but about the time appointed, he marched out with four hundred Lances, beſides many other Light Horſe, and planted Himſelf in the way, where He knew the *Engliſh* muſt of neceſſity paſs, at *le Pont Vallain* in the County of *Main*, that very Night the Lords *Grandiſon* and *Fitz-Walter* with about two hundred Lances, and ſix hundred others, left their Quarters, and began to march toward the Place appointed, to join with Sir *Robert Knolles*. But their Journy was ſhortned by the Conſtable *de Gueſclin*, who came upon them early in the Morning at the Place above-mention'd, and gave them a brisk and ſudden Charge, by which and the odds in number on the *French* ſide (being as many again) tho the *Engliſh* behav'd themſelves very gallantly, yet they were at laſt totally routed, and moſt of them, to the number of one hundred and twenty men, were kill'd, and many taken Priſoners, the chief of whom were the two Lords abovemention'd, with divers other Knights and Officers of note, and were all carried away to the City of *Mans*. On the *French* ſide, the old famous Warrior the Lord

The Conſtable routs the Lds Grandiſon *and* Fitz-Walter, *and takes 'em Priſoners.*

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Sir Robert Knolles *retires in* Bretagne, *and diſmiſſes his Forces.*

D'Endreghan died of the Wounds he received in the Battel. The News of the Loſs was preſently carried to Sir *Hugh Calverly* at *Saumur*, and Sir *Robert Bricquet*, and their Followers, who thereupon forbore going to Sir *Robert Knolles*, as they had deſign'd; but the General himſelf, with Sir *Alan Boxhul*, retir'd with their Forces to their former Quarters, and wholly quitted their Deſign of doing any thing againſt the Conſtable; and not long after Sir *Robert* retired into *Bretagne* to his Caſtle of *Derval*, and then diſmiſs'd his Soldiers to go where they pleas'd. Thus ended Sir *Robert Knolles*'s Expedition this Campagne, which as it began with more Terror than Prejudice to the *French*, ſo it ended to their Glory and Advantage. And from the manner of this *Engliſh* Commander's acting in this Expedition, we may draw this Obſervation, that tho the over-running and plundering of a Country by a flying Army, may prove very beneficial to the Officers and common Soldiers, and may ruin the Fortunes of a great many private Perſons that were ſo plunder'd; yet unleſs ſome ſtrong Towns and Caſtles can be taken and maintain'd, it proves no more than a ſlight Incurſion, and the adverſe Prince and Country may ſoon recover thoſe temporary Loſſes. But we ſhall now ſay ſomewhat farther of the *French* Affairs before we end this Year.

[1] Id. ib. *The Conſtable returns to* Paris, *where he is received with great reſpect.*

Then the [1] Conſtable *de Gueſclin* returned to *Paris* with moſt of his *Engliſh* Priſoners, and having gain'd a great Reputation, He was received with much reſpect by the King and the whole Court; after which He admitted his Priſoners to eaſy Ranſoms, taking their Faith for the true Payment of it; ſo courteous were the *French* and *Engliſh* Commanders to each other in thoſe times, not acting as the *Germans* were then wont to do, who kept their Priſoners of War in Irons, to the end they might extort the greater Ranſoms from them.

[2] Mezeray. *He procures a Meeting between the Kings of* France *and* Navarre, *where the latter is bought off from the* Engliſh *Intereſt.*

But to ſay ſomewhat further of the Conſtable *de Gueſclin*; this was not the only Service he did the Crown of *France* this Year: [2] for about this time he alſo procured a Meeting at *Eureux*, between King *Charles* and his Brother-in-law of *Navarre*, who, by means of the *Engliſh*, with whom he had man'd his Towns and Caſtles in *Normandy*, was able to find the *French* ſufficient Employment on that ſide; and therefore He was at this Juncture to be bought off on any Terms: For this Prince, who was as inconſtant as He was malicious, tho He had not long before agreed to a Truce, yet would never make a final Peace with his Brother-in-law of *France*, till He had it now by the Mediation of the Conſtable, upon condition, that his Places in *Normandy* ſhould be all left free to Him, and that upon the Surrender of *Mante* and *Melac* He ſhould alſo have the County and City of *Montpellier* in exchange. Then having engaged himſelf by Oath truly to obſerve the Peace, and renounce the Friendſhip and Alliance of King *Edward* and the Prince his Son; He accompany'd the *French* King from *Rouen* to *Paris*, where leaving his two Sons with their Uncle, as Pledges of his Fidelity, He went from thence to take poſſeſſion of *Montpellier*, after which He return'd into his Kingdom. But it is now time to ſay ſomewhat of *England*.

[3] T. W. *Sir* John Menſterworth *accuſes Sir* R. Knolles *of Treaſon.*

Sir [3] *John Menſterworth* having made a ſhift to eſcape from the above-mention'd Fight, went immediately over to King *Edward*, and accuſed Sir *Robert Knolles* of Treaſon, as being the ſole occaſion of the late Defeat, as alſo that he had taken great Sums of Mony the laſt

Campagne of certain *French* Governors to ſpare their Towns and the adjacent Country. And tho the great worth of this Commander made his Accuſer to be generally look'd upon as a Lyar, yet (it ſeems) he at firſt found ſo much credit with the King and his Council, that He not only withdrew his Favour, but alſo a Penſion which He had before granted him: and it might have gone farther, had not Sir *Robert* received ſpeedy Intelligence how he had been traduced; [1] whereupon not being able to come himſelf, he ſent over two diſcreet Gentlemen that belong'd to him, to juſtify himſelf, and give the King a true Account of the matter; and theſe by the help of Sir *Alan Boxhul*, his Brother Commander, as alſo of ſome other Knights of good Reputation, who had ſerved in the late Expedition, ſo well repreſented Matters in his favour, that the King and Council ſeeing they had been miſinform'd, wholly acquitted Sir *Robert* as an innocent Perſon, and he was then reſtor'd to the King's Favour, and his Son's the Prince. Then to make Sir *Robert* ſome ſatisfaction, Sir *John Menſterworth* his Accuſer was ſummon'd before the King and Council by a Day prefixed, there to anſwer what ſhould be objected againſt him; [2] but his evil Conſcience not permitting him to come to a fair Trial, he got over into *France*, and revolted to the *French* King, with whom he ingratiated himſelf, by diſcovering whatever he knew might do prejudice to his King and his Native Country; but he received not long after the Reward due to his Treaſon, being afterwards taken Priſoner, and executed as he deſerv'd.

[1] Froiſ. c. 279.

Sir R. Knolles *ſends over to the King to juſtify himſelf.*

[2] T. W.

Sir J. Menſterworth *not making good his Accuſation, flies into* France.

I find nothing elſe to have been tranſacted this Year, only that King *Edward*, in hopes of reclaiming ſome of his rebellious Subjects in *Aquitain*, and bringing them back to their former Allegiance, in the beginning of this Winter ſent over his Letters Patents under his great Seal, of free Pardon and Indemnity, with large Promiſes of Reformation of whatever had been done amiſs by the Prince his Son, being to this effect: "That [3] He (the King) being inform'd of certain
" Troubles, Grievances, and Moleſtations, done, or ſuppos'd to be
" done by his Dear Son the Prince of *Wales*, in his Seigniory of *Aquitain*;
" and being obliged and deſirous to remedy all things tending to evil
" Surmiſes, Hatreds and Contentions between Him and his loyal Friends
" and Subjects, did of his mere Good-will, and by great Delibera-
" tion of his Council, pronounce and certify, and did hereby will
" and command, that the ſaid Prince of *Wales* ſhould forbear, and
" remit all manner of Actions done, or to be done, and reſtore to
" all ſuch as had been grieved, or moleſted by Him, or by any of his
" Officers and Subjects in *Aquitain*, all their Coſts, Expences or Da-
" mages, rais'd or to be rais'd, in the name of Aids and Chimny-
" Mony, *&c.* and did further pardon all ſuch as had revolted and
" forſaken his Homage and Fealty, upon condition, that after the
" ſight of theſe Letters, within one Month, they would return to their
" Obedience. And if any Perſons made juſt complaint againſt his
" dear Son the Prince, or any imploy'd by Him, that in any thing
" they were griev'd or oppreſs'd, or had been in times paſt, He
" would cauſe them to have reaſonable amends, for the maintaining
" of Peace, Love, Concord and Unity between Him and his Peo-
" ple of the ſaid Dutchy. And that all men might be ſatisfied of the
" truth of theſe Letters, He willed they ſhould have Copies of them:

K. Edward *grants a Pardon to all his rebellious Subjects that would return to their Allegiance.*

[3] Froiſ. ib.

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“ And then declared He was ſworn to maintain and make them good, “ by the Body of *Jeſus Chriſt*. Given in the Preſence of his dear “ Son, *John* Duke of *Lancaſter*, the Earls of *Saliſbury*, *Warwick*, “ *Hereford*, and many others there named, at *Weſtminſter* the fifth “ day of *November*, in the forty fourth Year of his Reign, and of “ our Lord 1370. But Matters were now gone too far to be ſo eaſily recal'd, and the Revolt was too far ſpread, and of too long a continuance to be reclaim'd by a piece of Parchment; for I do not find that this Charter of Pardon had any effect, or reduced any of thoſe Lords of *Gaſcoigne*, or their Subjects, to their Allegiance, that had revolted near two years before. But not long after the King, by the Reſignation of the Prince his Son, reſum'd thoſe Territories into his own hands.

Which yet had no effect on the Lords of Gaſcoigne.

[1] Buchan. l. 9. *The Death of* David *King of* Scots, *ſucceeded by* K. Robert 2*d*.

In the beginning of *May* this Year happen'd a great Alteration in *Scotland*, [1] by the Death of *David Bruce*, the laſt Heir Male of that Family, a Prince of greater Courage and Vertue than good Fortune in his Enterpriſes, tho He paſſed the laſt ſix years of his Life in Peace, after his Impriſonment in *England*. He left no Iſſue by either of his Wives; and therefore his Nephew the Lord *Robert Stewart* ſucceeded Him, being the Anceſtor of the Family of the *Stewarts* that have ſince reign'd in *Scotland*, and according to the Settlement of the Parliament of *Scotland* already mention'd. This Prince, as ſoon as He came to the Crown, renewed the Truce which had been formerly made between the two Kingdoms for the ſpace of nine Years; it being left free to the *Scots* during that time to ſerve either the Kings of *England* or *France*, which they ſhould think fit.

[2] Froiſ. c.291. *Pope* Urban *returns to* Avignon, *and there dies; and is ſucceeded by* Gregory XI.

As for Eccleſiaſtical Affairs, whilſt the War was thus hotly carry'd on in *France*, [2] Pope *Urban* V. who had been for about two years and a half at *Rome*, was now return'd to *Avignon* the laſt Autumn, where He uſed all his endeavours to make a Peace between the two Kings; but they remaining deaf to all his Mediations, He not long after deceaſed on the nineteenth of *December*, having enjoy'd the Papacy eight Years and almoſt two Months. He was ſucceeded by *Peter Rogerii*, a Deacon Cardinal of about forty Years of age, who was Son to the Earl of *Beaufort*, by *Joane* Siſter to Pope *Clement* VI. who called himſelf *Gregory* XI.

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[3] Id. c. 292. *Sir* Euſtace d'Ambreticourt *is betray'd and taken Priſoner.*

This Year begins with the like Continuance of ill Fortune as the former: for that valiant Leader, [3] Sir *Euſtace D'Ambreticourt*, going to paſs the *Chriſtmas* Holidays with a Baron of *Gaſcoigne*, called the Lord *Buſſiere*, whom he looked upon as his Friend, and intirely in the *Engliſh* Intereſt, found himſelf much miſtaken; for his treacherous Entertainer admitted Sir *Tibauld du Pont*, a Knight of *Bretagne*, and an Enemy to *England*, into his Caſtle with ſome Soldiers, whom he ſuffer'd to ſeize upon Sir *Euſtace*, while he ſuſpected no harm, and to carry him away Priſoner; and he was like to have been put to death, as being one of the Captains of the *Companions*, had it not been for the Interceſſion of the Duke of *Bourbon*, who for the kindneſs he had formerly done in procuring his Mother to be exchanged, got him ranſom'd for twelve thouſand *Franks*, whereof Sir *Euſtace* paid four thouſand down, and left his eldeſt Son as a Hoſtage for the reſt. Sir *Euſtace* being thus at liberty, went to *Charenton* in *Lower Normandy*, where he ſhortly after died, having been in his days a

He is ranſom'd, and dies.

moſt Valiant Knight and Prudent Commander. And this was the Third Man of Note, whom King *Edward* loſt in leſs than a Year's time.

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In [1] the beginning of *January*, *Edward* Eldeſt Son to the Black Prince deceaſed at *Bourdeaux*, to the great Affliction of his Father and the Princeſs his Mother, who had no more Children left them, but *Richard* an Infant, of whom I have already ſpoken. And now Prince *Edward*, being very much indiſpos'd as well by Sickneſs as diſcontent of Mind, was adviſed by his Phyſicians and Chirurgeons to return into *England*, to try if his Native Air might reſtore Him to his Health, which was in a very ill State and Condition; which Advice being approved of by the Prince, He appointed the Earls of *Cambridge* and *Pembroke* with their Retinues, to be his Convoy: and while the Fleet was rigging out in the Haven of *Bourdeaux* on the *Garonne*, He ſent forth his Summons to all the Loyal Knights and Barons of *Gaſcoigne* and *Poictou* and other Parts of his Dominions, to come unto Him by ſuch a Day to that City. And being met in his Chamber, He made them a ſhort Speech, wherein He ſet forth "That He "had for the ſpace of almoſt Ten Years govern'd them as a Gracious "Prince, and had done his Endeavours to maintain them in Peace, "Plenty and Proſperity; until the Enemy of Mankind had found "out new occaſions of War and Diſſenſions, tho He had done "what He could to defend them againſt their Neighbouring Enemies. But ſince now for the Recovery of his Health, which He "very much wanted, He had deſign'd to return into *England*; He "would leave behind Him his Dear Brother the Duke of *Lancaſter*, "to ſupply his Place, whom He deſired them to Honour and Obey "as they had done Himſelf, and to aſſiſt Him in all his Undertakings. Then the Lords and Barons of *Gaſcoigne* promiſed to obſerve what the Prince had enjoyn'd them; and thereupon in his Preſence ſwore Fealty to the Duke of *Lancaſter*, as his Lieutenant. Not long after this, the Prince leaving *Bourdeaux*, went on Board in the beginning of *January*, and landed ſafe at *Southampton*; from whence He with his Princeſs went to *Windſor*, where He was joyfully received by the King his Father: then after ſome ſtay there, the Prince with his Family retired to the Caſtle of *Berkhamſtead*, for the goodneſs of the Air, where we ſhall leave Him for a time, and look back into *France*.

[1] Id. c. 293.

The Death of Edward *Eldeſt Son to the Black Prince, who being Himſelf indiſpoſed, reſolves to go for* England *to recover his Health.*

He ſummons the Barons of Gaſcoigne *and* Poictou, *and makes them a Farewel Speech, and recommends the D. of* Lancaſter *for his Lieutenant.*

The Pr. lands in England, *and goes to* Windſor *to the King his Father.*

Not [2] long after the Prince's Departure, the Lords *de Houſſaye* and *de Mailly*, with divers other *French* Noblemen, marched forth of *Perigeux* with two hundred Lances, *French* and *Bretons*, and rode to a ſtrong Caſtle called *Montpaon*, belonging to a Knight of that Name, but under the Dominion of the Prince of *Wales*, which was treacherouſly ſurrender'd to them by the Owner of the ſame Name, who was ſecretly in the *French* Intereſt. But ſo ſoon as the Duke of *Lancaſter* had heard that the *French* had ſeiſed a Place of ſo great Strength and Importance, he was very much incenſed at it, and raiſing a conſiderable Army of Five hundred Lances, and Seven hundred Archers on Horſeback, beſides Foot, [3] he marched to recover the ſaid Place, and having laid cloſe Siege to it for ſome time, he found it ſo well fortified and ſtoutly defended, that it was not eaſy to be taken, unleſs it were by Famine or undermining of the Walls; which laſt proving the readier way, was preſently undertaken, and that with ſo good

[2] Id. ibid.

The ſtrong Caſtle of Montpaon *is betray'd to the* French.

[3] Id. c. 294.

But retaken by the D. of Lancaſter.

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Succeſs, that a great piece of the Wall falling down, the *French* that were within it, were forced to ſurrender and become Priſoners of War. But it had far'd much worſe with Sir *William Montpaon*, who betray'd it, had he not eſcaped out of it before it was taken *. Then the Duke having repair'd and new fortify'd the Caſtle, and ſupplied the Place with Proviſions and a ſtrong Gariſon, diſmiſſed his Forces, and returned back to *Bourdeaux*.

* Id. n. 295.

The Duke returns to Bourdeaux.

[1] Id. ib.

But notwithſtanding this Succeſs, [1] the *Engliſh* Power in *Gaſcoigne* and *Poictou* daily declined; for the Barons and Gentlemen of thoſe Parts and their Dependants were ſtill expos'd to the Incurſion and Depredations of the *French* Gariſons upon the Frontiers, and particularly in *Poictou*, where the War was carried on more hotly than in any Place elſe; for thoſe from the Fortreſs of *Moncontour* plundered and ravaged the Country round about, killing and deſtroying thoſe that held out for the *Engliſh*. The like was done by the Gariſons of *La Roche de Pozay* and *St. Salvin*, each of which tyrannized as much as they could about their Precincts; ſo that the Loyal Barons of *Poictou* who held out ſtill for *England* durſt hardly ſtir abroad unleſs in conſiderable Bodies, for fear of the *French* who lay quartered about in the Country; inſomuch that they were forced to keep a Frontier War againſt their Enemies.

The Barons of Poictou *are much ſtraitned by the* French *Gariſons.*

[2] Id. c. 295.

King Charles *ſends ſome* French *Gentlemen into thoſe Parts, who buy off many Noblemen from their Allegiance to* K. Edward.

About this time King [2] *Charles*, to do all He could to reduce *Poictou* to his Obedience, ſent into thoſe Parts the Viſcount of *Rochehoart*, and divers other *French* Gentlemen of that Country, who by cunning perſuaſions, as well as by Bribes and Rewards (which the *French* King had furniſhed them with for that purpoſe) bought off ſeveral Barons and Noblemen of thoſe Parts from the *Engliſh* Allegiance; ſo that many of the Great Lords, whom either the Reputation, Fortune or Liberality of the Black Prince had made to follow Him, fell now away to the *French* King after his Departure; and particularly the Lord *du Pont* of *Poictou* revolted, whilſt his own Lady with the Townſmen continued firm to King *Edward*: ſo that by this means the Barons and Gentlemen of *Poictou* were in a very diſtracted condition, being engaged in a terrible Civil War; and the *French* and *Engliſh* Gariſons being ſtrangely intermix'd, the Weaker ſtill became a prey to the Stronger; and [3] there ſcarce paſſed a Day without ſome mutual Loſſes and Repriſals, inſomuch that all things being in a Confuſion, neither Law nor Reaſon, but mere Force and Violence prevail'd in thoſe Parts.

Great Confuſions from the Gariſons in Poictou.

[3] Id. c. 296.

[4] Ib. ib.

The L. Piercy *takes the Caſtle of* Moncontour, *and puts it into the cuſtody of Sir* W. Hewet *one of the Capt. of the* Companions.

But to remove ſome of theſe Miſchiefs, [4] the Loyal Barons and Gentlemen of *Poictou*, finding the Caſtle of *Moncontour* in the Borders of *Anjou* above-mention'd, to do them more prejudice than any other Gariſon, they deſired leave to beſiege it; whereupon the L. *Thomas Piercy* Seneſchal of *Poictou*, being then at *Poictiers*, muſter'd up a ſmall Army of about Five hundred Lances and two thouſand Foot, beſides Archers, commanded by Himſelf, the Lord *de Harcourt* and other Noblemen of thoſe Parts, marched from thence, and laid cloſe Siege to the ſaid Caſtle. But tho it was very ſtrong and provided with a good Gariſon, yet the *Engliſh* ſo batter'd it Night and Day with their Engines, that after ten Days it was taken by Storm, and all the Beſieged put to the Sword, except the Chief Commanders, and five or ſix Men at Arms. Upon which Succeſs the Lord *Thomas Piercy* committed the Cuſtody of the Caſtle to Sir *Walter Hewet*, and ſome other Captains

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Captains of the *Companions*, amounting to above Five hundred Men, who not only undertook to keep the Place, but to maintain a Defenſive Frontier War againſt the *French* of *Anjou* and *Tourain*. And this they did a good while after, to the no ſmall prejudice of their neighbouring Enemies; but upon this Succeſs the Lord *Piercy* diſcharged his Troops for the preſent, and ſent them to their ſeveral Quarters.

About the ſame time ' Sir *John Devereux* was juſt return'd into *Limoſin*, whereof he was Seneſchal, having lately paſſed in a Hoſtile manner thro *Auvergne* and *Givaudan*, till he came into *Vivarais*, where he took the City and Caſtle of *Uzes*; ſo that the *Engliſh* in the beginning of this Year, not only behaved themſelves with much Bravery, but met with conſiderable Succeſs: which News being brought to the Conſtable *de Gueſclin*, he reſolved to put a ſpeedy ſtop to their Carrier; and to this end leaving *Paris* about *Candlemas*, with a conſiderable Army, Commanded by the Dukes of *Berry* and *Bourbon*, and ſome other Principal Noblemen of *France*, they marched into the Province of *Vivarais*, and beſieged the City of *Uzes*, which being vigorouſly defended by the *Engliſh*, the *French* General thought fit after lying before it Fifteen Days, to raiſe the Siege, and go towards *Rovergue*, where he found better Suceſs, taking many Places of Importance; and among the reſt lay'd Siege to the ſtrong Town of *Millaud*, which had been kept by Sir *Thomas Wake* above a Year and an half; but now upon the Conſtable's ſitting down before it, Sir *Thomas*, either ſeeing no hopes of Relief, or for ſome other Reaſons, capitulated to deliver up the Town, upon Condition that he might depart with Bag and Baggage, and Colours flyings. And his Example was ſoon after followed by many other Fortreſſes on the Frontiers. Then the Conſtable, after ſome time ſpent to refreſh his Men, return'd back, and again lay'd Siege to *Uzes*, where the Gariſon being terrified by the Engines of Battery which the Conſtable had order'd to be brought before it, thought fit to capitulate, upon the ſame Terms as Sir *Thomas Wake* had already done, and ſurrend'ring the Place marched out with their Baggage into the County of *Limoſin*, where they were not at all blamed for what they had done. The like good Succeſs the Conſtable met with where ever he went during this whole Expedition, in which he gain'd a great many Towns and Caſtles from the *Engliſh*.

' Id. c. 297.

Sir John Devereux *takes the Town and Caſtle of* Uzes.

The Conſtable de Gueſclin *puts a ſtop to the* Engliſh *Succeſs by taking* Rovergue, *&c.*

And then retakes the Town of Uzes, *&c.*

King *Edward*, being now alarum'd at the great Progreſs the *French* Army had made in *Aquitain*, * on the Eighth of *January* iſſued out Summons for a Parliament to meet on Monday the Firſt Week of *Lent*, being the Feaſt of Sr. *Matthias*, or Four and twentieth of *February*; † on which Day the King, Prelates, Great Men and Commons aſſembled in the Painted Chamber, and *William of Wickham* Biſhop of *Wincheſter*, then Chancellor, declared the Cauſe of Summons to be, That ſince by their Aſſent at the laſt Parliament, the King did retake upon Him the Title of King of *France*, becauſe his Adverſary had broke the Peace, and claimed the ſame *Reſſort* or *Superiority* over *Aquitain*, which had formerly belonged to his Father; for which and ſeveral other Cauſes He had been at great Expences, and ſent ſome Great Men and Others to a mighty Number, to Recover and Conquer his Right; and that the King had received News from his Friends and Allies, that his Adverſary had made Himſelf

* Rot. Clauſ. 44 Ed. 3. m. 11. Dorſ.

Whereupon the K. ſummons a Parliament.

† Rot. Parl. 45 E. 3. n. 1.

The Cauſes of it declared by the Bp of Wincheſter.

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The great danger from the King's Adverſary of France.

ſtronger than He had done before, and ordered ſo great a number of People to be brought together, as in all probability were able this Year to put Him out of Poſſeſſion of all his Lands and Countries beyond the Sea, as well in *Gaſcoigne* as at *Calais*, *Guiſnes*, *Ponthieu*, and other Places; and further that He had ſuch a Fleet ready, as ſeemed ſufficient to deſtroy the whole *Engliſh Navy*, and alſo that He prepared to ſend over a great Army into this Land to deſtroy, conquer and ſubject it to his Power; wherefore the King earneſtly deſired the Great Men and Commons to adviſe about theſe Points, and Counſel Him how the Kingdom might be ſafely guarded, the Navy preſerved from the Malice of his Enemies, how his Lands beyond Sea ſhould be kept, the War there maintain'd, and the Reduction carried on.

* Ib. n. 6.

Whereupon the Lords and Commons grant the King an Aid of 50000 l.

* Theſe Matters being thus laid before them, many ways for an Aid were propounded and debated between the Great Men and Commons; at laſt in Conſideration of the great Coſts and Charges the King was to be at for the Reaſons aboveſaid, Both Houſes conſented on the Eight and twentieth day of *March*, to grant a Subſidy of Fifty thouſand Pounds, to be levied of every Pariſh at Two and twenty Shillings and three Pence, thoſe of greater Value to contribute ratably to thoſe of leſs Value. And beſides this, the Clergy alſo granted the King a ſeparate Aid of Fifty thouſand pound more towards his War in *France* for one Year; for the raiſing of which Sum (being very extraordinary) the Chantry Prieſts were taxed according to their Annual Receits, as likewiſe all other ſmall Benefices, which had not been taxed before; and ſo the Parliament broke up.

† Ib. n. 7.

Note, that the Tranſactions of this Council are entred on the ſame Roll with the precedent Parliament.

This Tax, in a great Council at Wincheſter, *is increaſed to near 6 l. upon each Pariſh.*

|| Ib. n. 10, 11.

But at a † Great Council holden at *Wincheſter* Eight days after *Trinity* Sunday, the Chancellor ſhewed the Great Men and Commons there aſſembled, That the number of Pariſhes in *England* would not anſwer the ſaid Sum of Fifty thouſand Pounds, as might appear by the Certificates of all the Archbiſhops, Biſhops and Sheriffs, made and returned into *Chancery* by the King's Warrant; which Certificates being examined, and many Treaties and Conferences had upon the Matter, || at laſt to compleat the Sum of Fifty thouſand Pounds the ſaid Great Men and Commons granted out of every Pariſh within the Kingdom of *England*, the Sum of one hundred and ſixteen Shillings, the former Sum of 22 *s.* and 3 *d.* firſt granted, being compriſed therein, except the County of *Cheſter*, and the Church Lands, which were taxed to the Tenth, ſo as always the Pariſhes of greater Value ſhould be contributary to thoſe of leſs Value.

[1] Ib. n. 15.

The [1] Commiſſion of this Grant was read before the King, Great Men and Commons, and the Names of the Collectors given in by the Knights of Shires, and alſo the Names of the Lords and Others that were aſſigned to ſee the Tax duly and reaſonably aſſeſſed and levied; and the Petitions of the Commons, that were not anſwered in the preceeding Parliament, were anſwered in this Council; amongſt which this following is very obſervable.

The Commons petition that only Laymen might be made great Officers of the Kingdom.

> " For that it had been declar'd to the King in the late Parliament
> " by all the Earls, Barons and Commons of *England*, That the Go-
> " vernment of the Kingdom had for a long time been managed by
> " Men of the Church, whereby many Miſchiefs and Damages had

" happened in time heretofore, to the Diſheriſon of the Crown, and " to the great prejudice of the Kingdom: That it would therefore " pleaſe the King, that Laymen, of ſufficient Abilities, and No " Others, might for the future be made Chancellor, Treaſurer, Clerk " of the Privy-Seal, Baron of the Exchequer, Controller, or other " Great Officers, and Governours of the Kingdom; and that this " Matter might be ſo eſtabliſhed, that it ſhould never be defeated, or " any thing done to the contrary in time to come, **Saving** to the King " the Removal and Choice of ſuch Officers, yet ſo as they ſhould be " Laymen.

The King's Anſwer was, He would do in this Point what ſeemed beſt to Him by Advice of his Council.

The * Members of this Great Council were Four Biſhops, Four Abbots, Six Earls, Six Barons, and ſuch and ſo many of the Commons as the King named in his Writs to the Sheriffs, who were of the laſt Parliament: for *Kent* there were only *Thomas Apuldrefeld*, one of the Knights of the Shire; *Edmund Horner*, one of the Citizens of *Canterbury*, and *John Tynchynfeld*, one of the Citizens of *Rocheſter*.

*Rot.Clauſ. 45 Ed. 3. m. 29. dorſ.

The Members of this Great Council.

This is a plain Proof of the Difference between a Council and a Parliament; the Former conſiſting of ſuch Biſhops, Peers and Commoners as the King pleas'd to call to it; and the Other of all the Biſhops, Earls, Barons of *England*, together with the Knights, Citizens, and Burgeſſes elected by their ſeveral Cities, Counties, *&c.* But how ſuch a Council could take upon 'em to alter or add to a *Tax* that had been already given by the whole Parliament, I do not well underſtand.

The Difference between a Great Council and a Parliament.

~~[1] During the Seſſion of this Great Council, there came two Legates from the New Pope *Gregory*, the One of them was *Simon Langham*, late Archbiſhop of *Canterbury* and Chancellor of *England*, and the Other *John*, who had formerly been Biſhop of *Beauvais*, and enjoy'd the like Office under the King of *France*; who were ſent from his Holineſs with Letters bearing Date the beginning of *March*, to mediate a Peace between the Two Kings, tho without any Succeſs; for *England* had loſt and *France* had gain'd too much, ever to be recover'd by any other way than by the Sword.~~ x

[1] T. W. Odor. Raynold. ad hunc An.

The Pope ſends two Cardinals to mediate a Peace with France, *without any Succeſs.*

This [2] Summer King *Edward* ſent *Humphry Bohun* Earl of *Hereford* and *Eſſex* with ſome Knights, his Ambaſſadors, to treat and confer with *John* Duke of *Bretagne* his Son-in-Law, about ſome Important Matters; but becauſe it was a time of War, and the Seas infeſted with the Fleets of *France* and *Spain*, the King thought it fit to ſet out a ſtrong Fleet under the Command of the Lord *Bryan*; and there went alſo the Lord *Thomas* of *Woodſtock* the King's Youngeſt Son, with a choice number of Archers for their Defence. In their paſſage thither they met the *Flemiſh* Fleet on the Coaſt of *Bretagne*, near the Port called *La Baye*, in their return from *Rochel*, laden with Wine and Salt; but whether it was that the *Flemings* would not ſtrike Sail, or that there was ſome former Quarrel, I will not determine; only my Author relates, that the *Flemings* began the Fight, and tho they were ſuperior in number and very well provided, yet after a brisk Engagement, the Victory fell to the *Engliſh*; *John Peterſon* the *Flemiſh* Admiral being taken Priſoner, together with all that were left alive, the reſt being either

[2] Froiſ. c.298.

The King ſends the Earl of Hereford *and others to treat with the Duke of* Bretagne.

The Engliſh *Fleet fights and routs that of* Flanders.

I find nothing relating to foreign [illegible] been transacted [illegible] the [illegible] with the King of Navarr, which had been by former treaty [illegible] [illegible] now [illegible] [illegible] the 27th day of April Rot. Franc. 45 Ed. 3. m. 15. now [illegible] confirmed between the King & the Earl of Flanders and his three towns of Gaunt, Bruges and Ypres. [illegible] vid. Rot. Cl. p. 685. 686.

by which [illegible] said this advantage [illegible] to [illegible] he still [illegible] in [illegible] remained remain[illegible] [illegible] lessed.

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either drown'd or ſlain; for the *Engliſh* were more than uſual by ſevere, when they had the full Maſtery of 'em, becauſe they had been ſo bold as to begin the War. After this the Earl of *Hereford* landed at *La Baye*, from whence he went to *Breſt*, where he found the Duke of *Bretagne*; but the *Engliſh* Admiral return'd with the Fleet into *England*, where he was well received by King *Edward*, who being now reſolved to be farther revenged on the *Flemings*, again ſent forth his Fleet with Orders to block up the Forts of *Flanders*, and to make a brisk War upon their Merchants; which the Citizens of *Gaunt*, *Bruges* and *Ipres*, finding the great prejudice they were like to receive by making War with *England*, they immediatly apply'd themſelves to their Earl, and procured Him to ſend Envoys to King *Edward* to renew the Peace between the two Nations; in which they met with ſo good Succeſs, that within a ſhort time they return'd with a Confirmation thereof, it not being found convenient for either of them to continue it any longer.

The Earl of Heicford *lands in* Bretagne.

The Merchants of Flanders *being prejudiced by a War with* England, *procur'd their Earl to make a Peace.*

In the mean time the [1] Duke of *Lancaſter* remain'd in the City of *Bourdeaux*, where He kept a Court little inferior to that of the Prince his Brother, being attended with a great Retinue of Knights both of *England* and *Aquitain*: but whilſt He lay here this Winter without Employment, being now a Widower, He made a new Match, which tho it gave Him a higher Title, and proved of ſome Advantage to Himſelf and Family, yet produced a long War between the Kings of *England* and *Caſtile*, to the great prejudice of both Nations; the ground of it was thus: You may remember that *Pedro* King of *Caſtile*, when He came to implore the Aſſiſtance of Prince *Edward*, brought two ~~Young~~ Daughters along with Him, who were left there as Pledges for their Father's Performance of the Conditions, that had been agreed on betwixt Him and the Prince; which their Father taking no care to perform, and being kill'd not long after, the young Ladys were left upon Prince *Edwara*'s hands.

The D. of Lancaſter *makes a new Match for Himſelf, and on what Conſiderations.*

Theſe being now grown up to Women's Eſtate, the Elder of them call'd *Conſtantia*, who was looked upon as the true Heireſs to the Crown of *Caſtile*, being propoſed to the Duke, he was adviſed by Sir *Guiſcard D'angle* to marry her, thereby to obtain a Right to that Kiugdom for himſelf and the Children eh ſhould have by her; beſides the Honour he ſhould obtain, in thus aſſerting the Right of an Orphan and diſtreſſed Princeſs. This was very well received by the Duke, who was Young and Ambitious; and forthwith ſent for both the Ladies to his Court; but Himſelf and the Earl his Brother going out to meet them as far as a Town called *Rochefort*, they liked them ſo well, and made ſuch cloſe Love to them, that their Suits were eaſily granted by them both, tho they did not expect ſo good Fortune; and there the Duke of *Lancaſter* privatly married the Lady *Conſtantia*, as the Earl of *Cambridge* did *Iſabella* her younger Siſter; who tho they had nothing at all, but bare Hopes for their Portions, yet had their Weddings kept with great Magnificence. x no good

The D. marries Conſtantia *Eldeſt Daughter to* Peter *King of* Caſtile, *and the Earl of* Cambridge *the Tounger.*

x immediatly after which the Duke in ~~the~~ Right of his wife took upon him the Title of King of Castile

But theſe Matches produced ~~very ill~~ effects; for ſo ſoon as [2] King *Henry* of *Caſtile* received the News of his Nieces being thus diſpos'd of, He ſaw there was no way for Him to keep the Crown on his Head, but by entring into a ſtricter Confederacy with *France*; and to this end He ſent Ambaſſadors on purpoſe to enter into a League Offenſive and

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[1] Id. c. 295.

[2] Id. ibid.

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and Defenſive with that Crown, which was accepted by King *Charles*, the Conſtable *de Gueſclin* doing all he could to further and expedite it; which being concluded,* the King of *Caſtile* omitted nothing whereby He might ſtrengthen himſelf by Sea and Land, and to that end got ready a powerful Fleet, of which you will find more hereafter.

And ſets out a powerful Fleet.

* upon certain Articles highly to the advantage of the ~~[illegible]~~ ſtrength the King &c. vid: the Articles of this League in R. vol. p. 696. 697.

But to return to our own Affairs, [1] the Duke of *Lancaſter* and his Brother the Earl of *Cambridge* having ſtaid here for ſome time with their new-married Ladys, reſolved now to paſs over into *England*, not only to give the King their Father a particular Account of the Affairs of *Aquitain*, but alſo to be preſent at a great Council that was not long after to be held, about carrying on the War in thoſe Parts. But before his departure, the Duke ſummon'd the Barons of *Guienne* to meet him at *Bourdeaux*, where he declar'd to them the reaſons of his intended Voyage to *England*, and that he hop'd by his Father's leave to come back to them again the next Spring, time enough to take the Field; which Speech was very well received by all there preſent. Then he appointed the Lord *John de Greille*, Captal of *Buche*, (a powerful Lord of that Country) his Deputy in *Guienne*, who was to be aſſiſted by the Lords of *Mucidan* and *L'eſparre*; and having alſo made other Noblemen Governors of the reſt of the Provinces that were left to the *Engliſh*, he went on Shipboard with his new Dutcheſs and her Siſter the Counteſs of *Cambridge*, who was pleas'd to go along with them: They had a ſafe and pleaſant Voyage, and arrived at *Southampton*, from whence they went to *Windſor*, where they met with a kind Welcome from the King, who ſeem'd mightily pleas'd at his marrying ~~of~~ the *Spaniſh* Princeſs.

[1] Id. c. 296. *The D. of* Lancaſter *ſummons the Barons of* Guienne *to* Bourdeaux.

He appoints the Captal de Buche *his Deputy, and returns into* England.

w I find nothing ~~elſe~~ to have happen'd worth noting this Year, but that [2] Pope *Gregory* being alarm'd at the wonderful Succeſs of the *Turks* over the *Chriſtians* in the *Eaſt*, ~~had lately~~ ſent two ~~his Cardinal~~ Legates a~~bove-mention'~~d to mediate a Peace between the two Crowns, ~~and alſo wrote a Letter to the Captal *de Buche* abovemention'd, intreating him to uſe his Mediation with the King and his Sons the Duke of *Lancaſter* and Earl of *Cambridge*, that they would make a ſpeedy Peace with the *French* King, that ſo they might be able to ſend ſome Succours to the Eaſtern Parts againſt the Infidels. This Letter bears date about the end of *July*, which I take notice of, that ſo you may obſerve the great reſpect that was paid to this Nobleman by the Pope, he being alſo one of King *Edward*'s firſt Knights of the Garter.~~ * *

[2] O. Raynold. ad hunc An. *Pope* Gregory *writes to the* Captal de Buche *to uſe his Mediation for a Peace.*

* viz: Simon late Arch Bp of Canterbury, now call'd Cardinal of St. Sixtus, and John Cardinal of the four holy crowned ~~[illegible]~~ his Legates tho it was ~~[illegible]~~ without any succss, for England had lost and France gain'd too much ever to be recovered unless by the Sword: see the Popes Bull copyed from ye original bearing date in [illegible] in ~~[illegible]~~ first year [illegible] then dele all that follows from he also wrote [illegible] to the end of the para:

This, being one of the moſt inauſpicious Years of this King's Reign, [3] began with the Deaths of two famous Peers of this Realm; for on the fifteenth of *January* died the valiant Lord *Walter Manny*, Knight of the Garter, leaving behind him only one Daughter, *Anne*, who had been lately married to the Earl of *Pembroke* (his firſt Wife, Daughter to the King, being deceas'd.) His Body was buried with great Solemnity in the Church of the *Carthuſians* (now the *Charter Houſe*) near *Smithfield*, which he himſelf had founded, the King and all his Sons, with the Companions of the Order, being preſent at his Funeral. And on the day following [4] deceas'd *Humphry Bohun* Earl of *Hereford*, *Eſſex* and *Northampton*, Conſtable of *England*, the tenth of that Name, and laſt Male of that Noble Family. He left behind him only two Daughters, *Eleanor* the eldeſt, who was afterwards married

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[3] Froiſ. c. 301. Dug. Baron. 2 vol. p. 150. *The Deceaſe of the Ld* Manny.

[4] Ib. vol. I. p. 186. *As alſo of the Earl of* Hereford.

married ~~[illegible]~~ to [illegible] But to come to [illegible] was in England, during of ye Parliament Prince Edward finding his health day by to decline, and being unable on account as well as the great expence and fatigue in [illegible] ing and maintaining his right in Aquitaine he therefore thought it to surrender it up into his fathers hands, as he expressly did on the [illegible] by an Instrument to that purpose Rot. Vasc. [illegible] m. 3 [illegible] vol. vol. vii p. 6.

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married to *Thomas* of *Woodſtock*, the King's third Son; and *Mary* the younger, to *Henry* of *Bullenbrook* eldeſt Son to *Henry* of *Lancaſter*, who was King of *England* by the Name of *Henry* the Fourth. Both theſe Noblemen were extremely lamented by the King, the former for his great Loyalty and Courage, as the latter was for the ſame Qualitys, tho not in ſo eminent a degree. Not long after this, upon the Pope's earneſt Requeſt, both by Letters and Meſſages, the King agreed to begin a Treaty of Peace with the King of *France*; to which end * He iſſued forth a Commiſſion to *Simon Sudbury* Biſhop of *London*, and to the Lords *Brian* and *Beauchamp*, Sir *Arnold Savage*, together with ſome Doctors of Law; and the next day the King granted his Letters of Safe-Conduct for the Ambaſſadors of *France*, to come and treat with them about this Affair. But becauſe this Treaty came to nothing, we ſhall now proceed immediatly to the War.

* Rot. Franc. 46 E.3. m.47.

† Froiſ. c.302.

K. Edward *makes great Preparations againſt* France, *which prove unfortunate.*

This † Winter there were held in *England* many great Conſultations by the King and his Council, how to carry on the War the Summer following; for He deſign'd to ſend over two powerful Armies, the one to act about the Parts of *Aquitain*, and the other from *Calais* to march thro *Picardy* into *France*: and all the while He neglected not to ſtrengthen Himſelf with Friends on every ſide, eſpecially in *Germany* and the Countrys adjacent, where He gain'd over by his great Preſents, as well as large Promiſes, divers Knights and Gentlemen of note to his Service. Beſides all this, He made ſuch mighty Preparations in *England*, as the like had ſcarce been ſeen before; but God thought it fit to render all theſe his Deſigns abortive, and from henceforth to order the Courſe of Victory and Succeſs to run as much on the *French* ſide, as it had done on the *Engliſh* before: and it is from this Year we may date thoſe great Misfortunes in all his Military Affairs, tho He was ſerv'd by two gallant Princes his Sons, beſides many other able and experienc'd Commanders. But to return to the Hiſtory.

[1] Id. ibid.

K. Charles *uſes his utmoſt Endeavours to prevent K.* Edward's *Deſigns.*

[1] King *Charles* of *France* being well inform'd of all King *Edward*'s Deſigns, thereupon provided in all Places accordingly; and firſt He ſtrongly fortified all his Towns and Caſtles in *Picardy*, and the Marches towards *Flanders*, ſupplying all his Gariſons with good Captains and Soldiers, as well as other Neceſſaries: Nor did He forget his Concerns in *Guienne*; for beſides the Armies on that ſide in Gariſon, which were well enough able to reſiſt the *Engliſh*, He ſent alſo to his Confederate the King of *Spain*, deſiring Him effectually to aſſiſt him with a ſtrong Fleet the next Summer on thoſe Coaſts.

[2] Id. ib.

In the mean while [2] King *Edward* this Spring, as ſoon as He had ſolemniz'd the Feaſt of St. *George* at *Windſor* (as it was his conſtant Cuſtom) and had created Sir *Guiſcard D'Angle* Knight of the Garter, in the room of Sir *Walter Manny* deceas'd, return'd to *London*, and held a great Council of his Nobility about the foreign Affairs, wherein He ordain'd the Duke of *Lancaſter* his General to invade *France* with a great Army by the ſide of *Picardy*, the Earl of *Cambridge* being to accompany him. Then at the inſtant Requeſt of the Lord *D'Angle*, and all the *Poictovin* Lords, whom he and his Fellows repreſented, He order'd the Earl of *Pembroke* to go as his Lieutenant into *Aquitain*, and preſerve *Poictou* and to make a brisk and vigorous War againſt the *Fr.* on that ſide: For the *Gaſcoigners* and *Poictovins*, had earneſtly deſired

The King appoints the Earl of Pembroke *his Lieutenant in* Aquitain.

of the King, both by their Letters and by the Ld *D'Angle*, that if He could not ſpare ſome one of the Princes his Sons, yet at leaſt He would pleaſe to ſend the Earl of *Pembroke* his Son-in-law, unto them, whom next to thoſe, they lov'd and honour'd moſt, as having had good Experience of his extraordinary Courage and Conduct. Whereupon King *Edward*, in the preſence of all his Earls and Barons that were aſſiſting at that Council, appointed the ſaid Earl his Lieutenant and chief Commander over all his Forces in *Aquitain*, which was cheerfully accepted of by that young Nobleman; and indeed he was a Perſon endu'd with a great many brave and ſhining Qualities.

All [1] things being thus ſettl'd, and a ſufficient Fleet provided (as was then ſuppos'd) to tranſport thoſe few Forces the Earl took along with him into *France* (for he was to raiſe more men there) he went on board, attended by the Lords *Grandiſon* and *D' Angle*, beſides ſeveral other Knights both of *England* and *Poictou*, and ſet ſail for *Rochel*; but when they came before the Iſle of *Rhee*, and thought to have landed there, he found a ſtrong Fleet conſiſting of forty Men of War, and thirteen ſmaller Barks, under four experienc'd Admirals, ready to fall upon him: for the *French* King having Intelligence of the great Preparations that were making in *England*, had been as diligent to prevent them, and uſed all his Intereſt with the King of *Caſtile* to ſend this Fleet to ſurprize the *Engliſh*, and hinder their Landing. Nor had theſe latter any notice of it, tho the *Spaniards* had lain there a good while waiting for their coming. But whether it happen'd thro Careleſneſs here in not having Cruiſers abroad, or that the *Rochellers* being falſe to the *Engliſh* Intereſt, fail'd to give King *Edward* any Intelligence of it, I will not determine.

[1] Id. c. 297.

The E. of Pembroke *meets the* Spaniſh *Fleet before* Rochel.

The Spaniſh *Fleet ſets upon the* Engliſh.

But to come to the matter, the *Spaniſh* Fleet, upon the approach of the *Engliſh*, preſently ſail'd out to meet them; for beſides the Enemies being much ſuperior in the Number of their Ships, they were alſo better provided with Ammunition, their Veſſels being furniſhed with great Cannon (which now became of more uſe than ever before) moreover, their Ships were much ſtronger and higher built than thoſe of the *Engliſh*; but for all theſe diſadvantages, the Earl of *Pembroke*, and the Noblemen, Knights and Officers under his Command behav'd themſelves with ſo noble a Courage, that they maintain'd the Fight for almoſt a whole Day, without any conſiderable Loſs more than of two Barks laden with Proviſions; [2] and the Night coming on, both Fleets caſt Anchor until the Morning, and then the Fight was again renewed with keener fury than before, in which tho the *Engliſh* ſhewed the ſame Bravery and Courage as they had done the Day preceding, yet they were at laſt overcome by the greater number of the Enemy (for the Townſmen of *Rochel* could not be prevail'd upon by all the means Sir *John Harpedon* their Governor could uſe to go on board and aſſiſt the *Engliſh* Fleet) and beſides this, the *Spaniſh* Ships (as I ſaid juſt above) being higher built, and having got the windward of the *Engliſh*, ſo plaid upon them with their Cannon, and ſo attacked them, by caſting down Iron-Bars, Lead, Stones, and other things on their Heads, that about three of the Clock in the Afternoom they were all either ſunk, or elſe boarded and taken by the *Spaniards*; and in particular the Earl of *Pembroke*'s Ship, being grappl'd with no leſs than four *Spaniſh* Veſſels at once, was by them at laſt boarded,

[2] Id. c. 303, 304.

The Fight is renewed, and the Engliſh *Fleet routed.*

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The Earl is taken Priſoner, with the Lord D'Angle, *&c.*

ed, notwithſtanding all the Defence he could make, and himſelf made a Priſoner, with the Lord *D' Angle*; not to mention ſeveral other Knights and Perſons of Quality, who were all either taken or kill'd: and among the *Engliſh* Ships that now fell into the hands of the Enemy, there was one laden with twenty thouſand Pounds in ready Mony to pay the Army; but this was nothing comparable to the Loſs which *England* received by the Death and taking of ſo many valiant Gentlemen. And yet the ill Conſequences of this Day were far greater than the Loſs it ſelf; for it was evident that King *Edward* now received the greateſt Blow that ever He had felt before, becauſe by this Defeat He loſt in a manner all that ever He had won in *France*, except *Bayonne*, *Bourdeaux* and *Calais*, as will appear in the ſequel of this Hiſtory; ſo fatal has it proved to *England*, whenever it has been overpower'd at Sea.

The Earl is carry'd into Spain.

After [1] this Victory, the *Spaniards* left the Haven of *Rochel*, and ſailed away with the Earl of *Pembroke*, and the reſt of the Priſoners for the Coaſts of *Galicia*; a little after whoſe Departure, on *Midſummer*-day, there came to *Rochel* a great number of Men at Arms both *Engliſh* and *Gaſcoigners*, who had as yet heard nothing of this Miſchance of their Friends, for they had been only inform'd that the *Spaniards* lay before *Rochel*, with deſign (as it ſhould ſeem) to block it up; and therefore they came thither now to preſerve the Place. The chief Commanders of theſe men were the Lord *John de Greilly*, *Captal de Buche*, who, upon Sir *John Harpedon*'s being taken Priſoner on board the Fleet (whither he had gone to aſſiſt the *Engliſh* in the late Engagement) the *Captal* being one of the Duke of *Lancaſter*'s chief Deputies in thoſe Parts, conſtituted Sir *John Devereux* Seneſchal of *Rochellois*, with whom he left two hundred Men at Arms to ſecure the Caſtle of that Town. Having thus ſettl'd his Affairs there, he left *Rochel*, and marched away with four hundred Lances toward *Soubize*; for he heard that certain Troops of *Bretons* held ſeveral ſmall Fortreſſes thereabouts, which they had made defenſible; but as ſoon as the *Captal* and the *Engliſh* came thither, they eaſily won thoſe Holds, and ſo rid the Frontiers of their Company.

The Captal de Buche *brings a great many Men at Arms to ſecure* Rochel.

Owen, a pretended Welſh *Prince's Son, takes the Iſle of* Guernſey, *except the Caſtle of* Cornet.

In the mean while one [2] *Owen* (whom *Froiſart* and the *French* Hiſtorians corruptly call *Jvan*) a *Welſh* Nobleman, is by our Author (tho falſly) reported to have been outed of his Principality of *Wales* by King *Edward*, which He had then given to the Black Prince his Son; and that thereupon this *Owen* flying into *France*, and taking upon him the Title of Prince of *Wales*, was well received by King *Charles*; and being a Man of Courage and Conduct, had been by Him imploy'd in divers Enterprizes againſt the *Engliſh*, and was now ſent on board a Fleet with four thouſand men that landed in the Iſle of *Guernſey*. *Edmund Roſs* a valiant Gentleman, who was then Governor of it, gave Battel to this pretended Prince *Owen*; but the *Engliſh* Forces not amounting to above eight hundred men, were over-power'd by the *French*, and put to flight, four hundred of them being kill'd upon the Spot; yet he himſelf retreated to *Cornet*-Caſtle, which being very well fortified and victual'd, was immediatly beſieged by the *Welſh* Prince; but the Place was ſo ſtrong and well provided, that it was not ſo eaſy to be taken as he thought it.

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[1] Id. ibid.

[2] Id. c. 305.

About the ſame time, King *Charles* [1] received the joyful News of the late Victory of the *Spaniards* over the *Engliſh* Fleet, and was reſolved to puſh on the Succeſs with greater vigour than ever: For He concluded, that when once the good Towns and Cities of thoſe Parts ſhould ſee the *Engliſh* begin to decline, they would preſently put themſelves into his hands; wherefore He forthwith determin'd to ſend his Conſtable *de Gueſclin* into *Poictou*, to the Counties of *Saintogne* and *Rochellois*, there to make War both by Land and Sea; for the *Engliſh* had now never a conſiderable Captain left in thoſe Countries: And the better to furniſh himſelf with a Navy, He ſent a Letter to this counterfeit Prince *Owen*, lying then before *Cornet*-Caſtle, thereby commanding him upon ſight thereof to raiſe the Siege from before that Place, and to go on board a ſwift Sailor preſently for *Spain*, there to ſollicit King *Henry* to ſend his Fleet to join with that of *France*, and thereby to maintain the Command of the *French* Seas. Theſe Orders *Owen* immediately obeying, ſent away his Forces for *Harfleur*, whilſt he himſelf ſet ſail for *Spain*, where he arrived preſently after the *Spaniſh* Fleet was come home from their late Expedition and Victory. The *Welſh* Prince was no ſooner landed there, but he immediatly addreſs'd himſelf to the *Spaniſh* Admirals, and deliver'd them the Meſſage which had been ſent him from the *French* King. And here I cannot forbear telling you, that [2] *Froiſart* (to whom we are beholden for this Relation) makes this *Owen* to have an Interview with the Earl of *Pembroke*, and the other *Engliſh* Gentlemen then brought in Priſoners, and he alſo gives us a Dialogue between the Earl and him, over whom he makes him inſult, but in ſuch a manner as declares the Diſcourſe to be a plain Forgery or Miſrepreſentation at leaſt by this Author, ſince he brings in this Counterfeit Prince calling himſelf *Owen*, Son to *Edmund* late Prince of *Wales*, and on that account challenging him to a ſingle Combat, which was prevented by the interpoſing of the *Spaniſh* Admirals. But this ſeems all a mere Romance, ſince it is certain there never was any ſuch Prince of that Country call'd *Edmund*; tho I will not deny but that there might be ſuch a Meeting between him and that Earl, and ſome part of the Converſation may be true enough. What was the Iſſue of this Prince's Ambaſſy into *Spain*, you will hear anon; but we ſhall at preſent return to the Affairs of *Poictou*.

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[1] Id. ib. *The* French *King ſends to* Pr. Owen *to raiſe the Siege of* Cornet, *and ſail for* Spain *to ſollicit for more Naval Strength.*

[2] Id. c. 306. *Account of an Interview between* Pr. Owen *and the E. of* Pembroke, *which ſeems a Romance.*

When [3] King *Edward* had heard of the great Defeat his Navy had received before *Rochel*, He was mightily concern'd at the loſs of his Mony, but more at that of the Lives of ſo many brave men killed and taken, whereby thoſe Parts were left in a manner naked. Wherefore after a cloſe Conſultation about this important Affair, the King order'd the Earl of *Saliſbury* immediatly to go thither with five hundred Men at Arms beſides Archers. But whatever was now determin'd, there was no ſuch matter done; for the troubleſom Affair of *Bretagne* coming on preſently after, this Buſineſs was put off, which King *Edward* repented when it was too late.

[3] Id. ibid. *K.* Edward *reſolves to ſend the E. of* Saliſbury *into* Poictou, *but it is put off.*

In the mean while Matters went very ill with the *Engliſh* in *Poictou*, for [4] Sir *Bertrand de Gueſclin* Conſtable of *France*, the Dukes of *Berry* and *Bourbon*, the Earl of *Alenſon*, and many other Lords of *France* with their Forces, in all to the number of above three thouſand Men at Arms, which being join'd to the Conſtable's,

[4] Id. c. 307. *The Conſtable of* France *takes many Towns and Caſtles in* Poictou.

made a conſiderable Army; theſe went and laid Siege to *Montmorillon* ſtanding on the River *Gartempe*, which they took by Aſſault, and put all within to the Sword, and new gariſon'd the Place with *French*-men. From thence they proceeded to *Chauvigny* on the River *Creuſe*, where they lay two days, and on the third that Place was yielded up, and the *Engliſh* within taken to mercy. From thence they went to the Town and Caſtle of *Luſats*, both which ſurrender'd without ſuffering one Aſſault: After that they came before *Poictiers*, where finding too ſtrong a Gariſon to be eaſily taken, they parted Forces, and the Duke of *Berry* went one way with a conſiderable Body, whilſt the [1] Conſtable led the reſidue of the Army toward *Moncontour*, and ſat down before it, the Captains whereof were *John Creſwel* and *David Holcroft*, and with them were ſixty Men at Arms of approv'd Valour; and beſides this, the Place was very ſtrongly fortified: but the *French* Army being ſuperior to them, and making many vigorous Aſſaults on the Place, they at laſt fill'd up the Ditches, and having approached the Walls under the Cover of a *Teſtudo*, they began to make ſuch great Breaches in them, that the Commanders of the Gariſon being afraid the Place would be taken by Storm, and that they ſhould be all put to the Sword, treated with the Enemy, and ſurrender'd upon condition, that they ſhould march out with their Arms and Baggage (except only Gold and Silver) and ſo they left the Place, and were convey'd to *Poictiers*.

[1] Id. c. 307. *The Caſtle of* Moncontour *yielded on conditions.*

Then [2] the Conſtable joining his Forces again with thoſe of the Duke of *Berry*, and thereby making a great Army, marched into *Limoſin*, and beſieged the ſtrong Caſtle of *St. Severe*, which was under the Command of Sir *John Devereux*; but he being then at *Rochel*, had committed the Place to the Cuſtody of Sir *William Piercie* and other Gentlemen, who upon the approach of the *French* immediatly ſent away to Sir *John* the Governor, deſiring his ſpeedy aſſiſtance; who thereupon conſulting with Sir *Thomas Piercie*, agreed to go to the Captal *de Buche*, and deſire him to join his Forces with theirs, in order to relieve the Place. So leaving Sir *John Reynolds* Governor of *Rochel* in his room with a ſufficient Gariſon, they went with what men they could ſpare to meet the *Captal*, who joining with divers Barons of *Poictou* that came in upon Summons, made up a ſufficient Army to cope with the Enemy: But [3] the Duke of *Berry* and the Conſtable having received Intelligence what the *Engliſh* Commanders then intended, they ſo vigorouſly ply'd the Siege, that tho Sir *William Piercie* and his Men made a ſtout Defence, yet finding they were not able to hold out long, and not knowing when they ſhould be relieved, they capitulated and deliver'd up the Caſtle, upon condition only to march out with their Arms. But the ſame day before night, the *Engliſh* Army coming up to its relief, the Conſtable drew up his Forces in order of Battel; but the *Engliſh* ſeeing the Place loſt, had no mind to engage, and ſo left the Field without fighting, and thereby gave the *French* an opportunity of taking the City of *Poictiers*. The manner thus:

[2] Id. c. 308. *As is alſo the Caſtle of* St. Severe.

[3] Id. c. 309.

[4] Moſt of the chief Citizens had all along a great Inclination to the *French* Intereſt; but they durſt not ſhew it, till taking the advantage of the abſence of Sir *Thomas Piercie*, with the major part of the Gariſon, who were gone to the relief of *St. Severe*, there aroſe a

[4] Id. ibid. *The City of* Poictiers *deliver'd to the* French.

great Diviſion in the City, for the major part of the Townſmen were for letting in the *French*; but Sir *John Reynolds* the Mayor and moſt of the Commonalty reſolved to remain true to the *Engliſh*, yet the Chief and Richeſt Burgeſſes, of whom there were a great number, would have the Conſtable ſent for preſently,to come and take poſſeſſion of the City, for they promiſed to open the Gates to him; at which News *Gueſclin* was glad, and having communicated the Matter to the Dukes of *Berry* and *Bourbon*, it was then agreed, That he ſhould go immediatly from the Army with Three hundred Lances; and ſo he marched the remainder of that Day and the Night following (taking little Reſt) above thirty Leagues another way,than that which he knew the *Engliſh* had taken. The next Morning he came to *Poictiers*, where he found the Gates open, and his Friends ready to receive him; yet if he had tarried but an hour longer, he had come too late, for Sir *John Reynolds* and thoſe of his Party had ſent in all haſt to the *Captal* and Sir *Thomas Piercy*, to give them notice of it, who immediatly diſpatch'd away one hundred Spears, and as many Archers on Horſeback; and theſe were then come within a League of the City, when the Conſtable enter'd it.

[1] Upon the News of the Loſs of this Conſiderable Gariſon and City, all the Lords and Men of Quality of *England* and *Gaſcoigne* that were left behind (tho they then made the number of above Twelve hundred Men of Arms beſides Archers) were ſo dejected, that they began to diſtruſt the Fidelity of the *Poictovin* Nobility, who ſeem'd yet to continue in the *Engliſh* Intereſt, until they were by them well aſſured that they would ſtill remain faithful to the King of *England*, ſo long as they had any Place to retire to; but however they reſolved to part their Forces for the preſent, and the *Poictovin* and *Gaſcoigne* Lords went to the City of *Thouars*, whilſt the *Engliſh* Commanders with their Forces marched to the Town of *Niort*, where they thought to have had ready entrance, but upon their coming thither, they found the Gates ſhut againſt them, being told by the Townſmen that they ſhould have no admittance there; but they did not well conſider the Conſequence of this Action, for the *Engliſh* Commanders being highly incenſed at this Affront, order'd their Men to make a vigorous Aſſault upon the Place, which was executed accordingly, inſomuch that they took it by Storm, the Town was plundered, and moſt of the Inhabitants put to the Sword; but this was but a ſmall amends for the ill Succeſſes that both preceded and follow'd this Action.

Upon which the Engliſh *diſtruſt the Fidelity of the* Poictovin *Nobility, who go to the City of* Thouars.

The City of Niort *ſtorm'd by the* Engliſh, *who put the Inhabitants to the Sword.*

[2] For whilſt the *Engliſh* Forces thus lay at *Niort*, and durſt not divide themſelves for doubt of their ſeeming Friends, and fear of their prevailing Enemies, *Owen* the pretended *Welſh* Prince had ſucceeded ſo well with *Henry* King of *Caſtile*, that He ſent him before *Rochel* with a ſtrong Fleet of Forty Capital Ships, Thirteen Barks and Eight Galeons full of good Soldiers, under the Command of *Don Rodrigo de Roſes* Admiral of *Spain*; and therewith ſo blocked up the Haven, that none could paſs in or out, without a great deal of Danger. The *Rochellers* ſeeing themſelves in ſo ill a Condition, and being more inclinable to the *Spaniards* that were now engaged to the *French* Intereſt than to the *Engliſh*,fell into a ſecret Treaty with Prince *Owen* and the Admiral of *Spain*,with whom they agreed for a mutual Truce to be kept

P. Owen *brings a ſtrong Fleet to the Aſſiſtance of* France, *and blocks up the Haven of* Rochel.

[1] Id. c. 309.

[2] Id. c. 310.

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kept between them, promiſing, that whenever they could, they would make themſelves Maſters of the Caſtle, and declare themſelves True *Frenchmen*. In the mean while the *Spaniſh* Fleet lay hovering thereabouts, having their Spies on Shore, who gave them an Account of whatever was done.

[3] Id. ib.

Certain French *Commanders going to take the Caſtle of* Soubize, *are routed by the* Captal de Buche.

But are reſcued by Prince Owen, *whereby the* Engliſh *are routed, and the Caſtle forced to ſurrender.*

During this Tranſaction, [3] the Conſtable of *France* being then at *Poictiers*, which he had newly taken, ſent forth the Sieur *du Pons* and Sir *Thibald du Pont*, with Three hundred Lances to the Caſtle of *Soubize*, a ſtrong Fortreſs in *Saintonge*, ſtanding on the Sea-ſide near the Mouth of the *Charente*; within the Caſtle was the Lady thereof with a ſmall Gariſon: wherefore upon the firſt apprehenſions of Danger, She ſent immediatly to the *Captal de Buche*, requeſting his ſpeedy Aſſiſtance, who in compliance with her Deſire muſter'd up about Two hundred Lances, which he reckoned ſufficient for the Relief of that Place,and for ſurprizing the *French* in the Night. And they fell upon them with ſuch terrible Outcries,that he put them that lay before the Place into the greateſt Confuſion,ſo that he took their Commanders Priſoners, whilſt the Men were either kill'd or ran away. But whilſt the *Engliſh* were thus imploy'd in taking and perſuing their Enemies, they themſelves fell into as great a Misfortune; for Prince *Owen*, who then lay with the *Spaniſh* Fleet before *Rochel*, having Intelligence of the *Engliſh* Deſigns, reſolved to ſail immediatly to the aſſiſtance of the *French* before *Soubize*; ſo having took about Four hundred Men at Arms, and put them on Board thirteen Barks, he ſail'd away privatly up the River *Charente* towards that Place, and landing in the Night (with many Torches and other Lights) he came very opportunely for the Relief of the *French* that had been lately routed, and fell upon the Rear of the *Engliſh*, who thought themſelves then ſecure, being diſpers'd either in the Chace, or looking to their Priſoners and Plunder; but being thus aſſaulted on the ſudden by ſo many freſh Men, they were quickly routed, kill'd or taken, and the *Captal* himſelf with Sir *Thomas Piercy* made Priſoners; which was a great Loſs to the *Engliſh* Intereſt, he being one of the moſt Conſiderable Warriors in that Age: but ſome of the Knights and Men of Quality made a ſhift to get into the Caſtle of *Soubize*, tho it did not prove any long Refuge or Shelter to them; for Prince *Owen* having ſet free the *French* Commanders, and rallied together the remainder of their Forces, laid freſh Siege to the Caſtle both by Sea and Land; whereupon the Lady thereof and the Gariſon, ſeeing no further hopes of Relief, ſurrender'd the Place upon Condition, that She might ſwear Fealty to the King of *France*, and the Officers and Soldiers be convey'd with their Arms as far as *Niort*.

[4] Id. ib.

St. John d'Angely *is ſurrender'd to certain* French *Noblemen.*

After [4] this Succeſs, Prince *Owen* with the *French* Commanders went on Board their Veſſels, and return'd to the *Spaniſh* Fleet that lay ſtill before *Rochel*: but the Sieur *du Pons*, and the *Bretons* and *French* being aſſiſted by freſh Recruits under the Conduct of certain Noblemen,immediatly undertook another Expedition; and marching before *St. John d'Angely*,they preſently aſſaulted it,whereupon the Inhabitants ſeeing how faſt the whole Country fell off, and deſpairing of any timely Succour, now their Chief Governour the *Captal* was taken Priſoner, yielded themſelves, and voluntarily engag'd for the *French* Intereſt.

Angouleſme alſo ſubmits to them.

After [1] this they marched on, and came before *Angouleſme*, which ſubmitted in the ſame manner: and this Example was followed by *Taillebourg*, a Town of *Saintonge*; from whence they went and lay before *Saintes*, the Chief City of that Province, where they were two days without any Succeſs, becauſe the Governour Sir *William Ferenton*, reſolved not eaſily to yield up ſo Conſiderable a Place, but rather to ſtand manfully upon his Defence. But whilſt he was about to do this, the Biſhop of the Place being a true *Frenchman*, made ſuch Harangues to the Citizens, that they ſeiz'd the Governour and threatned to kill him, unleſs he would agree to deliver up the Town; ſo thro fear he was obliged to conſent, but on this Condition, that he and his Men might go away freely without any Harm or Impeachment: and thus was *Saintes* alſo deliver'd to the *French*, but Sir *William Ferenton* with his Men had Safe-Conduct to go to *Bourdeaux*.

The City of Saintes *is alſo ſurrender'd by the Citizens.*

Rochel is betray'd to the French *by the treachery of the Mayor.*

Whilſt [2] the *Spaniſh* Fleet lay at Anchor before the City of *Rochel*, the Townſmen held underhand a Treaty with them, for they durſt not openly declare themſelves ſo long as the Caſtle continued in the hands of the *Engliſh*; but they now found a fit Opportunity to expreſs their Malice to them, by reaſon that Sir *John Devereux* had lately gone from thence to the Relief of *Poictiers* with a great part of the Gariſon, and had left the Caſtle in the Cuſtody of *Philip Manſel*, a Gentleman of ſufficient Courage, but of no great reach, as you will ſee by the Event; for *John Caudorier* then Mayor of the Town, being a ſecret Enemy to the *Engliſh*, held a Conference with ſeveral other Burgeſſes of his Faction, wherein they reſolv'd to ſeize upon the Governour and Gariſon that was in the Caſtle, and then they knew that and the Town would be in their own power, which was brought about by this means. The Mayor pretending he had newly received freſh Orders from King *Edward*, invited *Manſel* the Deputy-Governour to Dinner, in order to communicate them to him: and after the Entertainment was over, the Mayor knowing that the Governour could not ſo much as read, had the Confidence to produce a Letter with the King's Seal to it, which the Deputy pretended to read tho he could not; and thereupon the Mayor took the Letter, and read it to him as he pleas'd, the Tenour of which he pretended was, that the King had commanded the Governour and the Mayor to make joint Muſters of the Forces in the Town, and therefore required him to draw out his Men the next Morning, and take a View of them, as he (the Mayor) would do at the ſame time of thoſe belonging to the Town. Upon reading which counterfeit Letter, the Captain, who ſuſpected nothing, promiſed to do his Duty the next Day.

Then the Mayor muſter'd up Two hundred Men at Arms of his Party, and a little before day placed them behind the ruins of certain old Walls, by which he knew the Governour was to paſs with his Men; and at ſuch an hour he cauſed the Watch-Bell to be rung out, and all the Inhabitants to appear in Arms. Then *Manſel* having armed Fourſcore of his beſt Men, marched forth of the Caſtle in good Order at the head of them toward the Field where the Rendezvous was to be: but when he was once paſſed the old Walls, the Ambuſh ruſhed forth, and placed themſelves between him and the Bridge, and then he ſaw he was betray'd; however he faced about courageouſly upon them, hoping by Force to recover an Entrance into the Caſtle

[1] Id. ib.

[2] Id. ib.

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The Governour of the Caſtle and his Men are ſurpriz'd, and taken priſoners by the Mayor and Townſmen.

Thoſe in the Caſtle of Rochel *forced to ſurrender.*

again; but the Mayor came upon his Rear with the Commons of the City, to the number of Two thouſand fighting Men: ſo that the *Engliſh* being thus unequally matched, and aſſailed from before and behind, were compelled to yield for ſafety of their Lives, tho they could obtain nothing further. But for all that the Caſtle was not yet taken; for there were about twenty Valiant Men left in it, beſides Servants, who hearing what had happened to their Governour, drew up the Bridge and ſhut the Gates, and ſeemed reſolved to ſtand upon their Defence to the laſt; but the Mayor being vexed at this Diſappointment, threatned the Governour and the reſt of thoſe he had taken Priſoners, that unleſs he would command thoſe in the Caſtle to ſurrender it, he would immediatly cut off their Heads; whereupon the *Engliſh* ſeeing themſelves in this Condition, prevailed with thoſe in the Caſtle to ſurrender the Place accordingly: but however thoſe within by this means obtain'd not only pretty good Conditions for themſelves, but for thoſe that were taken Priſoners, that they ſhould all be put into a good Ship, with all their Goods and Monies, and ſafely convey'd by the Mayor and Burgeſſes of *Rochel* to the Port of *Bourdeaux*. Thus the Impregnable Caſtle and Town of *Rochel* fell into the hands of the Citizens, and the *Engliſh* were ſent away as they deſired.

The Dukes of Berry, Bourbon, *&c. take in ſeveral ſtrong Places.*

The Rochellers *deny admittance to thoſe* French *Lords, or to the King Himſelf, unleſs on Conditions, which the Conſtable dares not conſent to without the King's Leave.*

The K. grants all their Demands by his Charter.

When [1] the Dukes of *Berry*, *Bourbon* and *Burgundy*, with other Lords of *France*, had received this agreeable news, they reſolved to puſh on their Succeſs; and therefore marching out of *Berry* and the Country of *Limoſin*, they deſigned for *Poictiers* to joyn the Conſtable of *France*: but in their way thither they took in ſeveral Caſtles and Places of Srength, as *Brion* and *Meſle*, and divers other Fortreſſes, particularly *St. Maixent*, a Town in *Poictou*, which yielded upon their firſt Approach; but the Caſtle that ſcorn'd to follow ſo mean an Example, was not taken without Aſſault. After which Succeſſes, they coming to *Poictiers*, ſent Meſſengers to treat with the Burgeſſes of *Rochel*; but they being now at their own Diſpoſal, poſitively refus'd to admit any of the *French* Lords into the Town, or ſurrender the Place into the hands of their King Himſelf, but upon certain Conditions; in order to which, they demanded a Safe-Conduct for ſuch of the Chief Burgeſſes of the Town, as they ſhould name, to go to *Poictiers*, and there make their Propoſal to the Conſtable and the reſt of the *French* Lords: this being granted them, the Conditions they demanded were, That they would become ſubject to K. *Charles*, provided the Caſtle that commanded their Town ſhould be raſed to the Ground; they likewiſe required to have a Mint allowed them to coyn *Florins* and other Mony, both * Black and White, of the ſame Form and Alloy with that of *Paris*. To theſe ſtrange Conditions, thus unuſually propoſed by Subjects, the Lords of *France* durſt not agree, but refer'd them to the King Himſelf, and gave them their Safe-Conduct to go to the King about it; upon this Twelve *Rochellers* went to *Paris* to the King, who ſeeing it no time now to ſtand upon Punctilio's, not only gave them his Pardon for preſuming thus to capitulate with their Prince, but alſo treated and highly preſented them; they likewiſe obtain'd a Charter of their Liberties in as ample a manner as they deſired, having been confirm'd in the Chamber of the Peers of *France*, and ſealed before the King Himſelf: hereupon they began immediatly to demoliſh their Caſtle, which had been one of the ſtrongeſt in *France*, and raſed it down to the Ground; and when they had thus ſecured themſelves of that Fear, they ſent to *Poictiers* to the Conſtable and Lords, letting them know they might now come to *Rochel*, for they were ready to open their Gates, and receive them. Upon this intelligence the Conſtable went thither with two hundred Men at Arms in his Company, and the *Rochellers* received him in triumph, and there perform'd their Fealty and Homage to him, as unto the *French* King, from whom he had a Procuration for that purpoſe; and I ſuppoſe that it was in conſideration of this Service, that the *Rochellers* enjoy'd thoſe great Privileges and Immunities, which continued till about fourſcore Years ago, when they forfeited them by taking up Arms againſt *Lewis* the XIII. in defence of the Proteſtant Intereſt. But to return to the matter in hand.

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[1] Id. ib.

* Black, *is Copper unſilver'd:* White, *Copper ſilver'd over.*

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Whereupon they demoliſh their Citadel, and receive the Conſtable.

[1] After the Conſtable of *France* had tarried ſome days at *Rochel* to ſet things in order there, he return'd to *Poictiers* to the other Dukes and Lords of *France*; with whom being join'd, he marched with three thouſand Spears further into the Country, for he deſign'd to recover all the Caſtles and Fortreſſes in *Rochellois*, and about the Marches, which were as yet in the *Engliſh* hands: and firſt they came before *St. Benont*, a ſtrong Caſtle, but however they vow'd to reduce it before their Departure; and notwithſtanding the *Engliſh* Gariſon from *Surgieres* came upon the *French* Army in the Night, and beat up their Quarters, carrying away certain Priſoners, and cauſing a great Alarm in their Camp, yet did it not hinder them from proſecuting the Siege with that vigour, that they ſoon after took the Place by undermining it; and entring it, put the whole Gariſon to the Sword.

[1] Id. c. 311. *The Conſtable takes ſeveral ſtrong Towns and Caſtles in* Rochellois.

Then the Conſtable, after he had order'd the Caſtle to be repair'd, and had put a ſufficient Force into it, advanced forward to another called *Marant*, which being leſs defenſible than the former, ſurrender'd upon Terms. From thence he went to *Surgieres* to revenge the Affront he had lately received from that Place; but that Gariſon fearing the Conſtable's Revenge, had deſerted the Place before the *French* could come up to it: ſo having plac'd a Gariſon likewiſe there, he went back to *Fontenay le Comte*, a Caſtle belonging to the Lady of Sir *John Harpedon*, who was then a Priſoner in *Spain*; and here the Conſtable laid Siege both to Town and Caſtle, and many fierce Aſſaults were made; but at laſt it was agreed by Compoſition, that the Lady her ſelf, and as many as would remain true to King *Edward*, ſhould go to *Thouars*, their Lives, Honours and Goods preſerv'd; and accordingly they were ſafely convey'd thither by the Conſtable's Order.

Then not long after, [2] He with the Lords of *Partenay*, *Pauſanges*, *Cors*, and many other Noblemen, undertook the Siege of *Thouars*, it being the preſent Refuge for all the Barons of *Poictou*, that ſtill continued firm to the *Engliſh* Intereſt: and the Conſtable having inveſted the Place, and brought thither from *Poictiers* and *Rochel* ſeveral Engines, they continually play'd night and day upon the Town, to the great terror of thoſe that were in it; ſo that at laſt with deſign to gain as much time as they could, and in hopes of Succour from *England*, they agreed with the *French* for a Truce for them and their Eſtates

[2] Id. ib. *The Conſtable beſieges the Barons of* Poictou *in* Thouars.

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until *Michelmas*-day next enſuing; within which time if they were not reliev'd by the King of *England*, or one of his Sons, they promis'd then to yield both themſelves and their Lands to the Obedience of the *French* King. Theſe Terms being agreed to on both ſides, the Conſtable, with the other Lords of *France*, return'd to *Paris*, whither by this time the *Captal de Buche* was brought a Priſoner, and put under ſafe Cuſtody in a Tower of the *Temple*. The *French* King being extremely pleas'd to ſee him, very well rewarded an Eſquire of *Vermandois* who took him, with a preſent of twelve thouſand *Franks*: But becauſe the *Captal* would by no means renounce the *Engliſh* Intereſt, tho it were to purchaſe his Liberty, the *French* King, who was afraid of his Valour, would not let him be put to ranſom, nor ſet free by Exchange; tho the *Engliſh* offer'd one Earl and three Knights for him: So that he never enjoy'd his Liberty any more, but remain'd in cloſe Confinement till his Death, which happen'd about four Years after, being a Nobleman worthy of a better Fortune and an Immortal Memory; for he yielded to none in that Age for Valour, Courteſy, Piety or Conduct: And as for his Nobility, he was nearly allied to the Kings of *Navarre*, *France* and *England*; and from his Blood is deſcended the preſent Royal Family of *France*. But we will now return to the Affairs of *England*, where we ſhall ſtill find nothing but Loſſes and Diſappointments.

The French *King refuſes to ſet the* Captal de Buche *free on any Terms.*

Immediately after the abovemention'd Truce, [l] the *Poictovin* Lords that were firm to King *Edward* ſent Meſſengers to Him, who declar'd to Him and his Council the deſperate State of *Poictou* and *Saintoigne*, and the dangerous Condition of the Lords and Gentlemen that were beſieged in *Thouars*, and what Agreement they had made with the Conſtable of *France*; which when the King heard, He was exceedingly vexed to find a Prince, whom He looked upon as wholly unwarlike, to be a harder Match for Him than either King *Philip* or *John*, who were Brave and Valiant Princes; and which indeed ſhews us, *That a Prince that acts offenſively, if he has by his own natural Prudence made choice of Brave and Experienc'd Commanders, may have the better of another more warlike, who wants thoſe Advantages.* But however, when King *Edward* had taken advice of his Council, their Reſolution was to command the Duke of *Lancaſter* (who was juſt then ready according to former Orders to go for *Calais* with a conſiderable Army) to attend a while, for He deſign'd to go along with Him in Perſon into *Poictou* and *Saintoigne*, to retake *Rochel*, the greateſt ſtreſs of his Affairs lying there. In the mean while the King ſent an extraordinary Summons throughout the Realm, commanding all men of ſuch and ſuch an Age and Degree, to come ready armed to *Sandwich*, or thereabouts, by a Day appointed, to go over Sea along with Him, and his Sons, the Prince and the Duke of *Lancaſter*; ſo that none of thoſe who were concern'd either would or durſt diſobey this general Command of the King, but drew as faſt as they could to the Sea-ſide, where lay ready for them four hundred great Ships, beſides other Veſſels.

[l] Id. ib. *The* Poictovin *Lords in* Thouars *ſend to K.* Edward *to ſet forth their dangerous Condition.*

He reſolves to go over with the Duke of Lancaſter *into* Poictou.

Then on the thirtieth of *Auguſt*, the King ([a] Orders having been already given for publick Prayers to be made in all Churches, for good Succeſs upon this Voyage) ~~the King~~ took Shipping in the end of *Auguſt* ~~Rot.~~ the King having ~~appointed~~ his yong Grandson ~~Prince Richard Lo~~ with ~~Custos Regni~~ or Guardian ~~of the Kingdom during his absence~~ ~~46 Ed. 3. m. 25.~~

[a] Rot. Clauſ. 46 Ed. 3. m. 12. dorſ.

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with *Edward* the Black Prince (who was now ſo well recover'd as to be able to go to Sea with his Father) and divers of his chief Nobility, as well as his whole Army, embarking in four hundred Veſſels of all ſorts, ſail'd toward the Coaſt of *France:* but the Wind (tho proving fair at firſt) quickly turn'd ſo contrary, that He could never land in *France* at all; ſo about five weeks after, in the beginning of *October*, when the time limited for the Relief or Surrender of the Town of *Thouars* was expired, He was forced to return into *England.* This was the laſt and moſt unfortunate Voyage that King *Edward* ever made, ſince by this and the laſt Diſaſter of the Earl of *Pembroke*, He loſt almoſt his whole Dominions on that ſide the Water.

The King with a great Army puts to Sea, but is forced back by a contrary Wind.

But I muſt here obſerve, that before the Black Prince went to Sea, the King at his Requeſt had by his [2] Letters Patents conſtituted his Grandchild *Richard*, then ſcarce ſeven Years of Age, Guardian and Lieutenant of the Kingdom during his Abſence, appointing Him a Council for the management of all publick Affairs: and two days after, *viz.* on the firſt of *September*, they [3] iſſued out Writs of Summons in the Guardian's Name for a Parliament to meet fifteen days after *Michaelmas*; but before that time King *Edward* was return'd into *England*, and then by Writs dated at *Winchelſea* on the ſixth of *October*, He prorogu'd the Parliament to the morrow of All Souls, or third of *November*, when being met accordingly, [4] Sir *John Knivet* declar'd in part the Cauſes of the Summons to this Parliament; but they were further adjourn'd until Friday following, and then Sir *Hugh Bryan* in the *White Chamber* acquainted the Prelats, Dukes, Earls, Barons and Bannerets, that the Prince, who had the Principality of *Guienne* by the Grant of the King his Father, had, whilſt He was there, often ſignified to Him by Letters, *&c.* that the Revenues and Profits ariſing from that Principality, did not, nor could ſuffice to maintain him, and ſupport the Government and Wars againſt the *French* their Enemies, and other neceſſary Charges, without a great Aſſiſtance from the King; and that the Prince having made theſe things appear to the King and Council, when firſt he came into *England*, had therefore ſurrender'd into the King's hands the ſaid Principality, and all he could claim there by virtue of his Grant, in the preſence of the King's Council and ſome other Great Men.

[2] Rot. Pat. 46 E. 3. p. 2. m. 25.

Pr. Richard *left Guardian of the Realm during the King's Abſence.*

[3] Rot. Clauſ. 46 E. 3. m. 11. Dorſ.

A Parliament ſummon'd, but prorogu'd.

[4] Rot. Parl. 46 E. 3. n. 1, 2, 3.

Sir John Knivet *declares in part the Cauſes of the ſummoning this Parliament, which are farther related by Sir* Hugh Bryan.

On [5] the next day, being Saturday, the ſaid Sir *Hugh*, in the Preſence of the Prince, Prelats, and the reſt of the Eſtates (as before recited) in the ſame Chamber, more expreſly declared the Cauſes of that Summons, which were, that the King by Advice of the Great Men, had order'd ſeveral Commanders of note to go with ſufficient Power, ſome into *Gaſcoigne*, others to *Calais*, to oppoſe the Deſigns of his Enemies, and to make War upon them by all the ways they could; but that afterwards, upon the ſudden News that came to the King of their March, He went Himſelf to Sea with the reſt of his Forces; yet by reaſon of the Winds being contrary, and other unavoidable Cauſes, He was forced to return into *England*, without doing any thing: And then having ſummon'd and prorogu'd this preſent Parliament, that ſo the Great Men, who were with Him at Sea, might be alſo there, and that by the good Advice and Counſel of them all, He might do the beſt He could for the Safety of the Nation, to reſiſt and oppoſe the Malice of his Enemies, who had made

[5] Ib. n. 9.

Sir Hugh *declares to all the Eſtates in Parliament the King's late ill Succeſs.*

themſelves much ſtronger by Land and Sea than ever they had been before.

[1] Ibid.

And then deſires them to give the King the beſt Advice and Aſſiſtance.

And [1] then He deſired the ſaid Prince, Prelates, Dukes, Earls, Barons and Commons, on behalf of the King, that they would adviſe upon this matter, and give Him ſuch Counſel and Aid, as ſhould ſeem to them moſt profitable for the Nation, and to reduce the Power of his Enemies. Whereupon the Prince, and all the reſt of the Eſtates above recited, having had full Deliberation upon the Points of their Charge, and the Dependences thereon, and alſo conſidering the great and exceſſive Charges and Expence the King was to be at for the Defence of the Nation, and maintaining the Wars againſt his Enemies, granted Him the former Subſidy of Wool, Leather and Woolfells, for two years longer, to begin at *Michaelmas* laſt paſt, *viz.* of every Sack of Wool which was ſhipt out of *England* 2 *l.* 3 *s.* 4 *d.* of every twelveſcore of Wool-fells as much, of every Laſt of Leather 4 *l.* of *Denizens*, beſides the old Cuſtom; and of *Foreigners* four Marks of every Sack of Wool, beſides the old Cuſtom, and as much of every twelveſcore of Wool-fells, and five Pound ſix Shillings and eight Pence of every Laſt of Leather.

[2] Ibid.

They grant the King a Fifteenth.

And [2] whereas the Subſidy and Cuſtom ſo granted could not be ſufficient for the great Expence and Charge the King was to be at, for the Cauſes aboveſaid, as it was openly ſhew'd unto them, the ſame Eſtates already recited, moreover granted a *Fifteenth* for one Year, to be levied as the laſt was. Then on the 23*d* of *November*, the King, Prelates, Dukes, Earls, Barons, and Commons again aſſembl'd in the *White Chamber*; and there the Chancellor declar'd to the King how kind the Lords and Commons had been to Him in granting Him the ſaid Subſidies and Fifteenth, who very kindly thanked them all for their great Aid: and afterwards the Petitions of the Commons were read and anſwered according to Cuſtom. After which the Knights of Shires had leave to depart, and ſue out Writs for their Wages or Expences; but the Citizens and Burgeſſes were commanded to ſtay.

The Citizens and Burgeſſes grant the King a Cuſtom.

Whereupon the ſame day, they being aſſembl'd before the Prince, Prelates and Great Men, granted, for the ſafe conveying of their Ships and Goods, a Cuſtom of two Shillings upon every Tun of Wine coming in, or exported out of the Kingdom, and 6 *d.* in the Pound of all their Goods and Merchandize for one Year.

[3] Id. ib. c.312.

A Miſtake of Froiſart *confuted.*

But there is no credit to be given to that which *Froiſart* [3] relates concerning what was further tranſacted in this Parliament, that it was there agreed between King *Edward*, and the Prince his Son, if he ſhould happen to die before the King his Father, that then his Grandſon *Richard* ſhould ſucceed to the Crown of *England*, as next Heir, after the Deceaſe of the King his Grandfather; and that thereupon all the Prelates, Lords, and Knights, and the Commons of the Realm, had ſuch a Veneration for the Prince of *Wales*, becauſe of his heroick Vertues, that with one conſent they all agreed to this reaſonable Propoſal, which was ſworn to by the King, his Sons, and all the reſt there preſent, that the Lord *Richard* ſhould ſucceed, in the manner already recited. But beſides the Abſurdity of this Relation, in making the King himſelf ſwear to the Succeſſion of his Grandſon, there is no mention of any ſuch Tranſaction, either in our Parliament-Rolls, or in any Hiſtorian in Print or Manuſcript beſides this Writer; and

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therefore I look upon it as his Miſtake or Miſinformation in miſdating this Tranſaction, for indeed Prince *Richard* was not declared Heir apparent to the Crown till three Years after, when it was done in full Parliament.] * [But to come to something of ~~greater~~ certainty, during the Session of this Parl. Prince Edward finding his health to decline, and being unable on yt account as such ~~as on that~~ of the great Expence in maintaining his Rights in the Principality of Aquitain, Ld Limosine thought fit to surrender it ~~both~~ such as he did to his father in the [illegible] of October as appears by Rot. Vasc. 47. Ed. m. 3. m. 3. vid: Rl. Col. vol. xxi. p. 5.

[1] Id. ib. *The* English *and* Gaſcoigne *Barons march towards* Thouars, *and offer the Barons within it their Aſſiſtance, who refuſe it.*

But we ſhall now look back to the Affairs of *France*, where a [1] little before *Michaelmas* the Barons of *England* and *Gaſcoigne* went from *Niort* toward *Thouars* in order to join King *Edward*, whom they then ſuddenly expected; but they were extremely ſurprized, when they could not hear any News of the King's arrival. However to acquit themſelves of their Duty to the utmoſt of their Power, they ſent certain Officers to the Barons of *Poictou* that were in *Thouars*, with a Meſſage to this effect: That they were come from the loyal Lords of *Gaſcoigne* and *England*, to let them know that they were marched from *Niort* with above twelve hundred Men at Arms, ready prepared to aſſiſt them; only they deſired to know, whether in the abſence of the King of *England* and his Sons, they would accept of it, or not, ſince as for their own Parts they were ready to venture their Lives and Fortunes with them. To which Meſſage the Barons and Noblemen in the Town after ſome Conſideration returned this Anſwer, That unleſs the King of *England* or one of his Sons had arrived within the time limited, they could not according to their late Agreement with the Conſtable of *France*, accept of their Aſſiſtance. At which Anſwer the *Engliſh* and *Gaſcoigne* Forces, that were without the Town, being much diſpleas'd, return'd again to *Niort* from whence they came.

[2] Id. ib. *The Conſtable comes again before* Thouars, *and ſummons thoſe within it to ſurrender, which they for the preſent defer.*

Not long after this, [2] on *Michaelmas* Eve, there came from *Poictiers* (according to the late Agreement before *Thouars*) the Conſtable and the Lord *Cliſſon*, with divers other Noblemen of *France*, to the number of ten thouſand Men at Arms, beſides others. This vaſt Army ſtood ready drawn up in Battel-Array in the Field before *Thouars* on the Eve of, and upon *Michaelmas*-day likewiſe, and towards Night they withdrew to their Tents; but on the morrow morning the Conſtable and the Dukes ſent a Summons to the Barons and Knights of *Poictou* within the Town, demanding of them to deliver up the City, according to their Promiſe and Oaths on that behalf made. To theſe Summons 'twas anſwer'd by them, that they would ſhortly come to *Poictiers*, and there ſubmit themſelves, and all their Lands, to the Protection of the *French* King. This Anſwer ſeeming ſufficient to the Lords of *France*, they broke up from before the Town, and the Dukes diſmiſs'd the greater part of their Army, only retaining ſuch competent Forces, as they had before they expected King *Edward*'s Arrival; and I ſuppoſe not long after the Noblemen in *Thouars* were as good as their words; tho why they did not ſurrender at that time, I can give no good account, unleſs it were that they ſtill expected King *Edward*'s Arrival. But in the mean while the Lord *Cliſſon* was appointed to go with the Conſtable, and take in other Places; and ſitting down before *Mortaigne*, with two hundred Lances beſides Foot, he had like to have been there ſurpriz'd by a Party of five hundred *Engliſh* that came from *Niort* in the Night; of which having notice by a Spy, he had only time enough to eſcape with his Men, and leave his Carriages behind him. But however the Lords and Gentlemen of the *Engliſh* Party that were ſtill at *Niort*, finding they were able to

~~*The Conſtable and*~~ *Ld* Cliſſon ~~*are*~~ *ſurprized by a Party of* Engliſh *from* Niort.

do

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do nothing more conſiderable this Campagne, reſolved to diſperſe; Sir *Walter Hewet* with ſome few more returning into *England*, and all the reſt to *Bourdeaux*; but as they went, they burnt and ravag'd all the Lands of the Sieur *de Partenay*, who lately turn'd to the *French* before *Thouars*. Thus all the County of *Poictou* was reduced under King *Charles's* Obedience, except a few Fortreſſes, as *Niort*, *Les Eſſars*, *Mortimer*, and ſome others, which made divers Excurſions and Inroads among their Neighbours, with various Succeſs.

[1] Id. c. 212. *The Duke of* Bretagne *ſends over to* K. Edward *for Aſſiſtance.*

[1] Nor was the *Engliſh* Intereſt more fortunate in *Bretagne*, where tho *John* Duke of that Country, King *Edward*'s Son-in-law, could not without ingratitude declare againſt the Intereſt of his Father-in-law; yet the chief Nobility of his Country, eſpecially the Lord *Cliſſon*, the Lord *de la Val*, and the Viſcount of *Rohan*, were wholly in the Intereſt of *France*; and theſe had the aſſurance to tell the Duke to his face, that if he ſhould take part with King *Edward* againſt their Sovereign the King of *France*, they would quit his Service together with the Country: And the *French* King, who by his politick Arts had debauched moſt of the Lords of *Bretagne*, had aſſured them that ſo ſoon as ever they ſhould ſee the Duke begin to take up Arms, they ſhould give him notice of it, and he would immediately ſend them Aſſiſtance. But the Duke perceiving by theſe Declarations of his Lords, what he was to expect from them, and fearing they ſhould ſeiſe upon his Perſon, and ſend him Priſoner into *France*, ſent ſecretly to King *Edward*, repreſenting the great Danger he was in, and deſiring Him that He would ſend him ſome Forces for his Defence. Whereupon the King, who loved him intirely, ſent him four hundred Men at Arms, and as many Archers, under the Command of the Lord *John Neville*, who arrived at St. *Matthew de Fine Paterne*, and lodg'd in the Town without doing any Injury or Violence; for they behav'd themſelves regularly, and paid juſtly for whatever they had; and the Duke never offer'd to put them into any Fortreſs, but let them quarter there all that Winter: However the Lords of *Bretagne* were ſo much incens'd at this Action of the Duke's, that he had brought *Engliſh*-men into their Country, that they fortified their Caſtles, and began to ſtand upon their Guard, againſt the Duke and his Adherents. And in this tickliſh Poſture ſtood the Affairs of *Bretagne* all this Year, which was one of the moſt unfortunate to the *Engliſh* Affairs, that ever had been yet, tho thoſe that follow will not prove very much better. ✝

✝ who to [illegible] [illegible] him to continue in his Interest, had not [illegible] deserved to him [illegible] the Town of Becherel [illegible] [illegible] other towns & Castles in ~~Aquitaine~~ [illegible] granted to him [illegible] the Earldom of ~~Bretaigne~~ Richmond with all the Marches between Bretaigne and Poictou. [illegible] Rt. Col: p. 713. 743. 744

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[2] Froiſ. ib. *The Conſtable takes the Field with a conſiderable Army, and beſieges* Siveray.

England affording us nothing worth our notice, we ſhall again proceed with the War in *France*, [2] where no ſooner was the unactive Seaſon of Winter paſt, but the Conſtable *de Gueſclin* began to take the Field, marching from the City of *Poictiers* with fourteen thouſand fighting men under many other Commanders of note. With theſe he went and laid Siege to *Sireth*, or *Siveray*, a Place of Strength, and well fortified his Camp with a Ditch and Paliſadoes. During this Siege Sir *Robert Mico*, and another Gentleman, who were Captains in the Place, and had defended themſelves with great Valour againſt the Attacks of the *French*, ſent private Intelligence of their Condition to Sir *John d' Eureux*, and to Monſ. *D' Angouſe*, the chief Commanders that were left in *Niort*; who joining their Forces with thoſe of *Luſignan* and other Places, they made all together a conſiderable Army,

✝ I cannot here omit but [illegible] [illegible] and [illegible] and of this year [illegible] Rot. letters of Franc. safe conduct 38. to the two Cardinals 42.3. [illegible] mentioned, together 47 [illegible] with [illegible] prisoners from France to come to Calais, there to treat of a Peace with certain commissioned by the King, the [illegible] of whom were Simon Sudbury Bp. of London, [illegible] [illegible] with some others needless to be recited, since they parted without being able to come to any agreement, the demand being so high on both [illegible]. vid: Rt. Col.

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Army, tho not ſtrong enough to encounter that of the Conſtable in the open Field. Theſe being come near *Siveray*, inſtead of falling ſuddenly upon the *French* Camp (as in prudence they ought to have done) they made a halt to reſt and refreſh themſelves, of which the Conſtable having notice, he immediately put his men in order to fight, and then placed an Ambuſh of two hundred choſen men to receive thoſe of the Gariſon, if they ſhould offer to make a Sally upon them, as he verily believed they would: nor was he at all deceived in his expectations; for the Commanders within the Caſtle ſeeing from the Walls that there were Forces come to their Aſſiſtance, immediately ſent out about ſixty Soldiers to ſkirmiſh with the *French*, but with very ill ſucceſs, for they fell into the Ambuſh that was laid for them, and were all ſlain or taken Priſoners; after which the Conſtable marching out of the Camp in Battel-Array, ſtoutly received the Charge of the *Engliſh* Forces, who, tho they had ſome advantage at firſt, and broke thro the Body that the Conſtable himſelf commanded, yet being at laſt over-powered by the too great numbers of their Enemies, they were utterly defeated, and moſt of them either ſlain, or taken Priſoners, among whom were ſeveral of the chief Commanders both of *England* and *Poictou*. This Battel was fought on the twentieth of *March* this Year.

Sir John D' Euereux *and others of the* Engliſh *march from* Niort *to relieve it, but are all ſlain or taken Priſoners.*

The Victory being thus obtained, [1] the Conſtable return'd to his Camp, where having taken care of his wounded men and Priſoners (of both which he had many) he ſent a Summons to thoſe in the Caſtle, to let them know, that if they did not immediately ſurrender it, they ſhould die without mercy; upon which terrible Threat, and knowing there was no further Relief to be expected, they ſubmitted, and had the favour to go off, without ſuffering any harm either in their Goods or Perſons, the Conſtable allowing them a Convoy to *Bourdeaux*. Thus this ſtrong Fortreſs, and all the Lands pertaining thereunto, returned to the Obedience of the *French* King. After this the Conſtable advanced before *Niort*, that ſtrong Town ſo often mention'd, where the *Engliſh* ſome time ſince had a good Gariſon; but that being gone, ſo ſoon as the Inhabitants heard that the Conſtable himſelf was coming againſt them, they went out to meet him with the Keys of the Town in their hands, and ſo conducted him within their Walls with great Joy. The Conſtable having tarried there ſome days to refreſh his men, went thence with an Army of fourteen hundred Lances, beſides other Soldiers, and preſented himſelf before the Caſtle of *Luſignan*, which yielded unto him upon Compoſition, thoſe of the Gariſon being permitted to go off with their Lives and Goods ſaved.

The Caſtle of Siveray *ſurrender'd on conditions.*

Niort *ſurrender'd by the Inhabitants.*

From [2] hence the Conſtable marched with his Forces to *Chaſtel Acart*, and ſummon'd the Lady *D'Angle*, the Owner of it, to ſurrender it; but ſhe, at her deſire, obtain'd the Conſtable's Safe-Conduct to attend the Duke of *Berry* at *Poictiers*, and know his pleaſure; where upon her repreſenting to him, that her Husband being then a Priſoner in *Spain*, and that ſhe could not take upon her to diſpoſe of his Caſtles and Eſtate without his Conſent, ſhe therefore humbly deſired ſome time to receive his Reſolutions and Commands; by this prudent Carriage ſhe obtain'd the Favor of a Ceſſation of Arms from the Duke, till ſhe could hear from her Husband, provided that ſhe did not in the mean while

The Conſtable marches forward, and takes in ſeveral other Caſtles.

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[1] Id. ibid.

[2] Ib. ib.

receive into her Caſtle any freſh Men, Victuals, Ammunition, other than She had at preſent. And ſo the Siege was raiſed, upon the Duke of *Berry*'s Order to the Conſtable for that purpoſe. From thence He went before the Caſtle of *Mortimer*, the Lady whereof ſubmitted her ſelf and her Lands to the Obedience of the *French* King, and She alſo delivered up the Caſtle of *Dienne*, which belonged to her: Thus was all *Poictou*, *Saintonge* and *Rochellois* quite clear'd of the *Engliſh*; whereupon the Conſtable having put good Gariſons in all the Places he had taken, and ſaw no ſign of Reſiſtance in thoſe Parts, all being reduced even as far as the River *Garonne*, he return'd into *France*, as alſo did the Dukes of *Berry*, *Bourbon* and *Burgundy*, and moſt of the *French* Barons, who had been engag'd on the *French* ſide, where they were all very well received, and highly careſſed by the King of *France*, eſpecially the Conſtable *de Gueſclin*, whoſe Glory eclipſed all the reſt, being look'd upon (as indeed he was) the Reſtorer of the *French* Monarchy.

All Poictou, Saintonge *and* Rochellois *are reduced under the* French *obedience.*

Whilſt [1] the Conſtable remained thus at *Paris*, the Lords *de Cliſſon*, *de la Val*, and other Noblemen of *Bretagne* took up Arms, and ſided with the *French* King, and marching with a powerful Army of *Bretons* and *Normans*, layd Siege to the ſtrong Caſtle of *Becherel* in *Normandy*, which they very much ſtraitned by their continual Aſſaults; but it being at that time gallantly defended by the Governour, Sir *John Cornwal*, it could not be then taken. During this Tranſaction, the *French* carried on another Siege before St. *Saviour le Vicount*, which continued a good while; for it is to be noted, that theſe two Gariſons, before they were beſieged, had over-aw'd all the *Lower Normandy*; ſo that nothing could be ſecure from them, but what was in ſtrong Fortreſſes; which was conniv'd at by the King of *Navarre*, who often aſſiſted them with Men and Proviſions, for he was not as yet thorowly reconciled to the *French* King his Brother, tho He was quickly after, when going to *Paris* He made a full Agreement with Him, and having put his Territories in *Normandy* under the King's Protection, and left his two Sons as Hoſtages for his Fidelity, He took his leave of *France*, and went into his own Kingdom, where He continued in Peace for about Six Years, and then took occaſion again to renew the War with his Nephew King *Charles* VI. as you will find in the next Reign.

[1] Id. c. 313. *The L.* de Cliſſon *and other Noblemen of* Bretagne *march into* Normandy, *and beſiege ſeveral Caſtles.*

The King of Navarre *is reconciled to the* French *King.*

Whilſt [2] theſe Sieges were carried on by the *French* before *Becherel* and St. *Saviour le Vicount*, there was a Report that Prince *Owen* was coming by Sea with Six thouſand Men at Arms to invade *England*; whereupon King *Edward* appointed *William Montacute* Earl of *Saliſbury*, his Admiral, to guard the *Engliſh* Seas, He Himſelf being at that time retain'd by Indenture to ſerve the King with Three hundred Men at Arms (whereof Twenty were Knights, and Two hundred ſeventy nine Eſquires) beſides Three hundred Archers; not to mention the great Retinues of other Lords and Officers that went along with him, as Sir *John Montacute* his Brother, Sir *William Neville*, Sir *Philip Courtney*, with divers others. This Fleet conſiſting of Forty great Ships beſides Barges, ſet forth from the Coaſt of *Cornwall*, and made directly for the Port of *St. Malo*, in *Bretagne*; where being arrived, and finding in the Haven Seven great *Spaniſh* Veſſels, they burnt them all; whereat the whole Country was

[2] Id. c. 314. *Upon a Report of Pr.* Owen's *invading* England, *the E. of* Saliſbury *is made Admiral, who ſails over to* Bretagne, *and burns ſeven great Ships.*

* Ex Autogr. penes Cleric. Pell. *cited by Sir* Will. Dugd. Bar. I. Vol. p. 647.

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was alarm'd, verily believing that the *Engliſh* had received thoſe Orders from the Duke himſelf; upon which moſt of the Towns and Caſtles of *Bretagne* having a ſuſpicion of him, ſtood upon their Defence.

[3] Id. ib.

The French *King ſends his Conſtable to ſeize upon the Dutchy of* Bretagne.

The [3] Duke's ſecret Intentions to ſide with the *Engliſh* had before this been fully diſcover'd to the *French* King by certain of ~~his~~ (the Duke's) Servants, to whom he had let fall ſome words in favour of the King of *England*; whereupon He order'd his Conſtable to undertake an Expedition into *Bretagne*, commanding and impowering him to take into his hands all Cities and Fortreſſes, and to ſeize the Bodies and Goods of all that ſhould reſiſt; for the King and his Council had already agreed, That the Duke had now forfeited all his Territories, as having received his Enemies the *Engliſh*, and he alſo Himſelf having took part with the King of *England*, and entred into a ſecret Alliance with Him againſt the Crown of *France*, of which He held his Dutchy of *Bretagne* by Homage and Fealty. Upon this the Conſtable went from *Paris* to *Angiers*, where he made his general Rendezvous; and thither came to him the Duke of *Bourbon*, the Earls of *Alenſon*, *Perche*, and *Portien*, and many other Lords and Great Men of *France*, beſides thoſe that came from the Marches of *Anjou*, *Poictou* and *Touraine*.

[4] Id. ibid.

The E. of Saliſbury *ſails from* St. Malo *to* Breſt.

On [4] the other ſide the Earl of *Saliſbury*, who lay with his Fleet in the Port of *St. Malo*, being well informed of theſe mighty Preparations of the Conſtable's, and how in a manner all the Dutchy of *Bretagne* was ready to revolt from the Duke, he thereupon ſailed thence to *Breſt*, which was then (as now) one of the ſtrongeſt Places in *France*; but being threatned to be beſieg'd by them, he reinforced the Place with Men and Victuals. But I ought firſt to have told you, [5] that a little before this, the Duke of *Bretagne* was gone for *England*; for when he heard how the Conſtable was coming with ſuch vaſt Forces againſt him, he durſt not truſt to any of the Fortreſſes, and therefore reſolved to go thither himſelf, as well to avoid the impending ſtorm, as to haſten Succours from thence: but having conſtituted Sir *Robert Knolles*, whom he left his Lieutenant of all *Bretagne* during his Abſence, he went firſt to viſit his Caſtle of *Auray* (lying between *Vannes* and *Hennebond*) which held firm to him; and an *Engliſh* Knight named Sir *John Auſtin*, being Captain thereof under him, with whom he left his Dutcheſs, he conjured him to guard her well, which he promiſed to perform to the utmoſt of his Power. Then the Duke left *Auray*, and went to *St. Matthew du fine Poterne*, which undutifully ſhut her Gates againſt him; wherefore he paſſed on to *Le Conquet*, and there took Shipping for *England*.

[5] Id. ibid.

The Duke of Bretagne *comes into* England.

[6] Id. ibid.

The Conſtable invades Bretagne, *and is received at* Rennes, Vannes, *and other Places.*

[6] In the mean while, the Conſtable invaded *Bretagne* with a great Army, to whom reſorted all the Lords of *Bretagne*, that had been lately at the Siege of *Becherel*, leaving it to be carried on by the Lords of *Normandy*. With theſe joint Forces the Conſtable went firſt to the City of *Rennes*, and upon his declaring that *John de Monford* their late Duke had forfeited his Dutchy by rebelling againſt his Sovereign the King of *France*, the Citizens open'd their Gates and received him; from thence he came before *Dinant*, which ſubmitted in like manner, as did alſo the City of *Vannes*; but *Luzemont*, after a bold reſiſtance, being taken by Force, all within it were put to the Sword. In ſhort, the

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the Conſtable ſoon reduced all that part of *Bretagne* to the *French* Obedience without ſtriking a ſtroke, except at *Quimperlay*, whereof one *John Rous* was Governour; who, when the Town was taken, was ſlain by the hands of the Lord *de Cliſſon*; but he in Return for all the Favours he had formerly received from the King of *England*, did now ſo hate all *Engliſhmen*, as he hardly took any to Mercy that once fell into his hands. But it was the Conſtable's Reſolution firſt to reduce *Bretagne* * *Bretonant*, becauſe that part was always more inclinable to Duke *John*'s Intereſt, than *Bretagne Gallicant*; and therefore he chiefly beſtir'd himſelf in theſe Parts.

* *i. e. That part of it that commonly uſes the antient* Britiſh *Language, almoſt the ſame with the* Welſh.

† Id. ib.

Sir R. Knolles *not being able to oppoſe, fortifies his Gariſons, and retires to* Breſt.

As for † Sir *Robert Knolles*, who was the only Commander of Note that ſtuck to the Duke's Intereſt, and had been left his Lieutenant during his Abſence; tho he wanted neither Courage nor Conduct, yet he had not ſufficient Forces to oppoſe the Conſtable of *France*; ſo that all he could then do was to ſtrengthen thoſe Gariſons that remain'd, and render them as defenſible as they could be, as he did in particular his own Caſtle of *Derval*, which he committed to the Cuſtody of Sir *Hugh Bright* his Kinſman; he himſelf going to *Breſt*, ſtaking all his Fortune upon the ſtrength of that Place.

The Conſtable beſieges the Town of Hennebond, *takes it, and puts all the* Engliſh *to the Sword.*

About the ſame time the Conſtable, who had by ſeveral Detachments taken in moſt part of the Towns on that ſide of *Bretagne*, came in Perſon, and laid Siege to *Hennebond*, the Commander whereof under the Duke was an *Engliſh* Gentleman, named *Thomas Wicke*, to whoſe Aſſiſtance Sir *Robert Knolles* had lately ſent a Valiant Knight, called Sir *Thomas Prior*; ſo that in all they made about Fourſcore Men at Arms, beſides others. As ſoon as ever the *French* Army was come thither, they began to aſſault the Caſtle, having brought with them certain terrible great Guns, wherewith they had won divers Caſtles and Fortreſſes. When theſe ſtrange Engines were planted againſt the Town and Caſtle, the Conſtable commanded it to be proclaim'd in the Hearing of the Beſieged, That having ſworn he would Sup within the Town that Night, whoever ſhould preſume to make any Reſiſtance, he would put them all to the Sword as ſoon as ever he enter'd the Place. Upon which Threatning Proclamation, the Townſmen were ſo diſcouraged, that they ſlunk away, and left the Defence of the Walls to the *Engliſh* Gariſon, which being too inferior in number to hold out againſt ſo large a Place, it was ſoon taken by Storm, and all the *Engliſh*, except the Two Chief Commanders, put to the Sword; after which the Conſtable, having ſtay'd there ſome days to new fortify the Place, removed to *Le Conquet*, a Port Town, which he reſolved alſo to reduce.

Le Conquet *is taken, and the Gariſon put to the Sword.*

On the Earl of Saliſbury'*s departure from* Breſt, *it is cloſely beſieged by the Conſtable.*

This Place after a gallant Reſiſtance was taken likewiſe by Aſſault, and all within it put to the Sword, except only the Captain, Sir *John Langlay* an *Engliſh* Knight, who was received to Mercy. *Le Conquet* being thus won, the Conſtable taking care to repair it, then reſolved to go before the ſtrong Fortreſs of *Breſt*; for tho the Earl of *Saliſbury* had lately been there, yet when he had very well ſupplied the Place with Men, Archers, Artillery and Victuals, he took Shipping again, and coaſted along the Country to ſee if happily he might find out the *Frenchmen* that were expected to invade *England* by Sea; but ſoon after his Departure, the Conſtable came and ſat down before *Breſt*, wherein at that time was Sir *Robert Knolles* himſelf, and

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Sir *William Neville*, with an hundred Men at Arms, and as many Archers, beſides the Inhabitants, who were all Loyal to their Lord the Duke, and well provided of all things: however here the Conſtable laid his Siege with more than Six thouſand fighting Men; but ſo ſoon as he had inveſted the Place, he ſent the Lord *de Cliſſon* with the reſt of the Army, to go and lay Siege to *La Roche ſur Yon* on the other ſide the *Loire*, which was then in *Engliſh* hands; and the Lord *de Cliſſon* having laid cloſe Siege to it, was joyn'd by ſeveral Noblemen from *Anjou* and *Poictou*, who carried it on with great Obſtinacy and Reſolution, the Duke of *Anjou* providing them all things neceſſary for that Undertaking.

The L. de Cliſſon *beſieges* Roche ſur Yon.

[1] In the mean while the Conſtable with the Earls of *Alenſon* and *Perigort*, lay before *Breſt*, but the Place being very ſtrong, and Sir *Robert Kolles* and Sir *William Neville*, two Experienced Commanders, being in it with a ſtrong Gariſon of above Four hundred Men, they gain'd as yet no conſiderable Advantage; wherefore the Conſtable, who was very ſubtile, in hopes to divert or diſtract Sir *Robert Knolles*, order'd a Detachment of Four hundred Men, Headed by ſeveral Lords of *Bretagne* and *Touraine*, to go and lay Siege to the Caſtle of *Derval*, which was Sir *Robert's* own, being given unto him by Duke *John de Montfort*. But to let you ſee how powerful the *French* were at this time, [2] they had now laid Siege to Five ſeveral Places at once; the one before *Becherel*, the other before *Breſt*, a third before *Derval*, a fourth before *St. Saviour* in *Normandy*, and the fifth before *Roche ſur Yon*, in *Poictou*, which belonged to the Duke of *Lancaſter*: and to each of them were given many ſhrewd Aſſaults; but thoſe of *Roche ſur Yon*, who were furtheſt off from any Succour, were firſt oblig'd to a Compoſition; which was, That unleſs they ſhould be reliev'd within the ſpace of a Month, they would ſurrender the Place to the *French* King's Pleaſure.

[1] Id. ibid.

The Conſtable to diſtract Sir R. Knolles *ſends to beſiege his Caſtle of* Derval.

[2] Id. c. 315.

The French *beſiege no leſs than five Places at once.*

At the end of the time limited, the Lord *de Cliſſon* return'd thither with his Troops; and no Aſſiſtance being come, or likely to come to them, the Caſtle was given up according to the Agreement, and the *Engliſhmen* were ſafely convey'd to *Bourdeaux* by the Lord *de Pons*. After this Succeſs, the Lord *Cliſſon* went to reinforce the Siege before *Derval*, carrying along with him his great Engines; and thither alſo ſhortly after the Conſtable himſelf, with the Duke of *Bourbon*, the Earls of *Alenſon* and *Perche*, and a great many other Barons and Knights of *France*, came from *Breſt*; for they found that they did but loſe their time in lying before that Place: however they had left behind them Two thouſand Men, who, having raiſed a Fort in the way to it, ſo blocked up the Town, that there was no coming in or going out of it.

Roche ſur Yon *is ſurrender'd on Conditions.*

The Conſtable raiſes the Siege of Breſt.

But [3] to proceed with the Siege of *Derval*. So ſoon as Sir *Hugh Bright* and the Gariſon of that Place ſaw themſelves beſieged by ſo great an Army, they very much doubted that they ſhould not be able to make good the Place; and that if it ſhould be taken, they ſhould be all put to the Sword; therefore they enter'd into a Treaty with the *French*, whereby they obtain'd a Truce for Two Months, on Condition, That in caſe they were not relieved within that time, either by the Duke of *Bretagne*, or ſome other able to keep the Field againſt the *French*, and to raiſe the Siege, they would ſurrender the Caſtle to

[3] Id. ib.

The Governour of Derval *capitulates with the* French *to ſurrender, if not relieved within two Months.*

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to the Duke of *Anjou* or the Conſtable; and for the true keeping of theſe Articles, Sir *Hugh Bright* was not only ſworn, but alſo gave them two Knights and an Eſquire for Hoſtages; and ſo things continued in that ſtate for a time.

[3] Id. ib.

The City of Nantes *refuſes to admit the Conſtable but on Conditions.*

Then [3] the Conſtable roſe from this Siege, and marched with his Forces to *Nantes*; but that being the chief City of *Bretagne*, would not permit the Conſtable and his Men to enter it, but upon certain Conditions, which were to this Effect: That ſince he came thither as Lieutenant-General to the King of *France*, they would not abſolutely deny him Entrance, provided that upon the Return of their Lord the Duke, he ſhould own the *French* Intereſt, and that then all the Prelates, Barons, Gentlemen, and Towns of *Bretagne* would acknowledge Him for their Liege Lord, as they had done before; and that they of *Nantes* ſhould not ſuffer any damage for what they had lately done: And in the mean while the Rents and Revenues belonging to that Dutchy, ſhould remain in their hands. The Conſtable, being willing to gain ſo Important a City, preſently ſwore, as the King of *France*'s Procurator, to whatſoever they required of him; and upon this he was received into the City.

[4] Id. ibid.

Sir R. Knolles *quits* Breſt *on Conditions, and goes to relieve* Derval.

Whilſt theſe [4] Affairs were thus tranſacting, and Sir *Robert Knolles* (who was ſtill in *Breſt*) underſtood that Sir *Hugh Bright* had made ſuch a Compoſition with the Conſtable and the Duke of *Anjou*, as has been already related, he was much concerned; and ſeeing, that unleſs he quitted that Place for a time, he could by no means ſave his Caſtle, he reſolved therefore to enter into a Treaty, and make ſome Conditions with the Conſtable for that purpoſe; and having ſent to him about it whilſt he lay before *Nantes*, he gave his Commanders that beſieged *Breſt* Power to agree with Sir *Robert* on this Condition, That the Gariſon ſhould have a Truce for forty Days; and if by that time they were not relieved by an ~~able~~ Army to fight the Conſtable, they ſhould then forthwith ſurrender the Caſtle, but the Gariſon was to remain in the mean while (as now they were) without Revictualling, or taking in any new Supplies of Men or Ammunition, or any other ſort of Proviſion: and for this Agreement Sir *R. Knolles* ſent certain Knights and Eſquires to the Conſtable as Hoſtages, to ſecure him that there ſhould be no Default on his part. After which Sir *Robert* taking with him ſome Brave Men at Arms, went to his Caſtle of *Derval*, hoping ſtill to defend it againſt the *French*: but upon the Conſtable's having thus rais'd the Siege, he ſent thoſe Troops that lay before *Breſt*, together with the reſt that were under his own Command, to reinforce the Gariſons in *Picardy*: For the Duke of *Lancaſter* being then made the King his Father's Lieutenant of *Aquitain*, and General of all his Forces on that ſide the Sea, was newly arriv'd at *Calais* with a great Army; of whoſe Succeſs We ſhall ſpeak by and by.

^ in the Castle

The Conſtable having rais'd the Siege of Breſt, *ſends his Forces againſt the D. of* Lancaſter.

+ See his commission [illegible]
ye great seal
Rot. [illegible]

[5] Id. ibid.

19. R3.

The E. of Saliſbury *ſails to relieve* Breſt.

Col. p. 13
14. [illegible]
date June 12.

In [5] the mean while, the Earl of *Saliſbury* was at Sea cruiſing with his Fleet about the Coaſts of *Normandy* and *Bretagne*; and having received a powerful Reinforcement from *England* of above Three thouſand Landmen, when he heard of the Compoſition the Gariſon of *Breſt* had made, he immediatly ſail'd thither to relieve it; and landing his Men, drew them up before the Place in Battel Array, and this he did for ſeveral days together, offering the *French* Battel if they ſhould think fit to attack him: but finding that neither the Conſtable nor any other *French* Commander durſt come thither to meet him, when the Forty Days Truce was near expir'd, he ſent a Herald to the Conſtable to let him know, That ſince he had made Articles with the Gariſon of *Breſt*, that unleſs the Caſtle was reliev'd by ſuch a Day, it was then to be ſurrender'd to him; therefore the Earl of *Saliſbury* and the reſt of the *Engliſh* Lords were come to *Breſt* within the time prefixed, had relieved it, and were ready to defend the Place, and now expected to meet Him there with his Forces, in order to give them Battel; and if he refus'd, they deſired then their Hoſtages ſhould be return'd, ſince the Articles had been truly perform'd on the *Engliſh* ſide. To which Meſſage the Conſtable return'd an Anſwer more full of *French Fineſſe* than of true Honour and Plain-dealing; for he bid the Herald tell thoſe that had ſent him, That he was as deſirous to fight as they could be, but *Breſt* was not the Place where the Treaty was confirm'd; and therefore if they would march to him, they ſhould find that he would not fail to give them Battel.

He offers to give the Conſtable Battel before Breſt.

Which he puts off by a cunning Excuſe.

This ' Meſſage the Politick Conſtable ſent, becauſe he knew that there were near forty Leagues between *Breſt* and *Nantes*, where he then was, and that it was morally impoſſible for them to march ſo far thro an Enemy's Country: however upon the Receipt of this Meſſage, the Earl of *Saliſbury* return'd another by the ſame Herald, wherein he let the Conſtable know, That the Men he had with him, belonging to the Marine Service, had no Horſes, and could not march ſo far on foot; but if the Conſtable would pleaſe to furniſh them with Horſes, he ſhould endeavour to meet him, and give him Battel too, whenever he ſhould appoint. But to this the Conſtable thought not fit to return any other Anſwer, than, That he was not bound to provide them Horſes; and asked what Security they could give him, that the Horſes (if lent) ſhould be ſafely return'd? To which the Herald not being able to give any Anſwer, only demanded the Return of the Hoſtages; and this being refuſed by the Conſtable, the Meſſenger went back to thoſe that had ſent him. At laſt, the forty Days being expir'd without any Battel offer'd on the *French* ſide, the Earl enter'd *Breſt*, and victualled the Town, and reinforced the Gariſon; after which he return'd on Board his Ships to guard the Sea Coaſts, as he had been commanded by King *Edward:* whereupon the Conſtable pretending that the late Agreement was not truly kept, ſince the Earl of *Saliſbury* had newly reinforced and victualled the Gariſon of *Breſt*, he committed the Hoſtages cloſe Priſoners.

' Id. ib.

The Earl again offers to fight the Conſtable, provided he would furniſh his Men with Horſes, which he refuſes.

The Earl reinforces Breſt, *and then goes again on Board; whereupon the Conſtable commits the Hoſtages cloſe Priſoners.*

But ' tho this Proceeding of the Conſtable might ſeem very ſevere, it was far leſs cruel than what was not long after uſed towards thoſe Hoſtages that had been deliver'd at *Derval* upon much the ſame Conditions: for when Sir *Robert Knolles* was return'd to his Caſtle, and had reinforced the Gariſon (as hath been already related) and that the Duke of *Anjou* found, that ſince the Duke of *Lancaſter*'s Arrival in *France*, he could not ſpare ſo many Men as were requiſite to take in that Place by Force; he therefore ſent to Sir *Robert Knolles* to let him know, That ſeeing the time of the Truce was expired, and that the Gariſon in *Derval* had not as yet been relieved by any Forces ſufficient to raiſe the Siege, he expected to have the Caſtle ſurrender'd. To this Meſſage Sir *Robert Knolles* return'd in Anſwer by the Herald that

' Id. ib.

The D. of Anjou ſends to Sir R. Knolles *to ſurrender the Caſtle of* Derval, *ſince it was not relieved by an Army.*

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that brought it, That it was not in the power of the Deputy-Governour of that Place to make any Compoſition concerning the Delivery of what was not his own, nor would he be bound by it. To which the Duke ſent back the Herald again, with this further Meſſage, That the Agreement was, That They of the Gariſon ſhould not receive any freſh Men or Proviſions into it, within the time prefixed; yet notwithſtanding this they had admitted him Sir *R. Knolles* into it, with a freſh Supply both of Men and Proviſions, which being contrary to the ſaid Agreement, if he did not immediately ſurrender the Place, the Hoſtages ſhould loſe their Heads. At which Reply Sir *Robert* being much incenſed, bid them do their worſt, and if the Duke put any of his Men to death, he would do the like by as many of his; but for all that, the Duke in a Paſſion, immediately executed the Hoſtages; and in Revenge Sir *Robert* cauſed Three *French* Gentlemen Priſoners, of the ſame Quality, to be beheaded on a ſmall Scaffold at a Window of the Hall, and their Heads to be flung into the Caſtle-Ditch in ſight of the Beſiegers: upon which the Duke of *Anjou*, not being able to proſecute the Siege, roſe from thence, and return'd to *Paris* to the King his Brother; but the Conſtable, the Lord *de Cliſſon*, and the reſt of the *French* Noblemen were then gone towards *Troyes* in *Champagne*, to obſerve the Motions of the *Engliſh* Army, which now was marching under the Conduct of the Duke of *Lancaſter* towards *Auxerre*.

Which being refuſed, the D. puts the Hoſtages to death; and Sir Robert *revenges it, by beheading three* French *Priſoners.*

The D. of Lancaſter *is made the King's Lieutenant in* France, *with a great Power.*
* Rot. Franc. 47 E. 3. m. 18.

But it is now high time to give you an Account of the Expedition that this Valiant Prince made this Summer thro *France*; for he had lately been appointed by the * King's Letters Patents, dated the Twelfth of *June*, by the Title of King of *Caſtile* and *Leon*, and Duke of *Lancaſter*, his Majeſty's Lieutenant in *Aquitain*, with full Power to reduce and take under his Protection all Cities, Towns and Caſtles that ſhould return to their Duty; and to pardon all Treaſons and other Offences, and perform all other things, in as ample a manner as the King Himſelf. So that being inveſted with this Great Power, [2] he went on Board accompanied with the Duke of *Bretagne*, and many Earls and Barons of Note, with an Army of above Thirty thouſand Men, whereof Three thouſand were Men at Arms, and Ten thouſand Archers, and took Shipping at *Dover*, and landed at *Calais* the Four and twentieth of *July*; where after ſome ſhort ſtay to refreſh his Men, he marched with this Army, divided into three Columns or Bodies, thro the Countries of *Artois*, *Picardy*, *Champagne*, *Foreſt*, *Auvergne* and *Limoſin*, and ſo into *Guienne*; in which Expedition, tho they ſpoiled thoſe Provinces, and did a great deal of Miſchief, yet ſince they only marched thro the Country without making any Conqueſts, they did themſelves more Prejudice by the great Loſs of Men and Horſes, than they could do their Enemies; and the *French* thinking it their ſafeſt way rather to avoid than reſiſt the preſent Storm, would not come to any ſet Battel with them, for the Prudent and Cautious King *Charles* had given expreſs Commands againſt it.

[2] Froiſ. c. 311. *He ſails over to* Calais *with a great Army, and paſſes thro the Heart of* France *into* Guienne, *without any reſiſtance.*

[3] Id. ib.

And thus the [3] *Engliſh* Army paſſed through *Picardy*, *Champagne* and other Provinces by the *Loire*, without coming to any Battel or general Engagement, more than ſome ſmall Rencounters and Skirmiſhes with various Succeſs, until they arrived at *Bourdeaux*; and what happen'd very remarkable in their March, was, That the Pope ſent

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ſent again into *France* two Legates to treat of Peace between the two Crowns; but tho theſe Prelates took a great deal of Pains in riding to and fro between the *French* King and the *Engliſh* Duke, yet it was all to no purpoſe: the Demands of the latter on behalf of his ~~Nephew~~ Father being ſo high, and the Offers of the former too mean and low to come to any Accommodation; tho *Froiſart* erroneouſly ſuppoſes, that they made a ſhort Truce for ſome Months, in order to another Treaty. And thus the Duke paſſed thro the very Heart of *France*, burning and ſpoiling the Country as he marched, without any conſiderable Oppoſition, or ſitting down to beſiege any City or Walled Town: ſo that tho this Expedition ſeem'd very glorious for the *Engliſh*, yet it was of more Fame than true Profit or Advantage to their Affairs; for they loſt a great many Men, and almoſt all their Horſes in ſo long a March, partly thro the Diſeaſes incident to Camps, but chiefly for want of Forage and Proviſions, the *French* having taken care to carry all the Corn and Provender they could into the Walled Towns before the *Engliſh* could arrive; beſides the *French* Army under the Command of the Duke of *Anjou* and the Conſtable of *France* marching in the Rear of their Enemies, ſo watched their motions, that they durſt not ſtraggle far from their main Body for fear of being ſlain, or taken Priſoners.

At laſt the Duke of *Lancaſter* arrived at *Bourdeaux*, together with the Duke of *Bretagne*, about the beginning of *November*, where he lay ſtill with his Forces all the Winter; and when Spring came on, they were ſo weakned, that they were not able to perform any great matter, as you will find hereafter. But before we proceed further, give me leave to obſerve the evil management of this Expedition; for had King *Edward* been able to ſet out a numerous and powerful Fleet, He might have ſent his Army into *Gaſcoigne* in half the time they marched by Land, and that with nothing near that hazard in the Loſs of Men and Horſes; ſo certain it is, That whatever King of *England* intends to do any thing conſiderable abroad, He muſt firſt make himſelf Maſter at Sea.

N. B.

But it is now time to look back into *England*, where during the Duke of *Lancaſter*'s March thro *France*, the King his Father * ſummon'd a Parliament to meet on the morrow of St. *Edmund* the King, or Twenty firſt of *November*, which was this Year on Monday. In the Writs of Summons to the Sheriffs were theſe unuſual Clauſes of being enjoined to cauſe to be choſen two dubbed Knights, or the moſt worthy honeſt and diſcreet Eſquires of the County, and the moſt expert in Feats of Arms, and no others; and of every City of that County two Citizens, and of every Burgh two Burgeſſes of the moſt diſcreet and ſufficient, who had the greateſt skill in Shipping and Merchandizing.

Summons to a Parliament.
* Rot. Clauſ. 47 E. 3. m. 13. dorſ.

What Knights, Eſquires, Citizens and Burgeſſes were to be choſen.

† The King, Prince, Prelates, Earls, Barons, Great Men and Commons being aſſembled in the Painted Chamber, Sir *John Knivet* then Lord Chancellor, declared the Cauſe of Summons, telling the Lords and Commons, They knew well that after the Peace between the King and his Adverſaries of *France* apparently broken by them, the King had many times ſent great numbers of Men at Arms, and others over Sea to recover his Rights, and to reſtrain the Malice of his Enemies; and lately had ſent his Son the King of *Caſtile* and *Leon*, and

† Rot. Parl. 47 Ed. 3. n. 2.
The Cauſe of Summons declared.

The Peace broken by the French.

Duke

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Duke of *Lancaſter*, with many Great Men, and others to oppoſe the Malice of his Adverſaries, who by their good and noble Conduct and Feats of Arms, had done great Damages and Deſtructions to his Enemies, as they well knew, to the high Honour, Quiet and Tranquillity of the King, the Clergy, and others of the Kingdom: That the Sum granted the laſt Parliament to the King in aid of his Wars, tho great and heavy upon the People, yet He expended a great Sum of his own more than that. Further, that the Great Men and others, who ventur'd their Lives and Fortunes to defend them from their Enemies, ought to be well refreſh'd and comforted with Force and Aid, and that as ſpeedily as might be, as was well known to many of them to be neceſſary, who had been in the ſame condition themſelves; and that alſo their Enemy of *France* made himſelf as ſtrong as He could, not only by his own People and Allies, but by Strangers of divers Countries, and by all the ways He could both by Land and Sea.

* Ib. n. 4.

* Wherefore (he ſaid) the King beſeeched and charged them, conſidering the Perils and Damages that might happen to the Kingdom and all the People for theſe Cauſes, that they would ſpeedily conſult upon the matter, and give the King ſuch Advice, as might be for the Safety of Him, the Kingdom, and themſelves.

† Ibid. *The King willeth that all Buſineſs remain in ſuſpence till his was diſpatch'd.*

And † further ſaid, that ſince the buſineſs required ſpeedy diſpatch, the King would that all manner of Petitions, and other particular Buſineſs might remain in ſuſpence, until this had a good Iſſue. And then, commanding the Commons to conſider and give good Counſel and Advice upon the Points aboveſaid, told them they might depart for that day, and come thither again on the morrow.

† Ib. n. 5. *The Commons deſire a Committee of Lords to treat with them.*

At which time ſome of the Commons, in the name of the reſt, went to the Lords, and prayed they might have ſome Biſhops, Earls and Barons, with whom they might treat and confer, for the better iſſue of the Matter enjoin'd them; and deſired that the Biſhops of *London*, *Wincheſter*, and *Bath* and *Wells*, the Earls of *Arundel*, *Marche* and *Saliſbury*, and the Lords *Guy Brian* and *Henry le Scrope* might come; and it was agreed they ſhould go to the Commons, and treat with them in the Chamberlain's Chamber: And there deliberation between the Great Men and Commons being had until Tueſday the Eve of St. *Andrew*, the King, Prince, Prelates, Great Men and Commons then being all in the *White Chamber*, the Commons granted the King an Aid for the Wars againſt his Enemies, and deliver'd a Schedule thereof to the King, which was read, and begins thus: *The Lords and Commons of* England *have granted to the King in this preſent Parliament a Fifteenth*, &c. The effect of the Grant was, two Fifteenths to be levied in two Years, according to the antient manner, to be paid at the Feaſts of the Purification and *Pentecoſt:* If the War ended the firſt Year, the ſecond Fifteenth not to be paid as yet. Alſo ſix Pence upon every Pound value of Merchandize going out of the Kingdom, except upon Wools, Leather, Wool-fells and Wine, *&c.* and of every Tun of Wine, two Shillings for two Years, upon the ſame Condition. Likewiſe the Subſidy of Wool to be received after *Michaelmas* next coming, without condition for the firſt Year, and under the ſame condition for the ſecond. Theſe were granted on condition that no other Charge or Impoſition might be laid upon the People of *England*

The Grant of a Tax.

As alſo a great Impoſt on Wines, &c.

England for thoſe two years; and the Commons further pray'd, that what was granted might be ſpent in maintaining the War; and that no Knights of Shires, or Eſquires, Citizens and Burgeſſes returned for this Parliament, might be Collectors for this Tax.

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I find no king [illegible] [illegible]

[illegible] there was a league [illegible]

I ſhall conclude this Year with an Account of ſome Eccleſiaſtical Affairs abroad. [1] In the beginning of *January*, Pope *Gregory* had ſent his Letters to the Kings of *England* and *France*, to deſire them to conſider how much their late Wars and mutual Diſcords hinder'd the Recovery of the *Holy Land*, and what great advantage it gave their common Enemies, the Infidels, over the Chriſtians, which might bring grievous Troubles, and an irreparable Loſs upon all Chriſtian Kings, their Kingdoms and People: Wherefore He (the Pope) not being able any longer to bear theſe Wars and Diſcords, and conſidering how frequently his Predeceſſors had by their Cardinal Legates uſed their utmoſt endeavours to promote Peace, if it could not be now brought about according to his deſires, He did not intend any longer to delay, but forthwith to proceed, without any favour, againſt that Party (of the two) that ſhould appear to be the Occaſion thereof, and all their Favourers, Counſellors and Aſſiſtants whatſoever, by Eccleſiaſtical Cenſures and other Remedies. This was dated at *Avignon* 3 *Non. Jan. An. Pontif.* 2.

The Pope ſends Letters to the 2 Kings to make Peace and join againſt the common Enemies of Chriſtendom.

from the original. R.

But the Rancour of theſe Princes Minds at that time, and the difficulty of adjuſting Affairs to both their Satisfactions, were too great and inſuperable then to admit of any Agreement between them; and tho the Pope had ſent two Cardinal Legates, who ſpared no pains in this Affair, during the time of the Duke of *Lancaſter*'s march thro *France*, and all things tending to a deſperate War; yet recalling them, He again ſent two other Legates to try what they could do. Theſe pious Prelates took much pains in riding to and fro, between the *French* King and his Brethren on the one part, and the Duke of *Lancaſter* on the other, but all to no purpoſe; for the Duke marched on thro the midſt of *France* (as you have already heard) without taking any great notice of their Admonitions; nor were they much more hearken'd to on the other Side: And indeed it ſeem'd wholly impracticable to propoſe any terms of Peace, that could ſeem equal to both Parties, where one expected a Reſtitution of all that had been violently taken from Him, and the other was reſolved to part with nothing He could keep.

He alſo ſends two Cardinal Legates about the ſame Affair, but to no purpoſe.

As [2] for Church Affairs tranſacted in *England*, they were not many, only King *Edward* ~~now~~ ſent Ambaſſadors to the Pope, to deſire Him for the future to deſiſt from making Proviſions or Reſervations of Benefices in his Court, and that the Clergy might enjoy their antient manner of electing Biſhops; and that being duly elected, they might be confirm'd by their own Metropolitans: for the Parliament had not long before enacted, that all Churches ſhould enjoy free Elections, and that the King ſhould not write Letters to the Pope againſt the Perſons ſo elected, but ſhould rather promote their Confirmation. But this Statute had no great effect.

The King granted a Commission under the great [illegible] whose names [illegible] the seas [illegible] he had [illegible]

This Year alſo deceaſed *John Thoreſby*, Arch-Biſhop of *York*, a publick ſpirited Prelate, who beſides other Acts of Charity, gave great Sums toward the new-building the Choir of his own Cathedral, which was perform'd in that magnificent manner as it ſtands at this day.

[illegible] receive [illegible] council [illegible] that [illegible]

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[1] O. Raynold. ad hunc An.

[2] T. W.

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day. He was ſucceeded by *Alexander Neville*, one of a Noble Family, and Canon of that Church.

[a] Mezeray ad hunc An.

A ſtrange Frenzy that happen'd this Year in ſeveral Countries.

This Year there happen'd in [a] *Italy* and *France*, but eſpecially in the *Low-Countries*, a certain Maniack Paſſion or Frenzy, unknown to former Ages: for thoſe who were tormented therewith (which for the moſt part were the ordinary ſort of People) ſtript themſelves ſtark-naked, put Garlands or Flowers on their Heads, and taking one another by the Hands, ran about the Streets, and into the Churches, dancing, ſinging, and turning round with ſuch vehemence, that they would often fall down to the Ground quite out of breath. This Agitation made them ſwell ſo prodigiouſly, that within an hour's time they would burſt, unleſs ſomebody took care to bind their Bellies about with ſtrong Swathing-bands. Thoſe who looked on them too earneſtly, were often tainted with the ſame Malady. This was thought to have come by ſome Diabolical Operation, and that Exorciſms did much prevail againſt it. The Vulgar call'd it St. *John*'s Dance.

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[b] Froiſ. c.318.

This Year begins with nothing but freſh Loſſes the *Engliſh* ſuſtain'd in *France*; for the Duke of *Lancaſter* being it ſeems unable to take the Field, the [b] *French* King was before-hand with him; and tho He did not think it convenient then to fall upon the Duke, ſince a Treaty for a Truce was now by the Pope's Mediation ſet on foot between them, yet preſently after Eaſter the Duke of *Anjou* being at *Perigueux*, raiſed a great Army conſiſting of fifteen thouſand Foot-men, beſides a conſiderable number of *Genoueſe* Croſs-bows, and moſt part of the Barons and Knights of *Bretagne*, *Poictou*, *Anjou* and *Touraine*; with whom the Conſtable of *France* join'd, and ſeveral Lords of Lower *Gaſcoigne*, as the Lord *John* of *Armagnac*, the Lords of *Albret* and *Perigort*, with other Barons and Noblemen of *Auvergne* and *Limoſin*. With this great Army the Duke of *Anjou* marched towards the higher *Gaſcoigne*, which then ſtood out, and would not acknowledg either the Kings of *France* or *England* for their Sovereigns; and firſt He beſieg'd *Mont de Marſan*, which having took, he proceeded to *St. Silvier*, whereof an Abbot was Lord; who, tho the Town was ſtrong, yet doubting he might loſe it by Force, fell to treat with the Duke, and remonſtrated to Him, that his Town and Caſtle being but a ſmall matter, might without any prejudice ſtand Neuter; but if the reſt of the Lords of *Gaſcoigne* ſhould be reduced by the Duke, he would alſo then yield to him, and do as they did. To this the Duke agreed, receiving of the Abbot Hoſtages for his true performance, and ſo drew off from thence toward the Town of *Lourde* in *Bigorre*, to which he laid Siege, and then ſummon'd the Gariſon to yield; but the Governor of the Place utterly refus'd it, and boldly ſaid, that ſince the Earl of *Foix* had deliver'd it to his care, he was reſolved by no means to reſign it up into the hands of any other Perſon living. With which Anſwer the Conſtable and the Duke of *Anjou* were ſo nettl'd, that they commanded a General Aſſault to be made; ſo that at laſt the Place was carried by Force, and the Captain and moſt of his men ſlain, and the Town given up to the Plunder of the Soldiers. And then paſſing thro the Lands belonging to *Chaſtel-bon* and *Chaſtel-neuf*, which they ſpoil'd and pillag'd, they marched on towards *Bearn*, and enter'd the Lands of the Lord of *Leſcut*, from whence

The Duke of Anjou *marches into the higher* Gaſcoigne.

He reduces ſeveral Towns, &c. to the Obedience of France.

whence they marched till they came before the ſtrong Town of *Sauc*, which alſo held of the Count of *Foix*; but this was not eaſily to be won, beſides it had within a valiant Governor named Sir *William de Ponts*.

[2] When the Earl of *Foix* heard the *French*-men had conquer'd ſo much of his Lands, which he muſt have held either of the King of *France* or the King of *England* (tho indeed he would have yielded Obedience to neither) he ſent for the Viſcount of *Chaſtelbon*, the Lords of *Marſan*, *Chaſtel-neuf* and *Leſcut*, with the Abbot of *St. Silvier*, to conſult what was to be done in this dangerous Conjuncture, who when they all met, agreed to ſend for Letters of Safe-Conduct for them, which having obtain'd, they went immediately to the Duke of *Anjou*, who ſtill lay before *Sauc*, where at laſt they came to this Concluſion with him, that the Earl with the reſt ſhould enjoy a Truce for themſelves and their Territories, till the middle of *Auguſt* next enſuing, by which time there were to be very numerous Forces before the Town of *Monſac*, both of the *French* and *Engliſh*; and then if the *Engliſh* Army could keep the Field, all the Lords would hold their Lands of the King of *England*; but if the *French* Army ſhould become Maſters of it, either by Battel, or non-appearance of the Enemy, then they would hold their Lands of the King of *France* for ever. For the faithful performance of which Agreement the Earl of *Foix* and other Lords gave ſufficient Hoſtages to the Duke of *Anjou*, who then return'd to *Perigueux*, but would not for all that diſband his Army.

[2] Id. ib. *The E. of* Foix *conſults with the Barons of that County, who agree to a Truce with the Duke.*

[3] In the mean while the Duke of *Lancaſter*'s Forces not being in a condition either to march or fight, or elſe the Duke of *Anjou* had found work for them other ways (as you have already heard) the Pope laid hold on this opportunity to propoſe a Truce between the two Kings, which at laſt was fully agreed upon to be faithfully obſerved by them, their Vaſſals and Aſſiſtants, from the tenth day of *April*, until the laſt of *Auguſt*; the two Dukes further engaging to be preſent on the Marches of *Picardy* about the beginning of *September*, in order to prolong the ſaid Truce; the Duke of *Lancaſter* to be at *Calais*, and the Duke of *Anjou* at *St. Omers*. The Truce being thus agreed to and confirm'd, the Duke of *Lancaſter*, with the Duke of *Bretagne*, the Earls of *Warwick*, *Suffolk* and *Stafford*, and divers other Lords and Knights both of *England* and *Gaſcoigne*; went on board at *Bourdeaux* about the beginning of *July*, and ſet ſail for *England*, where they ſafely arrived a few days after.

[3] Id. ibid. *The D. of* Lancaſter*'s Forces not being in a condition to fight, the Pope mediates a Truce between the two Kings.*

The Dukes of Lancaſter *and* Bretagne, *&c. return to* England.

But the *Engliſh* Intereſt ſuffer'd greatly by this Truce; [4] for whilſt it was tranſacting, and not quite finiſhed, Sir *John Cornwal*, Governor of *Becherel*, who had kept that Fortreſs a full Year againſt the *French* that beſieged it, finding that no care was taken for his Relief, and that their Victuals were almoſt ſpent, He and the Gariſon reſolv'd to capitulate with their Enemies before it was too late; upon which the Lords of *Bretagne* and *Normandy*, who carried on the Siege, came (by the *French* King's conſent) to this Agreement with the Beſieged, That if the Duke of *Bretagne*, or ſome other Nobleman from *England*, did not appear with Forces ſtrong enough to keep the Field, between that and the Feaſt of *All Saints* next coming, they would then ſurrender the Place, but their Lives and Goods were to be ſafe; the

[4] Id. c. 320. *The* Engliſh *Intereſt ſuffers by this Truce.*

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the Reſult of which was, that none appearing there for the *Engliſh* by the time limited and prefix'd, the Commanders within the Caſtle deliver'd it up to the *French*, and ſo return'd for *England*.

[4] Id. ib.

The D. of Anjou *marches into* Gaſcoigne, *and forces the Earl of* Foix *and the other Lords to ſubmit.*

And [4] this was not the only ill effect of the late Truce with the *French*, who did not think they were obliged to obſerve it, when it was for their advantage to break it; for when the middle of *Auguſt* drew near, which was the time limited for the Deciſion of the Sovereignty of the Higher *Gaſcoigne*, to be made before *Monſac*, the Duke of *Anjou* drew down thither a great Army, and with his men kept the Field before the Place ſix days together, all which time no Army appeared from King *Edward*, becauſe the *Engliſh* thought, that by reaſon of the Truce lately agreed on between the Dukes of *Anjou* and *Lancaſter* (which was to continue to the laſt of *Auguſt*) the Deſign of *Monſac* was to be given over; but the Duke of *Anjou* and his Council were it ſeems of another mind, and reſolved to take all Advantages they could, without troubling their heads with the nice Diſtinctions of Honour, Faith or Juſtice. So when that Duke ſaw the Feaſt of our Lady's Aſſumption was paſt, without the appearance of any Army on the King of *England*'s behalf, he ſent to the Earl of *Foix*, the Viſcount of *Chaſtel-bon*, with the other Lords of higher *Gaſcoigne*, to let them know, that if they did not now ſtand to their late Agreement, he would forthwith put all their Hoſtages to death, and after that enter their Lands with ſuch a Power as ſhould oblige them to ſubmit whether they would or not. Hereupon, ſeeing the *Engliſh* had taken no care of them, they provided for themſelves, and freely yielded themſelves and their Lands to the Obedience and Sovereignty of the *French* King, and the Inhabitants of *Monſac* did immediately open their Gates, and receive the *French* without any diſturbance. The Duke having ſtaid here ſome days to refreſh his men, and the Month of *Auguſt* being paſt, without hearing any thing of the Duke of *Lancaſter*'s coming over to renew the Truce, which was now expired, he reſolved to begin the War again on the other ſide of *Gaſcoigne*, and thereupon marched with his Army before *la Reole*, which after three days Siege was ſurrender'd to him, the Inhabitants returning to the Obedience of the *French* King. After that the Duke took in *Langon*, *St. Macare*, *Condouſe*, and ſeveral other Towns and Caſtles to the number of forty in all, the laſt being the ſtrong Town of *Auberoche* in *Perigort*; in all which he placed good Gariſons. And thus in a ſhort time all *Gaſcoigne* and *Guienne*, except *Baionne* and *Bourdeaux*, with ſome ſmall Territories about them, were either conquer'd or revolted from the *Engliſh*. The Duke of *Anjou* and the Conſtable being ſent for by the *French* King, gave leave to their men to go whither they would, and they themſelves returned to *Paris*.

The People of Monſac *open their Gates to the D. of* Anjou.

The D. of Anjou *renews the War on the other ſide of* Gaſcoigne, *and takes* la Reole, *&c.*

[5] Id. ibid.

All [5] the Succeſs I can find the *Engliſh* had this Year, was, that Sir *Hugh de Chaſtillon*, Maſter of the Croſs-bows of *France*, and Governor of *Abbeville*, marching out one morning with three hundred Lances; and having *Valeran*, the young Earl of *St. Paul*, in his company, rode forth toward *Ardres* to ſee if he could meet, and take any Party of the *Engliſh* that might be out for Plunder or Forage; and hearing that the Lord *Comegines* Governor of that Town, was then abroad with a Party (tho their number was not known) the *French*

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French reſolved to lay an Ambuſh for the *Engliſh* of three hundred Lances, hoping to draw them into it: and the Earl of *St. Paul* was order'd with a hundred Horſe to find out the Enemy, and entice them to that Place. The *Engliſh* likewiſe had the ſame deſign in their heads; for Sir *John Harleſton*, Captain of *Guiſnes*, was ſent forth before the reſt to ſee if he could find out the *French*, and lighting luckily upon the young Earl of *St. Paul* and his men, they immediately perſu'd the *Engliſh*, who fled before them till they came to a Hedg, behind which the Lord *Comegines* with his Archers were drawn up, who received the *French* ſo warmly with their Arrows, being aſſaulted alſo at the ſame time in the Rear by Sir *John Harleſton*, they were all either kill'd or taken Priſoners, tho this muſt be ſaid, that they behaved themſelves very gallantly. Amongſt theſe were the Earls of *St. Paul*, the Lords of *Ponts* and *Clarty*, beſides divers other Knights and Perſons of Quality. Immediately after this Defeat Sir *Hugh de Chaſtillon* came to the Place with his three hundred Lances, but finding the buſineſs over, and fearing the like Miſsfortune might beſal him, he wheel'd off without ſtriking a ſtroke; but the Earl of *St. Paul* himſelf being redeem'd by the Lord *Comegines*, was carried over into *England*, and preſented to King *Edward*, where he continued for a long time Priſoner, until in the beginning of the next Reign he fell in love with, and married the Half-Siſter of King *Richard* the Second; yet this could not ingage him to be a Friend to the *Engliſh* Intereſt, as you will find hereafter.

The E. of St. Paul *going out to entice the* Engliſh *into an Ambuſh, is himſelf taken Priſoner with his men.*

And is ſent over into England.

When [1] the Duke of *Anjou* and the Conſtable were return'd (as we have already ſaid) to *Paris*, the beginning of Winter, they there found the Arch-Biſhop of *Ravenna*, and the Biſhop of *Carpentras*, who had been long with the King, making inſtant and continued Application to Him on the Pope's behalf, as other Legates at the ſame time did with King *Edward* for the ſame purpoſe; wherefore according to the former Agreement between the Dukes of *Anjou* and *Lancaſter*, both the Kings were now again obliged to enter into a Negotiation, thereby (if poſſible) to accommodate all Differences betwen them in order to a final Peace.

[1] Id. c. 320.

A Negotiation for a Peace is again ſet on foot by the Pope's Legates.

But tho [2] *Froiſſart*, as well as moſt other *French* Hiſtorians (except *Mezeray* in his Chronological Abridgment) relate this Tranſaction under this preſent Year, and conſequently the Truce that was afterwards made to have begun from about Autumn this Year, and to have ended in *May* following, yet it is certainly a Miſtake in thoſe Authors; for all our Hiſtorians, as well printed as in Manuſcript, together with the [3] Records of this Treaty, agree that the * Commiſſion iſſued out by both Kings to their Plenipotentiaries, does not bear date till the Spring or Summer following, and conſequently their going over could not be until after that time: Not but that the Pope's Legates being the Mediators might this Winter prevail with the Kings of *France* and *England* to ſend their Commiſſioners to *Bruges* the Summer following, as you will find they did; and there might alſo be a Ceſſation of Arms during this Winter and Spring following, in all Places except in *Bretagne*, whither (as [4] *Froiſſart* relates) the Lords *de Cliſſon* and *de la Valle* marched with their Forces to fight that Duke, becauſe this ſhort Truce did not extend to that Dutchy; therefore I ſhall defer the further Relation of that Tranſaction until the enſuing Year.

[2] C. 321.

Froiſſart *and the* French *Hiſtorians miſtaken in the time of this Treaty.*

[3] Rot. Franc. 49 Ed. 3. m. 2.

* *Note the* French *King's Commiſſion is dated* March 1. 1374. *that of* England June 8. 49 *of* Ed. 3.

[4] Id ib.

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Little done in England *after the Duke of* Lancaſter's *Return.*

England in the mean time affords little worth our noting; for the Tax given the laſt Parliament being now all ſpent in the Duke of *Lancaſter*'s late fruitleſs Expedition, the Burden of it lay ſtill ſo heavy upon the Nation, that it was not thought fit this Year to call a new Parliament for the giving of any more; nor do I find the Duke of *Lancaſter* did any thing conſiderable after his Return into *England*.

Alice Pierce *taken into favour, and made the King's Miſtreſs, with her Cavalcade thro* London.

that [illegible] she had been [illegible] [illegible] ever since he [illegible] [illegible] hears, by a grant he hearing [illegible] by which he [illegible] been

However, notwithſtanding the publick Misfortunes there was as much outward Jollity and Magnificence as ever was known before; for this Summer a certain Gentlewoman of no great Quality, called by our Hiſtorians *Alice Perreys* or *Peirce*, did by her Beauty and other Artifices ſo much prevail upon the aged King, as to be his Miſtriſs; and having lately given her the affected [1] Title of *Lady of the Sun*, She, being richly attir'd, rode alone in a Chariot from the Tower of *London* thro *Cheapſide*, accompany'd with many Lords, Knights and Ladies, every Lady leading a Lord or a Knight by his Horſe's Bridle, till they came into *Weſt-Smithfield*, where began a ſolemn Juſting or Tourneament between divers of our young *Engliſh* Noblemen. But we ſhall hear more of this Lady, and her intermedling in publick Affairs, before the end of this Reign; therefore we will now come to ſomewhat more ſerious.

The King iſſues a Commiſſion of Enquiry into the Value of Eccleſiaſtical Benefices held by Strangers.

Which is printed at large in Fox's Acts and Monuments, *&c. p.* 560. 1 *Edit.*

This Year affords ſome Eccleſiaſtical Matters of moment. The King being alarm'd afreſh by the Complaints of his Subjects againſt the *Reſervations* and *Proviſions* of Benefices practis'd by the Pope; and of which tho He had the laſt Year complain'd by his Ambaſſadors, as you have already heard, yet could He obtain no Remedy; therefore to prevent this for the future, his Majeſty now iſſued forth a Commiſſion of Enquiry directed to all the Biſhops of *England*, commanding them to return an exact Survey of all Benefices and Dignities Eccleſiaſtical throughout his Dominions, which were then in the hands of *Italians*, *French*-men and other Aliens, with a true valuation of the ſame; as alſo to know the Names of all and ſingular of thoſe, whether *Engliſh* or *Strangers*, who had the Poſſeſſion or Diſpoſal of any ſuch Benefices, or the Profits of them, and whether they were reſident upon them; and to return a true Certificate of the ſame into his Court of Chancery under their reſpective Seals, before the Feaſt of our Lord's Aſcenſion next coming. This was dated at *Weſtminſter* the ſixteenth of *April* in the forty eighth Year of his Reign.

Upon the Commiſſioners Return the King ſends certain Envoys to treat with the Pope's Legates about it.

By [2] virtue of this Writ or Commiſſion, Certificates were accordingly ſent up into the Chancery out of every Dioceſs in *England*, of all ſuch ſpiritual Livings as were then in the Poſſeſſion either of Priors Aliens, or of other Strangers, whereof the number is ſaid to have been ſo great, that it took up many Sheets of Paper. Wherefore it ſeemed high time for the King to ſeek a Remedy in that caſe, either by Treaty with the Pope, or otherwiſe; conſidering what a vaſt proportion of the Revenues of his Realm, was by this means yearly convey'd out of it, being either imploy'd for the Relief of his Enemies, or at leaſt of ſuch, who were neither his Subjects, nor true to his Intereſt. Shortly [3] after the Return of the ſaid Certificates, the King ſent *John* Biſhop of *Bangor*, Mr. *John Wickliff* Reader of the Divinity-Lecture at *Oxford*, Mr. *John Guttern* Dean of *Segovia*, with divers other Civilians, as his Envoys, to treat with the Pope's Legates beyond Sea, and to make a full Relation to him of all the matters that

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[1] Stow's Survey, p. 421.

[2] Id. ib.

[3] ~~Fox ib.~~ [illegible]

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that were to be tranſacted at the ſaid Meeting; to the end that all thoſe things which might tend to the Honour of Holy Church, and the Advancement of his Crown, might by the Aſſiſtance of God, and the Wiſdom of the Apoſtolick See, be accompliſh'd and brought to good effect. This bears date at *London* the ſix and twentieth of *July* in the ſame Year.

[1] O. Raynold. ad hunc An.

Who meet at Bruges.

Theſe [1] Commiſſioners were met at *Bruges* about the beginning of *Auguſt* by the Pope's Nuncios, *viz.* ***Bernard*** alias *Benedict* Biſhop of *Pampelone*, *Rodulph* Biſhop of *Senigaglia*, and *Giles Sancho* Provoſt of the Church of *Valenza*; who were likewiſe commiſſion'd to treat concerning the Liberties of the Church of *England*, and of the Prelates and other Eccleſiaſtical Perſons of the ſaid Realm: [2] But the Treaty about this Affair was continued at ſeveral times for near two Years; and at laſt it was concluded, that for the future the Pope ſhould deſiſt from making uſe of any Reſervations of Benefices, and that the King ſhould no more confer them by his Writ of *Quare impedit.* But as to the Elections of Biſhops, concerning which Ambaſſadors had been ſent to the Court of *Rome* the Year before, there was nothing mention'd in this Treaty; the Reaſon whereof was aſcribed to the politick dealing of ſome, who knew they could more eaſily attain to Eccleſiaſtical Dignities, which they aim'd at, by the ſavour of the Court of *Rome*, than by due regular Elections; that is, rather by Mony and Intereſt, than by any true Worth and Merit of their own.

[2] T. W. *The Concluſion of this Treaty between the Pope and the King.*

This Year alſo [3] *William Wittleſey* Arch-Biſhop of *Canterbury* departing this Life on the fifth of *July*, the Monks of *Chriſt Church* preſently after his Deceaſe elected for Arch-Biſhop Cardinal *Eaſton*, who tho an *Engliſh-man* by Birth, yet having lived all his time in the Pope's Court, and become a perfect *Italian*, their Choice was ſo highly diſpleaſing to the King, that He threaten'd to baniſh them out of the Kingdom for it. Whereupon the Pope to appeaſe Him, and make Him reconcil'd to the Monks, declared their Election void; and then by way of Proviſion beſtow'd the Arch-Biſhoprick on *Simon Tibalds*, alias *de Sudbury*, Biſhop of *London*, being a Perſon of great Wiſdom and Eloquence; yet theſe Endowments could not hinder his being murder'd by the Rabble under the Leading of *Wat Tyler* and *Jack Straw*, as you will find in the beginning of the next Reign.

[3] Id. ib. *The Deceaſe of* W. Wittleſey *Arch-Biſhop of* Canterbury, *ſucceeded by* S. Sudbury *Bp of* London.

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So [4] ſoon as the Seaſon would permit this Year, the Campagne was begun on the *French* ſide (as they had done the laſt) with the Siege of *St. Saviour le Vicount* in *Contantine*, and that by the ſame *Norman* Lords that had before beſieged *Becherel*; ſo that when the Gariſon found themſelves hard put to it by their Engines, and that they were cloſely beſieged both by Sea and Land, fearing that they ſhould not be able long to hold out, they enter'd into a Treaty with the *French*, and in ſhort obtain'd a Truce to endure till ~~Eaſter~~ next enſuing, on condition that unleſs within that term the *French* ſhould be fought with, and the Siege raiſed, they ſhould then yield up the Fort, but with the Safety of their Lives and Goods: So the *French* Army lay ſtill near the Place, but committed nothing of Hoſtility all that time.

[4] Froiſ. c.322. *The Gariſon of* St. Saviour le Vicount *agrees to ſurrender, if not reliev'd by a time prefix'd.*

Whitsuntide

[5] While the *French* thus laid ſiege to *St. Saviour le Vicount*, the Duke of *Bretagne* now in *England*, ſollicited the King his Father-in-law for ſome Aſſiſtance to recover his Dominions, which the King, being ſenſible that the Duke had loſt them for adhering to his Intereſt, readily granted;

[5] Id. ib. *The D. of* Bretagne *obtains Aſſiſtance of men.*

having already

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* vid. the commission ~~and~~ bear-ing Date 24 of nov 1374. Rot. Fran: 48. Ed. 3. m. 3. Rs. Col. p. 51.

[6] ~~Dug. Baron. Vol. 2. p. 154.~~

granted; and [6] constituting him his Lieutenant General in *Bretagne*, he join'd his Son *Edmund* Earl of *Cambridg* in Commiſſion with him. Then a powerful Fleet being alſo got ready, the Duke and the Earl his Brother-in-law, attended by the Earls of *Warwick*, *Stafford*, and divers Barons of note, having had publick Prayers made for their good Succeſs, went on Shipboard at *Southampton* in the beginning of the Spring, and there found three thouſand Archers and two thouſand Men at Arms ready to go along with him. With theſe Forces the Duke arrived ſafe at the Port of *St. Matthew du Fine Poterne* in *Bretagne*, where he landed, and forthwith began to aſſault the Caſtle, which ſtood without the Town, not very well fortified at that time either with Men or Ammunition; ſo that the *Engliſh* ſoon carried it by force, and put every Man of the Gariſon to the Sword: but thoſe within the Town being warn'd by this ſevere Example, preſently open'd the Gates, and received the Duke. From hence the *Engliſh* marched to *St. Paul de Leon*, which, tho it was ſtrongly fortified, was taken by Storm, and plunder'd, and the *French* Gariſon likewiſe put to the Sword; and from thence they paſſed on, taking Towns and Caſtles, till they came to *St. Brieux de Vaulx*, which was well furniſhed with all things neceſſary; for the Lords *Cliſſon* and *Beaumanoir*, the Viſcount of *Rohan*, and other Lords of *Bretagne*, had been there but a little before, and recruited the Place; yet the Duke reſolved to take it, either by Siege or Aſſault.

They land in Bretagne, *and take ſeveral Towns and Caſtles.*

[1] Id. c. 322.

The Viſcount of Rohan *and the Lord* de Cliſſon *beſiege Sir* John Devereux *in the* New Fort.

In [1] the mean while the Viſcount of *Rohan* and the Lord of *Beaumanoir*, who lay not far off, obſerving the Duke's Motions, heard that Sir *John Devereux* being near *Quimperlay*, made great Devaſtations, and had newly repair'd and fortified a ſmall Place, which he called *New Fort*, where he kept a Gariſon to the terror of the whole Country; ſo that the Inhabitants of the Town laſt mention'd durſt ſcarce ſtir out of their Gates for fear of being taken. Upon this the Noblemen laſt mention'd, ſent to the Lord *de Cliſſon*, who was then at *Lambale*, about five Leagues from *St. Brieux*, to deſire him to join his Forces with theirs, to take in that Place that gave them ſo much diſturbance, which he immediately put in execution; ſo that the *New Fort* being cloſely beſieged by them, was very near being taken; which the Duke of *Bretagne* hearing of, and not finding the Place he beſieged ſo eaſy to be gained, he immediatly marched away to the relief of the *New Fort*, which being juſt ready to be taken by a Mine, the Lord *de Cliſſon* upon the News of the Duke's approach preſently marched off to *Quimperlay* with all his Forces.

Till he is reliev'd by the D. *of* Bretagne.

[2] Ib. ib.

He then beſieges thoſe Noblemen in Quimperlay.

The [2] Duke having thus reſcu'd Sir *John Devereux*, preſently marched forward, and laid Siege to the Place laſt mention'd, which was carried on with ſo much vigour and reſolution, that the Lord *de Cliſſon* and the reſt of the Noblemen with him, finding no Succour like to come from *France*, and not having reaſon to expect much Mercy from the Duke, if the Place was taken by Storm, fell to treat with him, and offer'd to ſurrender the Place, and themſelves, provided they might be put to a moderate Ranſom for their Liberties: but the Duke thinking it below him to capitulate with his own Subjects, refuſ'd the Offer, and would have them abſolutely ſubmit to his Mercy; but they not accepting of that, all they could obtain of him, was, a Truce for eight days, during which time, if not relieved, they were to ſurrender;

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der; but before the time was expired, there happen'd an Affair that ſaved the Place, and all thoſe that were in it, and ſhews us how fatal a thing it is in War not to lay hold on the preſent opportunity; [1] for a few days after two *Engliſh* Knights were ſent thither from the Duke of *Lancaſter*, then at *Bruges*, enjoining the Duke of *Bretagne*, and all the *Engliſh* Commanders, in the King of *England*'s Name, to forbear all further Acts of Hoſtility; foraſmuch as there was a Truce then concluded between the Kings of *England* and *France*, and all their Friends and Allies: authentick Copies of which Articles were brought into the *Engliſh* Camp by thoſe Knights abovemention'd.

But for the better underſtanding of this Tranſaction, we muſt look a little back to the beginning of this ~~Summer~~ Spring, [2] when the Kings of *England* and *France* (by the Mediation of the Pope's Legates, the Arch-Biſhop of *Ravenna* and the Biſhop of *Carpentras*) appointed certain Commiſſioners under their Great Seals, to treat of a final Peace, as had been agreed the laſt Year. Thoſe for King *Edward* were, *John* Duke of *Lancaſter*, *William Mountagu* Earl of *Saliſbury*, *Simon Sudbury* then Biſhop of *London*, the Lord *John Cobham* of *Kent*, with divers other Lords, Knights and Civilians. The [3] Commiſſioners on the *French* ſide were the Dukes of *Anjou* and *Burgundy*, the Earl of *Salebruce*, and the Biſhops of *Amiens* and *Bayeux*, with divers others needleſs to be here recited.

[4] Then in order to this Treaty, the Duke of *Anjou* came to *St. Omers* in great State, where he ſtaid ſome time, until the Arrival of the Duke of *Lancaſter*, and the reſt of the Commiſſioners, who came to *Bruges* for the ſame purpoſe. In the mean while, the Duke of *Anjou* ſent for his Couſin the Lord *Guy* of *Blois* to come to him, and aſſiſt him with his Advice; and the Conſtable of *France* and the Lord *de Cliſſon* were order'd to lie on the Borders between *France* and *Flanders*, with ſufficient Forces to obſerve the Motions of the Earl of that Province, of whom they were jealous leſt he ſhould do ſomething to the prejudice of the *French* Intereſt, and that might diſturb the Treaty; for he being a faſt Friend to the Duke of *Bretagne* his Couſin, who was like to be injur'd by it, would not come to *Bruges*, notwithſtanding all the Commiſſioners on either ſide could remonſtrate to him.

But it is time to return to the Treaty it ſelf, in which the *French* now proved as much too hard for the *Engliſh*, as they had been lately in War: for the Demands of both Princes being very high, and not like to be abated on either ſide, and the Duke of *Bretagne*'s Concerns being alſo not eaſily accommodated, according to his own and the King his Father-in-law's Deſires, all that could be then done was, to patch up a temporary Truce for ſomewhat more than a Year, being to begin on the twenty ſeventh of *June*, and was to end on the firſt of *July* 1376. the Articles of which were to this effect, as follows.

from the date of the Instrument ~~Articles~~, being the re [illegible]

I. All [5] taking of Perſons, Fortreſſes, and other Places, all Pillaging, Robberies, Burnings, and all other Acts of War, thro all the Realms, Lands and Dominions of one Party, and the other, to ceaſe during the Truce. Neither Party to ſuffer any Subjects or

[1] Froiſ. ib.

[2] Rot. Franc. 49 Ed. 3. m. 2.

[3] Froiſ. ib.

[4] Id. ibid.

[5] Rot.Franc.ib.

Rot. Franc. m. 49. 51 Ed 3.

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Allies of the other to change their Obedience, Subjection or Alliance.

II. All Subjects of either Party to remain in the Countries of the other without Arms, and trade and diſpatch all other Buſineſs there without diſturbance; but not to enter into Caſtles, Fortreſſes or fortified Towns without Licence.

III. All Priſoners taken to be releas'd.

IV. No new Forts to be erected by either Party.

V. None of the Subjects or Allies of one Party to do injury to the Subjects or Allies of the other, or their Friends, by way of Company, Robbery, or otherwiſe; if they did, to puniſh them ſo ſoon as it came to the knowledg of their Lords, without any requeſt for that purpoſe.

VI. All Attempts and Injuries to be redreſs'd without delay.

VII. If the Lands of either Party were invaded by the *Companions*, upon requeſt they were to aſſiſt each other in freeing their Countries of them.

VIII. None to demoliſh the Houſes of either one Party or the other, nor deſtroy the Fruit Trees.

IX. If any evil Action, Attempt, or Enterprize happen, it ſhould not be a breach of the Truce, nor ſhould War be made thereupon. This Truce was ſealed by the Dukes and Pope's Nuncios at *Bruges* on the ſeven and twentieth of *June* 1375.

Ibid.

There were beſides theſe certain Mutations, Declarations and Modifications made by way of Supplement in reference to this Truce, by the Pope's Nuncios of the ſame Date; as namely,

1. That *Henry* King of *Caſtile* (~~the Baſtard~~) and the Lands He held, ſhould be compriſed in the ſaid Truce.
2. That the Duke of *Bretagne* ſhould in like manner be compriſed in it.
3. That War ſhould ceaſe there, and the King of *England* and Duke ſhould remove their Forces out of the Dukedom without delay, during the Truce, all except two hundred men to guard the Towns and Places the Duke held there.
4. The two Kings were alſo to ſend Commiſſioners to *Bruges* by the fifteenth of *September* next coming, to treat of a perfect Peace. ✗

The Reſidue of the Articles are of leſs moment, and therefore here omitted. Theſe were confirmed by *John* King of *Caſtile* and *Leon*, Duke of *Lancaſter*, with Proteſtation, that the Title of King of *France* given to King *Charles* Adverſary to his Father, nor the Title of King of *Caſtile* given to *Henry* his Adverſary, might in no wiſe prejudice either of them, or their Titles: and for the Obſervation of theſe Articles, the Earl of *Lancaſter* was ſworn on the behalf of King *Edward*, and the Duke of *Burgundy* for the King of *France*. This Treaty bears Date at *Bruges*, and was ſeal'd by the Pope's Nuncio's, the two Dukes, and the reſt of the Commiſſioners, on the twenty ſeventh of *June* 1375.

✗ There was likewise another Additional Article agreed to, which is not mentioned ~~[illegible]~~ in any of the Instruments ~~[illegible]~~ yet published viz. ~~[illegible]~~ whereas ~~money~~, that the Castle of St. Saveur above mentioned ~~which~~ was to be delivered into the hands of the Popes Legates, upon the payment * of 40000 franks by the People of the King of France, to those of the King of England and the s.d Fortress should remain in the hands of the s.d Legates untill a Peace be concluded, and then to be delivered to those to whom it shall be ordained by the s.d [illegible] but if no peace were concluded during the s.d Truce then that the s.d Place should be freely delivered to the King of France or his Deputies upon the payment of 40000 franks more on the first of June ensueing, which if not payd the Fortress was then to be rendered to the King of England or his Deputies [illegible] see this Articles at large Rot. Franc. 49. E. 3. m. 14. [illegible] p. 79. which [illegible] not mentioned by any Historian [illegible] being

Concerning

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Concerning which Treaty, I muſt here further ſubjoin, That notwithſtanding it now proved very diſadvantageous to the *Engliſh* Intereſt, and that King *Edward* was at great Expences to maintain his Ambaſſadors there, yet it was continued, tho not without ſome Interruptions, for near two Years together, and [1] the Truce was again prolonged for another Year; during all which time the *French* King prepar'd himſelf for War, by providing Men, Arms, and all other Neceſſaries for that purpoſe, but the like Preparations were carried on very remiſly during the ſame time in *England:* But We ſhall now quit the Civil Affairs, and return again to the Military.

The Truce was again prolonged for another Year.

When the Duke of *Bretagne* had received the Notice concerning this Truce, he was much diſpleas'd at the making of it, as he had reaſon, ſince it was to the ruin of his Affairs. [2] So that all he could then do, was, to go to the Caſtle of *Auray* to his Dutcheſs, and taking her along with him, he went from thence to *Calais*, and ſo paſſed over into *England* with his Lady, as you will find hereafter.

The Duke of Bretagne *goes to the Caſtle of* Auray, *and thence to* Calais.

Nor was this the only thing in which the *French* were too hard for the *Engliſh* in this Treaty; for tho by an Additional Article in it, it was provided, That during the ſaid Truce both Kings and their Allies ſhould hold and enjoy all Places which they had in their Poſſeſſion at the Concluſion of it, and that from this Clauſe the *Engliſh* ſuppoſed that *St. Saviour le Vicount* ſhould be ſecur'd to them during that time;* yet the *French*, who were always good in picking holes in Treaties, reſolved, [3] That the Firſt Agreement concerning the Delivery of that Place ſhould be obſerved, which was to be ſurrendered, unleſs reſcued by Forces from *England*, by ~~ſuch a time~~: therefore the *French* King ſent thither above Six thouſand Men, who coming before the Caſtle, and none appearing on behalf of the Gariſon, either to raiſe the Siege, or keep the Field, ſo ſoon as the time appointed was expired, they renew'd their Summons to ſurrender; and then the *Engliſh* Gariſon and Officers, being commanded by *Thomas Cathrington* their Governour, were by him forced to give up the Place againſt their Wills; and ſo marching out with their Baggage, were convey'd ſafe to *Carentan*, from whence they not long after ſail'd for *England*. But tho during this King's Reign *Cathrington* eſcaped being queſtioned for ſo meanly ſurrendring ſo Conſiderable a Place; yet in the beginning of the next he was accuſed of Treaſon for this Action, and thereupon challenged to a ſingle Combat by Sir *John Anneſly*, by whom he was vanquiſhed, as you will find hereafter. But to return to the preſent Affairs: Beſides this Breach of the Truce made by the *French* in taking *St. Saviour le Vicount*, after this manner, certain Ships of *England*, which had lately carried over into *Aquitain* the Lord *Thomas Felton*, Seneſchal of *Aquitain*, and Sir *William Elman* Governour of *Bayonne*, whom they had landed at *Bourdeaux*, being now return'd thence to *Le Baye* in *Bretagne*, were boarded by ſome Gallies, and taken on the Tenth of *Auguſt*, tho the late Truce extended unto the *Spaniards* alſo, as appears by the Articles: but of theſe Infractions we ſhall find Complaint made in Parliament the Year following, by the Owners of the ſaid Veſſels.

The French *notwithſtanding the Truce ſummon* St. Saviour le Vicount, *which is delivered to them thro the Cowardice of the Governour.*

Some Engliſh *Ships that carried over the* L. Tho. Felton *and Sir* Will. Elman *into* Aquitain, *are taken by ſome* Spaniſh *Gallies.*

* unless the French paid down the sum, [illegible] the [illegible] of it by the King [illegible] which [illegible]

Some [illegible] King of France [illegible] King Edward the 3d [illegible] Treaty as had been before agreed on and [illegible] being now taken he was [illegible] to accept [illegible] to give [illegible]
vid. Rot. Franc. 50 E. 3 m. 20 [illegible] p. 163

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[1] Froiſ. ib.

[2] Id. ibid.

[3] Id. c. 323.

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[a] T. W. Ypod. Neuſt. ad hunc An.

A Relation of the ſevere Impriſonment, Redemption and Death of John *Earl of* Pembroke.

I muſt not here omit [a] the untimely Death of *John Haſtings* Earl of *Pembroke*, who having been taken Priſoner at Sea two Years ſince by the *Spaniards*, as you have already heard, and by them kept in a very ſevere Reſtraint, was ſo weary of it, that not being able then preſently to raiſe his Ranſom, he choſe rather to put himſelf into the hands of an Enemy of another Nation, and therefore ſent to the Conſtable *de Gueſclin* to beg his Aſſiſtance, and deſire that he would lay down his Ranſom for him, and take his Perſon for his Security: whereupon the Conſtable generouſly reſigning all the Lands that had been given him in *Caſtile*, and acquitting that King of divers great Sums that were due to him for his Service, he had the Earl's Perſon delivered up to him, and was for his Ranſom to pay no leſs than Twenty ſix thouſand *Florins*; which Sum certain Merchants of *Flanders* engaged on his behalf to pay at *Bruges*, upon the news of his Safe-delivery at *Calais*: but he never reached that Place, but whether poiſoned by the *Spaniards* before he left it (as was ſuſpected) or not, preſently after the Bargain of his Ranſom was made, he fell deſperatly ſick; and the Conſtable, fearing his Recovery, made haſt to have him convey'd from *Paris* to *Calais* in a Horſe-litter by eaſy Journeys; but before he reached that Place, he † expired by the way on the Sixteenth of *April* this Year; and his Body being brought over into *England*, was buried firſt in the Church of the *Friars-Preachers* at *Hereford*, and [b] afterwards was tranſlated to the *Grey-Friars* near *New-Gate*, now called *Chriſt-Church* in *London*. But I muſt here further obſerve, that as the *Monkiſh Writers* of this, as well as former Ages, never fail'd to impute the ill Succeſs of thoſe they did not love, to the Divine Vengeance, ſo they make the Defeat of this Nobleman at Sea, and his being taken Priſoner, to be the effect of the Wrath of St. *Ethelreda*, Patroneſs of the Church of *Ely*, for taking part againſt her in a Cauſe depending betwixt her Abby and that of St. *Edmunds-Bury*; and therefore they ſuppoſe that it was upon the Day dedicated to this Saint that he received his Overthrow. But certainly * *Walſingham* is miſtaken, in aſſigning his Death to be on the ſame Feſtival; whereas it appears by the Record above-cited in the Margin, to have happened on the Day already mention'd. But our Author rather attributes this Earl's ill Succeſs to his having led an Adulterous Life, as alſo becauſe he had in Parliament attempted an Infringement of the Church's Liberties, and perſuaded the King to lay heavier Taxes upon the Clergy than on the Layety, for the Support of his Wars. But I ſhall not lay ~~all~~ theſe Crimes to this Great Man's Charge, for the Reaſon already given. the King issued out

† Rot. Eſcaet. 49 Ed. 3. n. 70.

[b] Leland. Itin. 4. Vol. MS. in Bibl. Bodl.

* Ad hunc An.

~~*Anno Dom.*~~
~~1376.~~

A. D.
1376.

|| Rot. Clauſ. 49 E. 3. ~~m. 6. dorſ.~~ ~~Ib.~~ m. 4. dorſ.

A Parliament ſummon'd.

† Rot. Parl. 50 Ed. 3. n. 2.

Sir J. Knivet *L. Chancellor ſets forth the cauſes of their Meeting.*

This Year ~~begins with the~~ || Writs of Summons, dated the Eight and twentieth of Dec ~~September~~, for a Parliament to meet on the Twelfth of *February*: afterwards, before it met, by Writs dated the Twentieth of *January*, the King thought fit to prorogue it to the Monday after the Feaſt of St. *George*, † but it ſat not till the next day; and then the Prelates, Dukes, Earls, Barons, and other Great Men, and Commons, Juſtices, Serjeants of the Law, and others, aſſembled in the Painted Chamber before the King, where Sir *John Knivet* then L. Chancellor declared the Cauſes of holding this Parliament; which were theſe, *viz.*

The Firſt and Principal was, To Adviſe about the Good Government, and Peace of the Realm of *England*.

The Second was, For the Defence and Safety of the Kingdom, as well by Sea as by Land.

The Third was to take Order for the Maintenance of the War with *France*, and elſewhere; and how, and in what manner it might be done for the beſt Profit, quickeſt Diſpatch, and greateſt Honour of the King and Kingdom.

And then he told them expreſly, That what the King always had done, was by their good Counſel and Aſſiſtance, for which His Majeſty entirely thanked them, and deſired they would diligently adviſe about theſe Matters; the Prelates and Lords by themſelves, and the Commons by themſelves; and give in their Good Anſwers as ſoon as they well could.

[1] The Commons upon this went to their accuſtomed Place, the Chapter-Houſe of the Abby of *Weſtminſter*, and the Prelates and Lords went by themſelves; and there were aſſigned in Parliament the Biſhops of *London*, *Norwich*, *Carliſle*, and *St. Davids*, with the Earls of *Marche*, *Warwick*, *Stafford* and *Suffolk*, the Lords *Piercy*, Sir *Guy de Brian*, Sir *Henry L'eſcrop*, and Sir *Richard Stafford*, to go to the Commons, and aſſiſt them in treating and conferring upon the things before declared: and then they agreed upon the Grant of a Subſidy, which begins as followeth.

[1] Ib. n. 8.

The Lords and Commons conſult apart. Certain Biſhops and Peers appointed to go to the Commons to aſſiſt them.

“The [2] Lords and Commons aſſembled in Parliament, having conſideration of the very Great Charges and Expences the King hath, and muſt be at, for the maintaining of his Wars, and his Noble Eſtate, granted Him the Subſidy of Wool, Leather, and Wool-fells, as it was granted Him in the Parliament holden at *Weſtminſter*, in the Forty ſeventh Year of his Reign, from the Feaſt of St. *Michael* next coming, when the Subſidy then granted ended, to the end of Three Years: And the Commons humbly pray the King to excuſe them, that they have given Him no other Subſidy or Aid for his Wars, for that they were brought ſo low, and ſo diſabled by the Peſtilence, the Murrain among their Beaſts, and Deſtruction of their Grain and other Fruits by bad Weather, that they could not do more at preſent; but promiſed if any extraordinary Caſe ſhould happen, they would Aid Him to the utmoſt of their Power, as they had done before, *beyond all the Commons of the World to their Liege Lord*.

[2] Ib. n. 9.

They at laſt agree to continue the Subſidy on Wool, &c.

After [3] this, the Commons conſidering the great Miſchiefs upon the Land, ſhew'd unto the King and Lords of Parliament, That it would be for his Honour and Profit, and alſo that of the whole Realm, which is grieved in divers manners by many Adverſities, as well as by the Wars of *France*, *Spain*, *Ireland*, *Guienne*, *Bretagne*, and otherwhere; ſo that the Officers about the King without other Aſſiſtance, were not ſufficient for ſo great Buſineſs; wherefore they pray that the King's Council may be inforced or augmented with ſome Lords, Prelates and others, to the number of Ten or Twelve, who ſhould be continually near the King, ſo as no Great Buſineſs might paſs without the Advice and Aſſent of Six, or Four of them at leaſt, as the Caſe required.

[3] Ib. n. 10.

The Commons petition the K. that more Lords and Prelates ſhould be added to his Council.

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[3] Ib.

quired. [3] The which Requeſt the King, underſtanding it was Honourable and very Profitable to Him and the whole Kingdom, readily granted; provided always that the Chancellor, Treaſurer, and Privy-Seal, and all other the King's Officers might execute their Offices without the Preſence of any the ſaid Counſellors; which the King was to aſſign from time to time of ſuch as He pleaſed, who were to be ſworn to keep this Ordinance, and to do Right to every one according to their Power, without receiving any Reward for ſo doing:

[4] Ib. n. 11.

[4] And, That none of the King's Officers ſhould receive any *Gifts*, *Fees* or *Rewards*, other than their Salaries, Liveries, and Travelling Charges.

[5] Ib. n. 15.

The Commons ſet forth the late Miſmanagement of the King's Treaſure.

[5] The Commons then made *Proteſtation*, That they now were and always have been, and will be ready to Aid the King with their Bodies and Goods, to the utmoſt of their Power; yet they ſaid, that if the King had always had about Him Loyal Counſellors and Good Officers, He had been now rich in Treaſure, ſo that He ſhould not have needed ſo much to have charged his Subjects with Subſidies, Taillages or other ways, conſidering the great Sums of Gold which were brought into the Kingdom for the Ranſom of the Kings of *France* and *Scotland*, and other Priſoners. They alſo ſaid, It further ſeem'd to them, that for the particular Profit and Advantage of ſome private Perſons about the King, and their Confederates, the Realm was much impoveriſhed, and many of the Merchants undone; wherefore they thought it very profitable to the King and his whole Kingdom, to have all theſe things duly amended, ſo ſoon as might be.

And deſire that He would do Juſtice on ſuch Offenders.

And farther the Commons promiſed the King, that if He would do Juſtice and ſpeedy Execution upon ſuch as ſhould be found culpable, and proceed with them as Law and Reaſon required, they would undertake He ſhould be ſo rich as to be able to maintain his Wars, and ſupport his other Affairs for a long time, without any great Charge to the Commons. And they ſaid moreover, That in doing this, He would do a thing meritorious and well-pleaſing to God, and much for the Encouragement of them who were willing to Aid Him according to their Power: and then propounded three eſpecial Points to be enquired into and amended.

[6] Ib. n. 16.

Three Points deſired to be amended, 1. *concerning the removal of the Staple from* Calais.

Firſt, [6] *Whereas the Staple of Wool, and other Staple Merchandiſes and Bullion, was lately Ordained in Parliament to be at* Calais, *and no where elſe, for the great Profit of the King and Kingdom, the Advantage and Amendment of the Town, for the Concourſe of Merchants, and their continual Reſidence there; the ſaid* Staple, Bullion *and Trade is removed from thence, and like to be loſt by the Procurement and Counſel of the ſaid particular Perſons about the King, and their Confederates, for their own Profit, to the great Damage and Prejudice of the King and his Realm, and Deſtruction of the Town of* Calais.

[7] Ib.

2. *Lending the King Mony on exceſſive Intereſt.*

Secondly, [7] *Whereas the King had need of divers Sums of Mony for his Wars and otherwiſe, ſome Perſons by Conſent and Contrivance of the ſaid particular Perſons about Him, made Agreement for divers Sums to the uſe of the King upon Uſury, taking more from Him for Intereſt than they bargained for, to the Deceit and grievous Damage of the King.*

Thirdly, [3] *Whereas the King was Debtor to divers People upon Record in great Sums, ſeveral had by Aſſent and Contrivance of the ſaid Perſons bargained with his Creditors for the Tenth, Twentieth, or Hundredth Penny, and procured the King to pay the whole Debt, in Deceit of the King and his Creditors, for the particular profit of themſelves and Confederates.*

Anno Dom. 1376.

[3] Ibid.

3. *Compounding the King's Debts at an under Rate, and then charging him with the whole Sum.*

Upon theſe, or ſome of theſe Articles, ſeveral were impeached by the Commons; firſt [4] *Richard Lyon*, Merchant of *London*, and Farmer of the King's Subſidy and Cuſtoms; he put himſelf upon the King's Grace, and ſubmitted his Body, Lands and Goods to the King's Pleaſure: * whereupon he was adjudged to be impriſoned during the King's Pleaſure, to loſe the Franchiſe of the City, never to bear Office under the King, nor approach his Council or Court. All his Goods and Chattels were ſeized into the King's hands, and Inquiry was made in all the Ports concerning his Extortions, ſince his being Farmer of the Cuſtoms.

[4] Ib. n. 17.

Richard Lyon *and others impeached by the Commons on theſe Articles.*

* Ib. n. 19.

The [5] Lord *Latimer* was accuſed by the Impeachment of the Commons, upon the ſame Heads and Articles with him, and as Confederate with *Lyon*, who tho he ſeem'd to make a good and ſatisfactory Defence, yet by the Prelates and Lords in full Parliament [6] he was adjudged to be impriſon'd, and make Fine and Ranſom at the Will of the King; and further upon the Petition of the Commons, the King granted that he ſhould never have Office under Him, nor be of his Privy Council. However he was bailed by [7] Four Biſhops (the Archbiſhop of *York* being one) Three Earls, the Prior of St. *John* of *Jeruſalem*, and Twenty ſix Barons; with Promiſe, that during the Parliament he ſhould appear before the King and Lords, to anſwer further to the Articles of which he was accuſed.

[5] Ib. n. 21.

The L. Latimer *impeach'd as a Confederate with* R. Lyon.

[6] Ib. n. 28.

[7] Ib. n. 29.

[8] *William Ellys* of Great *Yarmouth* was alſo accuſed, by the Charge of the Commons, as Deputy Farmer, to *Richard Lyon*, of the Subſidy of Six Pence in the Pound on all Merchandiſes granted to the King, of many Extortions in collecting them, and other evil Practices; and notwithſtanding his Anſwer, which might ſeem ſatisfactory and ſufficient to ſome, yet he was awarded to Priſon, and ordered to make Fine and Ranſom at the * King's Will, and to pay his Proſecutors ſeveral Sums of Mony for Injuries ſaid to be done to them.

[8] Ib. n. 31.

Will. Ellys *accuſed of Extortion in collecting the late Subſidy.*

* *That is, according to the Judgment given in the Court of* King's Bench.

[9] It is alſo there ſaid, that it diſpleaſed the King, that Women ſhould perſue and ſollicit Buſineſs in his Courts at *Weſtminſter*; and therefore He (upon the ſaid Common's Requeſt) forbad all Women (eſpecially *Alice Perers*) for the future to do it, upon pain of forfeiting whatever the ſaid *Alice* was worth, and to be baniſhed the Realm.

[9] Ib. n. 35.

Women are forbidden to meddle with any Buſineſs, &c.

During the Seſſion of this Parliament, † *Edward* Prince of *Wales*, the King's Edeſt Son, died on the Eighth of *June*, being *Trinity* Sunday: whereupon the Commons humbly pray'd the King, that for the great Comfort of the whole Kingdom, He would order the Noble Child or Youth, *Richard* of *Bourdeaux*, Son and Heir of *Edward* late Prince of *Wales*, to come into the Parliament, that the Lords and Commons might ſee and honour Him, as the true Heir apparent of the Realm; which Requeſt was granted: and at the ſame time, the Biſhops, Lord Temporal, and Commons applied to the King to make him Prince of *Wales*, which was done within a ſhort time after.

† Ib. n. 50.

The Death of Edward *Pr. of* Wales.

The

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[1] Ib. n. 57. *The Commons petition about Juſtices of the Peace.*

[1] The Commons farther petition'd, That Juſtices of the Peace might be named in every County by the Lords and Knights of the ſaid County in Parliament, and ſworn before the King's Council, and not to be removed without Conſent of Parliament; and that they might be allowed Wages. The King's Anſwer was, They ſhould be named by Him and his continual Council; and as to Wages, He would conſider of it.

[2] Ib. n. 143. *The Mayor,&c. of* London *petition againſt Strangers ſelling Goods by Retail.*

[2] The Mayor, Aldermen, and Commons of *London*, ſhew'd unto the King how they were impoveriſhed and brought to nothing, by reaſon their *Franchiſes granted and confirm'd by Him and his Noble Progenitors*, were reſtrain'd, and in a great meaſure taken from them; and aſſign their chief Grievance to be, that any Stranger might have a Houſe and dwell in the City, be a Broker and buy and ſell any ſorts of Merchandiſes by Retail, and a Stranger ſell to Strangers, that they might again ſell the ſame Goods to Others, to the great raiſing the Price of Merchandiſes, and making them dear: whereas in time paſt no Strange Merchant uſed any of theſe Practices againſt the *Franchiſes* of the City, by which the Merchants of the City were much impoveriſhed, the Navy or Shipping much impaired, the private Tranſactions of the Nation diſcovered by thoſe Strangers to his Enemies, by Spies and others lodging in their Houſes: and then pray, it would pleaſe the King and his good Council, in Charity, to order in that Parliament, that Merchant Strangers ſhould be reſtrain'd in theſe Practices; and that the Mayor, Aldermen and Commons of the ſaid City, might enjoy their *Franchiſes*, notwithſtanding any *Statute* or *Ordinance* made to the contrary.

[3] Ibid. *The King conſents to it.*

[3] The King's Anſwer was, That upon Condition the City might be under good Government, to the Honour of Him and Profit of the Kingdom, then from thence forward no Stranger ſhould have a Houſe to be a Broker in, nor to ſell any Goods by Retail within the City or Suburbs, notwithſtanding any *Statute* or *Ordinance* to the contrary; **Saving** to the *German* Merchants of the *Hans-Towns*, their Franchiſes, granted and confirm'd to them by the King and his Progenitors. Then according to the purport and effect of this Anſwer, the Mayor, Aldermen and Citizens of *London* obtain'd the King's Letters Patents, dated the Fourth of *November* next following, of which I ſhall ſpeak more in another Place.

[4] Id. n. 164. *The Commons complain of great Riots.*

[4] Then the Commons petitioned the King, That whereas great Riots were committed in ſeveral Parts of the Nation by numbers of Armed Men, that therefore the Sheriffs might raiſe the *Poſſe Comitatus* or Power of the County to ſuppreſs them; and that the Sheriffs and Juſtices of the Peace might inform the King's Council of ſuch Rebels as refuſed to go with them.

[5] Ibid.

[5] The Anſwer was, The King by the Advice of his Great Council would order Remedy, if need were; but in the mean time, let the Statutes concerning that matter be put in due Execution. Then this Parliament ended *July* the Sixth, in the Fiftieth Year of his Reign.

Theſe were the moſt remarkable Tranſactions in this buſy Parliament; and I have put down the Petitions of the Commons, that the Reader may ſee the Principal Grievances of that Time, and compare them with thoſe that have happen'd during the preſent Age.

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The great Aſcendant that Alice Peirce *had over the King.*

I muſt not here omit to take notice of ſome things relating to this Parliament, which (tho not in our Records) are mention'd by * *Walſingham* and other Writers of that time, and do ſufficiently diſcover how far the King was then declin'd from that command of his Paſſions, which He had ſo well exerciſed in his younger Years. For *Alice Peirce* above-mention'd (whom our Authors call an impudent young Woman) was now grown ſo intimate with the King, as not only to be preſent in his Bed-Chamber, and there intermeddle with publick Affairs, but alſo to appear and ſit in the Courts of Judicature, both Civil and Eccleſiaſtical, and publickly defend thoſe Cauſes ſhe had undertaken to promote: and therefore for the great Scandal and Reproach it caſt upon the King and his Government in Foreign Countries, the Knights of Shires had particularly petitioned for her Removal from the King's Perſon; tho it ſeems this Petition had no great effect, for not long after the Diſſolution of this Parliament ſhe was again reſtored to the King's Favour, and to that degree, as to be revenged upon her Enemies: for ſhe procured Sir *Peter de la Mare*, a [1] Conſiderable Knight of *Herefordſhire* both for Prudence and Eloquence (but not Speaker of this Parliament, as *Walſingham* by a Miſtake relates) to be committed cloſe Priſoner to *Nottingham* Caſtle, where he lay till the beginning of the next Reign; and that for no other reaſon, but becauſe he had ſpoke too freely againſt this *Alice* in the late Parliament. *^

Notwithſtanding the laſt Parliament's Petition againſt her, ſhe is reſtored to the King's Favour, and Sir Peter de la Mare, *who ſpoke againſt her, is committed cloſe Priſoner.*

^ And likewise William of Wickham Bp. of Winchester late Chancellor being [illegible] with the Duke of Lancaster was not only forbid coming to Westminster during this session of Parliament but was also accused before the King and Council of converting the Kings treasure wch had come into his hands to his own use, for which and other accusations, he had the [illegible] [illegible] required him to answer the [illegible] accusations. 5. Rot. Claus: 51 E3: m. p.2. m.1. vid: Rot. Cal: pa. 172.

I ſhall now add ſomething more than is mention'd in our Records concerning the Death and Burial of *Edward* the *Black Prince*, whoſe Diſtemper originally was a Dropſy, yet it ended in a Burning Feaver, which took him off on the Eighth Day of *June*, in the Forty ſixth Year of his Age, to the great Loſs and Regret of the whole Nation, who deſired nothing more than that He might ſurvive his Father, and ſhew He could Govern as well as Obey. I need not ſay any more of this Worthy Prince, ſince his Character is ſufficiently ſet forth by his Great and Noble Atchievements, which You have ſo often met withal in this Hiſtory, ſo long as He was able to Act in Perſon either in Civil or Military Affairs: He left no other Iſſue Legitimate but his Son the Lord *Richard*, who was then about Ten Years of Age. But He, beſides his Father's Example, wanted his Precepts and Government to form his Mind to all thoſe Vertues his Father was Maſter of.

The Black Prince died of a Feaver.

As for the manner of his † Funeral, the Body of this Famous Warrier being Embalmed, lay in State, to be kept till *Michaelmas* following, that ſo it might be interr'd with the Greater Solemnity, in the Preſence of the Peers and Biſhops of the Kingdom; and accordingly at that time He was carry'd in a Stately Hearſe, drawn with 12 Horſes thro the City of *London*, and ſo went on till they came to *Canterbury*. He was buried with great Solemnity in that Cathedral, and, as He Himſelf had order'd in his Will, near the Shrine of *Thomas Becket*. Over his Grave was ſhortly after erected ‖ a Stately Monument of Grey Marble, with his Portraicture lying thereon of Copper gilt, which is preſerved to this Day. And King *Charles* of *France*, tho He was his Enemy, yet as a Kinſman, perform'd his Obſequies in a moſt Noble manner in the [2] Chappel of his Palace at *Paris*, the greater part of his Prelates and Peers being preſent. As for King *Edward*, He lay'd the Loſs of his Son ſo much to Heart, that being worn out

The Prince's Body buried in the Cathedral of Canterbury.

His Obſequies are ſolemnized by the King of France.

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* Ad hunc An. Chron. Eveſ.

[1] Id. ib.

† Froiſ. c. 324. Sandf. Gen. Hiſt. p. 188.

‖ Vid. *the Fig. of it in* Sandf. Gen. Hiſt. ib.

[2] Froiſ. ib.

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with Grief and Age, He ſurvived Him but One Year and Thirteen Days.

[1] Mill's Catal. Hon. p. 315.

[1] But to ſupply this great Loſs, on the twentieth of *November*, the King in compliance with the Petition of all the Eſtates in the late Parliament, did by his Letters Patents create his Grandſon, the Lord *Richard*, Prince of *Wales*, Duke of *Cornwall*, and Earl of *Cheſter* (as his Father had been before him) and thereupon He [2] declared to the Duke of *Lancaſter*, and to the reſt of his Sons, that Prince *Richard* was of Right to reign over them; and on *Chriſtmas*-Day following, the King dining in State, placed Him at the Table above all his Sons, to ſhew them that He deſign'd Him for his Succeſſor.

[2] Froiſ. c. 325.

[3] Id. ib.

Another Meeting at Bruges *to treat of a Peace between the two Crowns.*

50 Ed. 3. m. 22.

Commission

the Archbp. of Canterbury the Earl of Cambridge

Latymer

Cobham

But to return to Foreign Affairs: [3] When the Feaſt of *All-Saints* drew near, which was the time appointed for another Aſſembly of moſt of the ſame Commiſſioners at *Bruges*, in order to prolong the Truce to a further time than that before-limited, or, if poſſible, rather to ſettle a laſting Peace; there came again thither for the *French* King the Duke of *Burgundy*, ~~the Earl of *Salebruche*, and the Biſhop of *Amiens*~~; but the Duke of *Anjou* remained ~~ſtill~~ at *St. Omers*, tho for what reaſon I know not. And on King *Edward*'s part came the Duke of *Lancaſter* ~~and *Bretagne*~~, the Earl of *Saliſbury*, ~~and *William Courtney* Biſhop of *London*~~; and then the Biſhops of *Ravenna* and of *Carpentras* the Pope's Legates, being Mediators, did what they could to perſwade both Parties to more Moderation; but it ſeems to no purpoſe, for they were ſtill very far aſunder in their Demands: for the *French* King requir'd no leſs than one Million and four hundred thouſand *Franks*, which had bin paid for the ranſom of the King his Father, to be reimburſed, and that *Calais* ſhould be ſurrender'd, or elſe raſed to the Ground; but the *Engliſh* Commiſſioners (as they had reaſon) utterly refus'd to conſent to either of theſe Demands. Whereupon the *French* Commiſſioners deſired leave from the [4] Legates, † that ſome of them might return to *Paris*, to give the King a more particular Account of what was demanded by the *Engliſh*, which was granted; and when they had ſhewn Him, that beſides thoſe Propoſals he had made, which were utterly refuſed, they ſtill inſiſted on an Abſolute Sovereignty over thoſe Territories, without paying any Homage to the Crown of *France* for the ſame, as had bin before granted to the King of *England* and his Heirs by the Treaty of *Bretigny*: I ſay, when the *French* King was informed of this, He ſummon'd a great Aſſembly of his Peers and Nobles, beſides many Doctors of Divinity and Law to *Paris*, and there, after a Great and Solemn Debate of the whole Matter, it was at length almoſt unanimouſly concluded on, That the King could not part with his Right of Sovereignty over thoſe Provinces, without great peril of his Soul, becauſe He was ſo manifeſtly ſworn to defend the Rights of his Kingdom.

for time

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and

The Pope's Legates again uſe their Mediation for a Peace, but to little purpoſe.

[4] Fab. p. 258.

† *Note, this is miſplaced by this Author in* 1373, *when there was no ſuch Treaty on foot; but the Matter is true. The* French *Commiſſioners acquaint their King with the* Engliſh *Demands.*

When the Commiſſioners that had been ſent on this Meſſage were return'd to [5] *Bruges*, and had given this Account of the *French* King's Reſolutions, all hopes of a Peace quite vaniſhed; yet nevertheleſs by the earneſt Interceſſion of the Legates, the [6] Truce which had been ~~was~~ prolong'd to the laſt day of *June* next to come, ~~and~~ was now ~~afterwards~~ continued to the firſt of *April* the Year following; to give notice of which a [7] Proclamation was preſently after iſſued out by the King's Order: and

[5] Id. ib.

[6] Rot. Fran. 50 Ed. 3. m. ~~16, 21.~~ 22.

[7] Rot. Clauſ. 50 E. 3. pars 1. m. 3.

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to prolong this Truce, the Commiſſioners on both ſides ſtay'd at *Bruges* all the enſuing Winter, and moſt part of the *Lent* following, living in great State, eſpecially the Dukes of *Lancaſter* and *Burgundy*; but in the Spring they all return'd to their reſpective Countries, except the Duke of *Bretagne*, who ſtay'd in *Flanders* with the Earl *Lewis* his Couſin, where he received a kind Entertainment for above a Year, till he return'd into *England*. X

X I find nothing els transacted in relation to France onely that the King by his Letters Patents dated July 23d. settled the Staple, or place of Trade for the vending English wool, lead, tin and worsted clothes & to be at Calais or else where which had been before at Bruges. Rot: Franc. 50 Ed: 3. m. 9. RS. vol: p. 116.

Also the King being on the 29 of January this year compleated the 50th year of his Reign, therefore in imitation of the Popes Jubile he now granted Pardons, immunities

Rot: Pat. 51. Ed: 3. m. 41. RS. col: p. 134.

and graces to all his loveing subjects both of the Clergy & Laity. See the particulars. Rot: Pat. 51. Ed: 3: RS. col. p. 136. 1377

The Pope removes his Seat to Rome.

As for Eccleſiaſtical Affairs I find nothing worth noting, only this Year Pope *Gregory* XI. [1] hearing of the great Confuſions and Diſorders in *Italy*, (when He found He could not make a Peace between the Kings of *France* and *England*) removed his Seat from *Avignon* to *Rome*, to which Conſiderations were joined the Pious Exhortations of two reputed She-Saints, *Bridget* of *Sweden*, and *Catherine* of *Siena*: So * He left *Avignon* toward the middle of *September*, and after great dangers at Sea by Storms, *&c.* arrived at *Rome* in *January* following, where He was receiv'd with all the Pomp and Joy imaginable; and here the Court of *Rome* continued, until a freſh Schiſm in the *Romiſh* Church cauſed it to return to its former Seat at *Avignon* for divers Years enſuing.

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A Parliament summon'd.

King *Edward*, ~~many~~ divers Months before the Expiration of the late Truce, having had notice of a Deſign forming againſt Him by the King of *France* to invade *England*, and that he had made a freſh Alliance with *Caſtile* and *Scotland* for that purpoſe; to prevent this, and to make all neceſſary Preparations for a War, He had on the firſt of *December* laſt paſt [2] iſſued out Writs for a Parliament to meet on the *Quindene* of St. *Hilary*, or Seven and twentieth of *January* next coming at *Weſtminſter*; but the King being then indiſpoſed, it was held by Commiſſion to *Richard* Prince of *Wales*, who was about Ten Years of Age, the Biſhop of St. *Davids* being Chancellor. [3] Upon the Day of their Meeting, after a Speech in the nature of a Sermon, upon this Text, * *Ye ſuffer Fools gladly, ſeeing that Ye your ſelves are wiſe*; He thus apply'd it, That tho they were wiſe, yet He deſired thoſe to hear him, who were not ſo. Then he ſaid, That as a Meſſenger who bringeth Joyful News is welcome, ſo ought he to be now, ſince he brought them Joyful News of the King's happy Recovery from a dangerous Sickneſs (for now the King was ſomewhat better, tho He afterwards relapſed) Then after many Praiſes and Commendations given to the King, and the Happineſs He enjoy'd, not only in having ſo many Sons, but alſo in ſeeing his Children's Children, the Biſhop turning his Diſcourſe to the Lords, did let them know the King's Great Value for them, ſince at their Requeſt He had created the Lord *Richard* Prince of *Wales*.

And [4] then addreſſing himſelf both to the Lords and Commons he ſet forth, that the chief Cauſe of their Summons was for the defence of the Realm, for that the King having, at the requeſt of the Pope, agreed to a Treaty of Peace, there was a Truce made for a time, till a Peace might be concluded; but this Truce his Adverſary of *France* had broken, and was now preparing for War, and, by the aſſiſtance of *Spain*, *Scotland*, and other Enemies, to deſtroy the King, Kingdom and *Engliſh* Language: Therefore to obviate this Deſign, and prevent the Malice of his Enemies, and to maintain the Peace of the Na-

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[1] Froiſ. c. 32.

* Odor. Rayn. ad hunc An. & Mezeray ad eund.

[2] Rot. Clauſ. 50 Ed. 3. m. 6. dorſ.

[3] Rot. Parl. 51 Ed. 3. m. 10, 11, 12, 13.

* 2 Cor. c. 11. v. 19.

[4] Ibid.

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Nation at home and abroad by their Counſel and Advice, as it was his chief Intention, ſo was it alſo to know how the Expence of the preſent War ſhould be provided for. But ſince it was not fit for a Biſhop to ſay any thing againſt the Pope, Sir *Robert de Aſheton*, Chamberlain to the King, was appointed to propound, how further *Proviſion* might be made againſt his Uſurpations, as ſhould by a Bill be ſhewed in this Parliament.

At the next Meeting of all the Eſtates in Parliamenr, [2] the Commons in the King's Name were directed to go to their accuſtom'd Place, the Chapter-Houſe of the Abby of *Weſtminſter*, there to treat and adviſe how a fitting Reſiſtance might be made againſt the Enemies of the Nation, for the Safety of the King, Kingdom, Navy and themſelves; and how Mony might be moſt ſpeedily raiſed to the leaſt Grievance of the People. Then the Prelates and Lords, after they had done treating about theſe Matters, agreed, that the Biſhops of *Lincoln*, *Chicheſter*, *Hereford* and *Salisbury*, the Earls of *Arundel*, *Warwick*, *Salisbury* and *Stafford*, the Lords *Piercy*, *Roos*, *Fitz-Walter* and *Biſſet*, ſhould go and confer with the Commons for their better direction and information.

The [3] Reſult of theſe Conſultations was, that to maintain the King's Wars, and the great Charges He would be at for them, and the neceſſary Defence of the Kingdom, the Lords and Commons granted Him four Pence by way of Poll from every Perſon of the Kingdom, Male and Female, above fourteen Years of Age, except mere Beggars; and moſt humbly prayed their Liege Lord, that He would pleaſe to excuſe them that they could grant Him no greater Subſidy, being moſt willing to have done it; but that they were ſo impoveriſh'd of late by great Loſſes at Sea, and otherwiſe, that they were not able at preſent to do more.

And [4] the Commons prayed the King, that He would pleaſe to name two Earls and two Barons for his Treaſurers, as well of this Subſidy, as of that the Clergy was yet to grant, and alſo of the late Subſidy of Wool, Pells and Leather granted the laſt Parliament; and that they might be ſworn in their preſence, that what was received by them, ſhould wholy be expended upon the Wars, and not otherwiſe; and that the High Treaſurer of *England* ſhould receive nothing, or any ways meddle therein.

But afterwards, [5] when they had conſidered what Sum the Wages of ſuch four Treaſurers would amount unto by the Year, the Commons departed from this Requeſt, and prayed that the High Treaſurer might be Receiver to the uſe of the War in manner accuſtom'd.

The [6] Commons in this Parliament further beſought the King, that the Charter lately granted (*November* the fourteenth, as above) in the Great Council, to the Mayor, Aldermen, and Commons of the City of *London*, upon the Article that no foreign Merchant ought to ſell to another ſtrange Merchant any Goods or Merchandize, to ſell again, in manner as in the ſaid Patent is more fully contained, might be renewed and granted, as well to other Cities and Burghs, as to them, with a Charter, or Clauſe of Confirmation; which, ſince it is not long, and is that by which none but Freemen have at this day a Right to keep Shops, or ſell Commodities by retail within the Liberties of the City, I ſhall here give you at large, tranſcribed from Dr. *Brady*'s Copy, which is taken from the Parliament-Roll it ſelf, and is as follows.

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[2] Ib. n. 18. *The Commons conſult how to raiſe Mony.*

[3] Ib. n. 19. *The Lords and Commons grant the King a Poll Tax.*

[4] Ib. n. 20. *The Commons deſire two Earls and two Barons to be appointed Treaſurers for this Tax.*

[5] Ib. n. 21. *But afterwards recede from it.*

[6] Ib. n. 32. *They petition that the Charter lately granted to the City of* London *might be confirm'd in Parliament, which is granted.*

Rot. Parl. 51 Ed. 3. n. 33. *The King's Charter to the City.*

> “EDward King of *England*, &c. to whom theſe preſent Letters ſhall come, greeting. Our Beloved and Faithful the Mayor, Aldermen, and the reſt of the Citizens of the City of *London*, by their Petition exhibited before Us and our Great Council, containing amongſt other things, that becauſe Strangers do freely ſell all ſorts of Merchandize whatſoever within the Liberty of the ſaid City, to be ſold again as the Citizens do; whereas the ſaid Strangers, according to the Liberty of the ſaid City antiently obtain'd, ought not, nor could ſo do; whereby as well the ſaid Citizens are much impoveriſh'd, and Goods and Merchandize become much dearer, *&c.* For relief of the Citizens, and common Profit of our People, under a grievous Forfeiture to Us, We do command, that they ſhall be reſtrain'd. And being favourably enclin'd to the ſaid Petition, We do further Will and Grant, that no Stranger within the Liberty of the City aforeſaid, ſhall ſell any Merchandize to a Stranger, or any ways preſume to do it, that they may be ſold again, until by the Noble and Great Men of our Kingdom it ſhall be duly debated in our next Parliament, whether our preſent Grant may for the future redound to the Diſprofit or common Profit of our People: Saving always to the Lords of our own Kingdom, and all others, that they might buy ſuch Merchandize of all men in groſs for their own uſe; and ſaving alſo the *German Hanſe*-Merchants the Liberties granted and confirm'd to them by Us and our Progenitors. In witneſs whereof We have cauſed to be made theſe Letters Patents. Witneſs our Self at *Weſtminſter* the fourth of *November*, in the Year of our Reign of *England* the fiftieth, of *France* ſeven and thirtieth.

The Anſwer to the Petition above, with which this Patent was delivered and preſented by the Commons, was no more than that *the King will be farther inform'd.* Which ſhews, that for ſome Reaſons He did not think fit then further to confirm it.

At [1] the ſame time the Commons, with the Mayor, Aldermen and Commonalty of the City of *London* petition'd the King, that for divers Miſchiefs that often happen'd in the ſaid City, by reaſon the Coroner was not puniſhable by the Mayor, Aldermen, and other Officers; that they might chuſe a Coroner of themſelves, and remove him when they pleas'd, as it was practis'd in divers Cities and Towns of the Land, they anſwering to the King in manner as appertain'd to the ſaid Office. The King's Anſwer was, *The King will not depart from his antient Rights.*

The [2] Commons further petition'd the King, that for many Cauſes, as well known to his Privy Council as to them, it would be profitable to the Kingdom, that all Foreigners were commanded out of it, during the Wars, unleſs they were Merchants and Artificers, that were not Adherents to his Enemies, but ſuch as their ſtay was advantageous to the Realm: And for that He was their Liege Lord, and had the Power of doing Juſtice in Right of his Crown, in all things Temporal within his Kingdom; and that they owe no Obedience of

[1] Ib. n. 34. *The Commons and Mayor of* London, *&c. petition that the City may name a Coroner, which the King refuſes.*

[2] Ib. n. 35. *The Commons petition that all Foreigners, except Merchants, depart the Realm.*

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any thing Temporal but to Him as their King and Liege Lord, that He would pleaſe to order and command, that none of his Lieges be Farmers or Servants to any Foreigners that have Eſtates or Benefices in *England*, unleſs to ſuch as inhabit there, or ſuch as were in his Liegeance, and had ſpecial leave to live out of the Kingdom; and that He would pleaſe to command his ſage Council to add more to this matter, as might be needful for the Amendment and Profit of his Kingdom. Yet they his ſaid Commons make Proteſtation before God, Himſelf, and all the Prelates and Clerks which were at that Parliament, *that their Intent and Will was, that the true Eſtate of Holy Church ſhall not by them be blemiſhed in any Point, but otherwiſe preſerved and kept ſafe according to his Pleaſure.* The Anſwer was, *The King and the Great Men of the Land will adviſe and order what is beſt to be done in this Matter.*

[2] Ib. n. 36. *The Petition againſt all* Pro*viſors from* Rome.

And [2] they further petition'd in this caſe, that all *Proviſors* of Benefices from *Rome*, with their Officers or Servants, may be put out of the King's Protection, if they ſue, proſecute, or any ways diſturb, or cauſe to be excommunicated the true Patrons. The Anſwer was, *The Pope had promiſed redreſs, and if He makes it not, the Laws in this caſe ſhall be in force.*

[3] Ib. n. 75. *The Lord* Latimer *reſtor'd to his Eſtate.*

And amongſt their Petitions in this Parliament, I cannot but obſerve, [3] that the Commons pray'd the King and Noble Lords of Parliament, that whereas in the laſt Parliament, by untrue Suggeſtions, and without due Proceſs, the Lord *Latimer*, one of the Peers of the Realm, and ſufficient to be of the King's Council, as well for his Wars as otherwiſe, was ouſted of all his Offices, and diſcharged from the King's Privy Council, that he may by Award of this preſent Parliament be reſtored to his former Eſtate and Degree, to the great Profit of the Kingdom. The Anſwer was, *The King is willing at the Prayer of ſeveral Prelates and Lords of Parliament, and alſo of the Commons, that it ſhould be ſo.*

[4] Ib. n. 87. *The Commons further deſire that all Perſons impeached and condemn'd in the laſt Parliament might be reſtor'd.*

[4] In the laſt day of the Parliament, when all the Petitions of the Commons had been read and anſwered, their Speaker Sir *Thomas Hungerford*, ſaid before the Prelates, Lords and Commons, on behalf of the Commons, that whereas many People, as well Men as Women, had been impeached in the laſt Parliament, without due Proceſs, and were judg'd in certain Paynes, and foreclosed of the common Liberty which every loyal Subject ought to enjoy; they therefore prayed that it would pleaſe his Majeſty to reſtore them to their former Eſtates, Dignities, and all other things, notwithſtanding thoſe Judgments. The King preſently demanded, if their Requeſt was made for all that were impeached? And he anſwered, their Requeſt was for all. It was then told them, they muſt declare diſtinctly in Writing, for whom, and why they thus petition'd: and preſently the ſame day ſeven Bills (*i. e.* Petitions) were deliver'd to the Clerk of the Parliament, whereof the two firſt being worth our noting, I ſhall give you the Subſtance of them.

They petition on behalf of Richard Lyons.

The one was directed to the King from the Commons "on the behalf of *Richard Lyons* Merchant, who had been the laſt Parliament "by a haſty Proceſs adjudg'd to the Tower of *London* during his "Majeſty's Pleaſure, that therefore it would now pleaſe Him, that "he ſhould be reſtored to his Liberty, as alſo to his Goods, Lands "and

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" and Tenements; ſince according to Law no cauſe of Forfeiture " could be found againſt him. The other is directed to the King and his ſage Council in this preſent Parliament, on behalf of *Alice Perrers*, " ſetting forth, that ſhe had been by untrue Suggeſtion, and undue Pro- " ceſs in the laſt Parliament, foreclosed of the common Liberty which " every Liege Subject of the King, as well Men as Women, ought freely " to enjoy, unleſs they be convict of a Crime, for which they are to " forfeit it: that therefore it would pleaſe his Majeſty, for the love " of God and right Juſtice, to have conſideration, that the ſaid " *Alice* was never preſent in Parliament, nor duly admitted to anſwer " any thing for which ſhe was adjudged; and for this cauſe to reverſe " the Judgment, and cauſe her to be reſtored entirely to her former " Eſtate, the ſaid Judgment, or any Prohibition made againſt the ſaid " *Alice* in the ſame Parliament notwithſtanding.

And alſo of Alice Perrers.

Both theſe Petitions were granted by the King, being on the behalf of two Perſons he greatly favour'd, eſpecially the latter, who was then return'd to Court, and looked upon as his Miſtreſs, or rather Nurſe, if what *Stow* relates be true, that ſhe and her Daughter *Iſabel* lay in bed with the King every Night to keep him warm. And then the Parliament was diſſolved. But this likewiſe ſhews us, that even then one Parliament differ'd from another, and often quitted thoſe whom the former had condemned.

Who are thereupon both reſtor'd by the King.

We ſhall now ſay ſomewhat of the Affairs abroad. In the mean while, the King was inform'd, that the *French* were got to Sea, and had done much damage upon the Coaſt; wherefore not being yet ready to oppoſe them, He endeavour'd to make a Peace, or elſe to prolong the Truce: to which purpoſe, [1] on the twentieth of *February* He by a Commiſſion appointed the Biſhop of *Hereford*, the Lords *Cobham* and *Montacute*, with ſeveral other Commiſſioners, to treat with thoſe of the King of *France*, before the Pope's Legates at *Bruges*, but nothing was done in this Affair; and the Legates finding it impoſſible to make any final Agreement, upon the Terms demanded by both Parties, they propounded a Match between *Richard* Prince of *Wales*, and *Mary* the King of *France* his Daughter. This Propoſal begat another Meeting of other Commiſſioners (of whom Sir *Geoffry Chaucer* the Poet was one) at *Monſtreuil*, but without any other effect than continuing the Truce until the firſt of *May* next following. But before that time was expired, *viz.* [2] on the ~~fifteenth~~ of *April*, another Commiſſion was granted to the Biſhops of *St. Davids* and *Hereford*, the Earl of *Saliſbury* and others, ~~by which they were to treat at the Place laſt mention'd, with the *French* Commiſſioners, who~~ were the Lord *de Coucy*, and Monſieur *Dormer* Chancellor of *France*, with ſome others. Theſe were impower'd to end and compoſe all Differences, ~~Wars and Contentions~~ whatſoever, between the two Crowns; but by reaſon of certain freſh Jealouſies and Suſpicions the Commiſſioners had one of another, they never could agree to meet any more, and thus all things remain'd in the ſame ſtate of War and Confuſion during the reſt of this King's Reign. Tho [3] *Mezeray* (I cannot tell by what authority) relates, that King *Edward*, being worn out with Age and Sickneſs, and likely to leave his Succeſſor an Infant, was ſo deſirous of Peace, that He was willing to relinquiſh divers chief Articles of the Treaty of *Bretigny*, but what they were this Author would

The King appoints certain Commiſſioners to prolong the Truce with France.

Other Commiſſioners appointed, who never meet.

there named who, with the Mediation of the Popes Legates (so often mention'd) were to treat with those commission'd by France, concerning all Contentions wars and debates between him and his Adversary of France. but who these were is not mentioned in the Record, and therefore I can onely ~~relate~~ give you the names, from out his Saying, that they were the Ld &c.

26 of

[1] Rot. Franc. 51 Ed. 3. m. 17

[2] Ib. m. 13.

[3] Ad hunc An.

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* Hiſt. d' Angleterre, p. 711.

would have done well to have told us, ſince I can find it in no other Writer. But it is more probable what * *Du Cheſne* further relates (tho I know not from what Authority) that at this Treaty King *Charles* offer'd by his Commiſſioners to thoſe of *England* fourteen hundred Towns, and three thouſand Caſtles, by which are meant principal Houſes, or Seats belonging to Great Lords and Gentlemen, on condition they ſhould be held by Homage of the Crown of *France*; yet ſo that the *Engliſh* ſhould give back *Calais*, and whatever elſe they had conquer'd in *Picardy*.

† Wood Antiq. Oxon. l. 1. p. 184, 186.

[a] T. W. ad hunc An. *The Pope orders the ABp of* Canterbury *and Bp of* London *to apprehend* John Wickliff.

[b] Fox's Acts and Monuments, p. 27, 428, 1583. ex Hiſtor. S. Albani penes Mattheum olim Archiepiſ. Cant. *He appears before the Bps at* Pauls, *accompany'd by the* D. *of* Lancaſter *and Earl Marſhal, where a great Quarrel ariſes.*

I cannot here omit a matter, which, tho it be properly Eccleſiaſtical, yet it having ſo near a relation to, and influence over our Civil Affairs, I ſhall inſert here, being the moſt proper Place for it. *John* † *Wickliff*, Warden of *Canterbury* College in *Oxford*, and a Perſon very conſiderable for his Knowledg in Divinity (as having been for ſome time publick Reader or Profeſſor thereof) had now fallen under the Cenſure of the Pope, for certain Opinions and Doctrines he then publiſhed contrary to thoſe maintain'd by the *Roman* Church, a particular Account of which you will find at the end of this Reign. Wherefore [a] the Pope, upon the hearing of them read before Him, directed his Bulls to the Arch-Biſhop of *Canterbury* and Biſhop of *London*, commanding them to uſe their Authority for the Apprehenſion of the ſaid *Wickliff*, in order to examine and cenſure his Opinions; and being cited by the Arch-Biſhop of *Canterbury* to appear and anſwer in his Court at St. *Paul's* Church for the ſame, *Wickliff* appearing according to his Citation, [b] was accompany'd thither by the Duke of *Lancaſter* and the Lord *Piercy* (then Lord Marſhal) who out of ſpite to the Biſhops both came as his Patrons, and Favourers of his Opinions, to our Lady's Chappel in St. *Paul's*, attended by a great number of other People. But when *William Courtney* Biſhop of *London* ſaw the ſtir that the Marſhal and his Men made among the People, he ſaid unto the Lord *Piercy*, *That if he had known before, how he would have plaid the Maſter in his Church, he would have hinder'd him from coming thither.* At which words of the Biſhop the Duke being concern'd, anſwer'd him, that the Marſhal *ſhould play the Maſter there, as he had begun, even tho he the Biſhop ſaid nay.* Then as ſoon as they were come into the Chappel, the Duke and other Lords ſat themſelves down with the Arch-Biſhop and Biſhops, *John Wickliff* ſtanding before them, according to the uſual manner, ready to anſwer what ſhould be objected unto him. The Lord Marſhal firſt breaking ſilence, deſired Mr. *Wickliff* to ſit down, alledging, that he had many things to anſwer, and therefore had need of ſome repoſe. But the Biſhop of *London* ſaid, *He ſhould not ſit down there; for neither was it according to Law nor Reaſon, that he who was cited there to appear to anſwer before his Ordinary, ſhould ſit down during the time of his Anſwer.* Theſe Words created others, and thoſe ſtill begat more, the Biſhop ſtanding upon the Privileges of his Function, and the Earl Marſhal upon his Own and the King's Authority; ſo that many reflecting Words and Menaces paſs'd on both ſides, to the great offence of the Auditors.

[c] Id. ibid. *The Duke ſides with the Marſhal.*

Then [c] the Duke began the more to take the Marſhal's part, and warmly to reprove the Biſhop, who was not a jot behind hand with him; ſo that the Duke finding himſelf worſted by the Biſhop in Words, threaten'd, *that he would ſhortly bring down the Pride of him and all the*

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all the Prelates in England; and told him farther, *that he preſum'd too much on his Parentage, but that ſhould not be able to help him.* To which the Biſhop reply'd, *that he was only bold for the Truth, and that his Confidence was not in his Parents, but in the living God.* Then the Duke whiſper'd to one that ſat next him, *that he had rather drag the Biſhop out of the Church by the Hair of the Head, than take ſuch Language at his hands.* However this was not utter'd ſo ſoftly, but that ſome of the Citizens overheard him, who being enraged, thereupon cry'd out, *that they would never ſee their Biſhop ſo abuſed, but rather loſe their Lives than that he ſhould ſuffer ſuch an Indignity.* Upon this Contention the Court was diſſolv'd before nine of the Clock, and the Duke with the Lord *Piercy* return'd to the Parliament then ſitting at *Weſtminſter*; and *Wickliff* was at the ſame time diſmiſs'd, tho not without a ſevere Prohibition from the Biſhops, never for the future to preach nor write any more in defence of thoſe Articles laid to his charge, and ſo the Buſineſs ended at that time.

The Court is diſſolv'd, and Wickliff *diſmiſs'd.*

But the next day ' the Mayor and Citizens aſſembl'd in Common Council to conſider of the matter, and alſo how far the Power of the Marſhal extended, not forgetting to take notice of the Affronts put upon their Biſhop the day before. But while the better ſort of them were engaged in ſober Debates, a great number of the common People being got together, heard that one of them was then in Priſon in the Lord Marſhal's Houſe, which ſtood within their Liberties; and they being ſecretly ſtir'd up by ſome conſiderable *Beauteſeus*, went immediately in great fury to the Houſe of the Lord *Piercy*, and there breaking open the Gates, they took out the Priſoner by force, and carry'd him away; and after they had done this, they ſearched for the Lord *Piercy* all over the Houſe, but not finding him as they expected, they ſpoil'd and cut to pieces his Beds, Hangings, and other Furniture, whilſt *Piercy* their Owner was with the Duke of *Lancaſter* at dinner, at the Houſe of a Merchant, call'd *John* of *Ipres*. But the Rabble not knowing any thing of that, and ſuppoſing they were both at the Duke's Palace call'd the *Savoy*, thither they poſted in all haſt, expecting to find them; which a Knight of the Duke's ſeeing, made haſt to the Place where his Lord din'd, and gave him notice of this Uproar: Whereupon the Duke roſe haſtily from the Table, and with the Lord *Piercy* took Boat, and went away to *Kennington*, a Mannor of the King's near *Lambeth*, where the Princeſs of *Wales* and her Son Prince *Richard* then lay, complaining of this Riot, and the Violence offer'd to them. In the mean time the Multitude coming to the *Savoy*, a Prieſt inquiſitive to know the Buſineſs, was anſwer'd, *They came to take the Duke and the Lord Marſhal, and compel them to deliver Sir* Peter de la Mare, *unjuſtly detain'd in Priſon.* The Prieſt imprudently reply'd, that Sir *Peter* was a Traitor to the King, and deſerv'd to be hang'd; at which words they all cry'd out, *This is* Piercy, *this is the Traitor in diſguiſe, his Speech betrays him*; and preſently they fell upon him, and wounded him to death.

' Id. ib.

The Citizens of London *take notice of the late Action of the Marſhal; whereupon the Common People riſe, and break open the Lord Marſhal's Houſe.*

The Duke of Lancaſter *and Ld Marſhal ſave themſelves by flight.*

Then ' the Biſhop of *London* hearing this Outrage, left his Dinner, and haſted to the *Savoy*, where he admoniſh'd the People to be mindful of the Holy Time, being *Lent*, and for the love of Chriſt to deſiſt from ſuch ſeditious Actions, aſſuring them all things ſhould be fairly

' Id. ib.

The Bp of London *endeavours to appeaſe the Tumult.*

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ended for the good of the City. Whereupon they were ſomething pacified, and forbore to aſſault the Duke's Houſe, whoſe Perſon, if they could have found, they had no doubt made an end of, and the Lord Marſhal's too in their fury; but miſſing the Duke, they hung up his Arms revers'd, in token of Treaſon, in the principal Streets in the City.

[a] Id. ib.

The Princeſs Dowager ſends to the Citizens to make their Peace with the Duke.

Then the Princeſs Dowager ſent from *Kennington* three Knights of her Retinue to perſuade the Citizens to make their Peace with the Duke. To which they return'd this Anſwer, That for her ſake they would do whatſoever ſhe commanded; but yet enjoin'd thoſe Knights to deſire the Duke to permit the Biſhop of *Wincheſter* and Sir *Peter de la Mare* to come to their Anſwers, according to the Laws of *England*. The Mayor and his Brethren ſent ſome of the chief Citizens to the King, to excuſe themſelves for this Tumult, proteſting they were no ways privy thereto, but ſought all means to ſuppreſs the ſame, which they could not do. And the whole Commonalty being in a great Commotion, upon an Information that their Liberties ſhould be taken away from them by Parliament, the King thereupon told them, it never was in his thoughts to infringe their Liberties, but He rather deſired to enlarge them; and therefore willed them not to fear, but return to appeaſe the Citizens, and keep them in Peace and Order. They were well pleas'd with this Anſwer, and did as the King enjoin'd them; but yet they could not ſtop the Paſſage of divers Rhimes and Libels (thoſe ſecret Darts that wound unſeen) but that they were daily ſpread in the City to the Defamation of the Duke, and to make his Name odious to the People; for which he procured the Biſhops to excommunicate the Authors of all ſuch Rhimes and Libels; and thus the Buſineſs was compos'd for a time.

[a] Id. cited by Stow ad hunc An.

The Mayor and Aldermen excuſe themſelves of the late Riot, and offer the Duke ſatisfaction.

But [a] when the Parliament was diſſolv'd, the Duke's Diſpleaſure againſt the City ſtill continu'd, and began to ſhew it ſelf afreſh; ſo that the Mayor and Aldermen were brought before the King at *Shene*, and adjudg'd to ſubmit themſelves to the Duke, and crave pardon for their grievous Offences: but they proteſted as before, that they could not ſtay the rage of the Multitude, who committed thoſe Inſolencies; *beſeeching the King not to puniſh ſuch as were innocent and ignorant of the Fact*; promiſing the Duke they would endeavour by all means to bring out the Malefactors, and compel them to make ſatisfaction, to the Duke's honour; and more (ſaid they) we can not do.

They are turn'd out, and others put in.

Whereupon they were diſmiſs'd the Court, and ſhortly after from their Places, by the power of the Duke of *Lancaſter*. Sir *Nicholas Brember* was elected Mayor inſtead of *Adam Staple*, and other Aldermen appointed in the Places of thoſe who were put out.

The Duke of Lancaſter *being made Regent of the Kingdom, falls out with the Bp of* Wincheſter.

But to give the better light to what hath been already related concerning the Biſhop of *Wincheſter*'s Diſgrace, and other Matters before mention'd, we are to underſtand that not long after the Death of Prince *Edward*, the King growing ſickly, and unfit for Buſineſs, appointed his Son the Duke of *Lancaſter* Regent of the Kingdom under Himſelf, who being of a rough and martial Temper, was not at all acceptable to the Clergy, nor to the common People of the City of *London* (as you may have already obſerv'd) and *William* of *Wickham* Biſhop of *Wincheſter* having highly diſoblig'd him by ſome Words or Actions (which ſince they are uncertain, I ſhall not mention) he cauſed the King to ſeize upon his Temporalties, ~~and to forbid him coming near the Court~~; x And beſides

x which were granted to the young Prince of Wales ~~for the~~ towards his maintenance by the Kings Letters Patents for yt purpose. but yet ~~some time~~ a few days before ye Kings decease he obtained the favour as to be ~~again~~ restored to them by the like Patent.

Pat: Pars 1. 51 Ed 3. m. 15.

... m. 2. vid: RS. col: p. 142. 148.

The E. of March *turn'd out from being Ld* Marſhal; *and the Ld* Piercy *put in his room.*

ſides this, the Duke not looking upon the Earl of *Marche* (then Lord Marſhal) as one in his Intereſt, he would have ſent him a little before the late Truce to command the Forces about *Calais*; but he declining the Imployment, was forced (as a Puniſhment for his diſobedience) to ſurrender his Marſhal's Rod, which the Duke preſently beſtow'd upon his Friend the Lord *Piercy*, who at the Coronation of King *Richard* the Second, you will find to be created the firſt Earl of *Northumberland* of that Name and Family.

Sir J. Menſter-worth *executed for a Traitorr*

I cannot here paſs by mentioning an Affair, tho of leſs moment, that happen'd this Year. [1] Sir *John Menſterworth* (whoſe Treaſons we have already ſet forth under *A. D.* 1370.) being ſurpriſed by certain *Engliſhmen* at *Pampelona*, a City of *Navarre*, he was by the Permiſſion of that King brought over into *England*, and try'd here before the Mayor, and other the King's Juſtices in the *Guild-Hall* at *London*, where theſe Crimes were proved home upon him, *viz.* "That being entruſted by his Sovereign Lord the King, and having received "conſiderable Sums of Mony wherewith to pay the King's Soldiers, "he had falſly and traitorouſly kept the Mony to his own uſe; alſo "that he had maliciouſly occaſioned a Diſſenſion and Diſcord in the "King's Army, and thereby gave the Enemy Advantage againſt "them: whereof being accuſed unto the King, and fearing the pu-"niſhment due unto him, therefore he like a falſe Traytor, had fled "into *France* unto the King's Enemies, and there was ſworn unto "the *French* King, and conſpired againſt his own Sovereign, under-"taking to direct the *Spaniſh* Navy, and bring them into *England*, to "the deſtruction of his Native Country. Of all which being convicted, he was on the twelfth of *April* executed at *Tyburn*, and his Head ſet upon *London*-Bridge.

Sir Hugh Calverly *is ſent over to* Calais *with ſome Forces.*

But to ſay ſomewhat of Foreign Affairs; [2] the late Truce having been expired in the beginning of *May*, Sir *Hugh Calverly* being made Governor of *Calais*, was ſent over thither with ſome Forces (for now all things began to threaten the bloody Conſequences of the next Campagne) wherefore Commiſſions were ſent to the Great Lords throughout all *England*, to array and muſter all able men from ſixteen to ſixty Years old, to be ready on occaſion to defend the Kingdom, and to withſtand any Invaſion that might happen, there being apprehenſions that the *French* would land in ſome Part or other: And not long after ſome of their Commanders came ſuddenly with conſiderable Forces, and laid Siege to a ſtrong Fort near *Calais*, called *Outwick*, which they began to batter moſt furiouſly with nine Pieces of Great Ordnance, and it ſo terrified *William Weſton* the Governor, that he preſently ſurrender'd the Place, on condition that he and his Men ſhould be ſafely convey'd to *Calais*, where Sir *Hugh Calverly* preſently ſeized him, and ſent him into *England* to anſwer the Fact; and when he arrived, he was ſent to the *Tower*, where he lay without any Proceedings againſt him until the beginning of the next Reign.

The French *beſiege the Fort of* Outwick, *which is ſurrender'd.*

The Duke of Bretagne *comes to* Calais.

The [3] Duke of *Bretagne*, who had been more than a Year with his Couſin the Earl of *Flanders*, ſeeing now the War break out again, took leave of the Earl, and went to *Graveling*, whither the Earl of *Saliſbury* and Sir *Guiſcard d' Angle* went to meet him, with a ſelect Body of Men at Arms and Archers, and ſo conducted him ſafe to *Calais*. The [4] next day, about fifty of the Duke's Retinue would paſs over to

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[1] T. W. Fab. Chron. ad hunc An.

[2] Froiſ. c.323.

[3] Id. c.324.

[4] Stow, p.276.

Divers of his Retinue are taken by the French.

to *Dover*, but by the way were taken by ſome *French* Galleys, and ſome of the Paſſengers ſlain in ſight of the Town, which was not then able to relieve them; but Sir *Hugh Calverly* being reſolved to be revenged, marched out with a ſtrong Party of choice Troops, and made an Inroad into the *French* Pale, where he ſlew ſeveral men, retook the Caſtle of *Outwick*, and returned ſafe with great Booty of Cattle: And indeed you will find many notable Actions done by this valiant Warrior during the next Reign.

[1] Froiſ. ib. *The Duke of* Bretagne *comes into* England.

But to add ſomewhat further of the Duke of *Bretagne*, [1] when he with the Lords abovemention'd had ſtaid about a month at *Calais*, being now provided with a ſufficient Convoy, they all paſſed over into *England* about the middle of *June*, and then waited upon the King; but He was at that time very ill, and lived but a few days after, of whoſe Deceaſe we ſhall ſpeak further by and by.

[2] Id. ib. *The E. of* Bedford *goes into* Auſtria *to proſecute* [illegible] *Right to that Dutchy.*

In the mean time I ſhall give you ſome account of the King's other Son-in-law, [2] *Ingelram* Earl of *Bedford*, and Lord of *Coucy*, who, immediately after his Return into *France* from the Wars of *Italy*, where he had for ſome Years ſerved the Pope, was furniſhed by the King of *France* with ſufficient Forces to recover the Dutchy of *Auſtria*, which he laid claim to in Right of his Mother, Siſter to *Peter* late Duke thereof; but the Eſtates of that Country had beſtowed it upon another, againſt whom the Lord *Coucy* went the laſt Year, attended by many of the Nobility of *France*, but with very bad Succeſs; for the People of *Auſtria*, by the Command of his Competitor, ſo burnt and deſtroy'd the whole Country for above three days March (he himſelf retiring with his Forces to the Mountains) that the Lord *Coucy* and his Army ſuffer'd extremely for want of Victuals and Forage, and moſt of his Men and Horſes died in the Winter by Hunger, Cold and Sickneſs; upon which he was forced to put an end to this Expedition, and return into *France* with thoſe ſmall Forces he had left. But that he might not ſhew himſelf ungrateful to the *French* King his Benefactor, he reſolved wholly to quit the *Engliſh* Intereſt, and take part with that of *France*: Yet to palliate the matter the better, and to ſatisfy in ſome meaſure King *Edward* his Father-in-law, he ſent his Daughter *Iſabella* to Him into *England*, where ſhe continued for ſome time, and ſo far prevail'd upon the King her Father, that her Huſband (notwithſtanding what he had done) was permitted to enjoy his Honours and Eſtate in *England*: and indeed there was ſome reaſon for it; [3] for beſides that his Eſtate in *France* was much greater, he was born a Subject of that Kingdom, and not being an abſolute Prince, it was not to be expected that he ſhould quit his Allegiance to that Crown.

Where he loſes moſt of his Army by Famine or Sickneſs, and returns into France, *and embraces the Intereſt of that Crown.*

[3] Dug. Baron. Vol. I. p. 760.

An Account of King Edward's *Sickneſs and Death.*

[4] Chron. Eveſ.

[5] T. W.

Nothing now remains, but that we conclude this Reign with the melancholy Relation of King *Edward*'s Deceaſe, in the one and fiftieth Year of his Reign, and ſixty fifth of his Life; who tho no very old Man, yet was much broken by the Martial Toils of his Youth, but much more thro great Grief and Diſcontent ariſing from ſo many various Miſfortunes that follow'd one another: Yet [4] if *Walſingham* and other Hiſtorians may be credited, He too much indulged Himſelf in Venereal Pleaſures almoſt to the laſt; for *Alice Perrers* his Miſtreſs continuing with Him, had ſtill flatter'd him with hopes of Life, until He fell into the Diſeaſe call'd the *Annuli* or *Shingles*, which putting him

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He is deſerted by his Miſtreſs and moſt of his Servants.

him into a Fever, increas'd to that degree, that his Life was deſpair'd of, and then ſhe (like a right Jilt) packing up what ſhe could get, even to the Rings on his Fingers, left Him. Then his other Attendants, by her Example, ſeizing upon what they could find, ſhifted for themſelves; and even his Counſellors forſook him in his laſt Agony, when He moſt needed their Advice, leaving his Chamber in a manner empty, which a Prieſt or Chaplain of the Houſhold obſerving, came up, and approached the King's Bed-ſide, and finding Him yet breathing, call'd upon Him to remember his Saviour, and ask Mercy for his Sins; which none before him would do, but every one flatter'd him ſtill with hopes of Life (a Miſfortune too often fatal to Princes and Great Perſons.) This had made him negligent of thoſe pious Cogitations fit for a dying Man; but being now ſtir'd up by the Voice of this Prieſt, He ſhew'd all Signs of Contrition, and with his laſt Breath expreſs'd the Name of *Jeſus.* Thus died this mighty King, at his Mannor of *Sheen* (now *Richmond*) the twenty firſt day of *June* this preſent Year, to the great grief of his Subjects, who notwithſtanding his late Failings, would have been glad longer to have enjoy'd Him.

His Character as a Man.

But tho this Prince's Character is beſt to be learn'd by the Great Actions of his Life, yet it will not be amiſs to ſay ſomething of his Perſonage, natural Temper and Conditions. He was of Stature indifferently tall, yet ſtrong, and well proportion'd; of a graceful and noble Aſpect, ſo that in his old Age He commanded Reſpect and Veneration of all thoſe that ſaw Him. As to his Conditions, no man was more gentle where there was Submiſſion; where oppoſ'd, none more ſtern and inexorable. He was in common Converſation very humble and familiar to all thoſe that addreſs'd themſelves to Him, whether Subjects or Strangers, yet ſtill with great Gravity and Diſcretion: He was as a Father to the Orphans, and never fail'd to ſuccour thoſe that were in Miſery, or oppreſs'd; was magnificent in conferring Favours or Benefits on thoſe that had any ways ſerv'd or oblig'd Him; humble and modeſt in Proſperity, and in Adverſity not too much caſt down or dejected. He was curious and magnificent in his Publick Buildings, as that Noble Edifice of *Windſor*-Caſtle teſtifies. He was alſo Munificent, Pious and Charitable, as appears by his erecting and liberally endowing a [2] Noble College call'd *King's Hall* in *Cambridg*, now made a part of *Trinity College*; as alſo the Collegiate * Chappel of St. *Stephen's* at *Weſtminſter.* [3] This, with a ſmall, but handſom Colledg adjoining, He built and endow'd for a Dean and twelve ſecular Chanons, who with ſeveral Singing Men were daily to perform Divine Service in that Place, which then was the publick Chappel of that Palace.

His publick Acts of Charity.

His Actions as a King.

To conclude, tho He was a Prince that valued his Prerogative, yet none of his Predeceſſors paſſed more or better Statutes for the eaſe and benefit of his Subjects, nor more careful to ſee them well obſerv'd, or was more ſtrict in puniſhing his Judges for Oppreſſion, Bribery or Corruption, as you may find by ſeveral Examples thro his whole Reign. And as no King had more frequent and greater Taxes from his Subjects, ſo they were ſatisfied they were expended for the Honour and Defence of the Nation againſt their Enemies; and theſe Taxes were as willingly given, as they were worthily

and

[2] Fuller's Hiſt. of that Univerſity.

* *Which is now the Houſe of Commons.*

[3] Stow's Survey, p. 523.

Anno Dom. 1377.

and diſcreetly lay'd out, till towards the latter End of his Reign, that He came to be too much govern'd by Women or Favourites. In ſhort, *Walſingham* tells us, That this King's Reputation was ſo great in thoſe days, that it reached even to remote and barbarous Nations, who eſteemed thoſe to be moſt happy that were his Subjects, at leaſt his Confederates; ſo that my Author further ſays, *That God had never rais'd up a King in* England *that was ſo Valiant, Generous and Fortunate as Himſelf:* and if He declin'd towards the latter end of his time from that heighth of Glory which He formerly attain'd, it was only that Heaven had a mind to humble Him, and ſhew Him the Vanity of that falſe Glory of Conquering Foreign Kingdoms, to obtain which Princes too often render themſelves extreamly burthenſom to their Subjects, and hated as well as fear'd by the Princes their Neighbours.

The Iſſue of Edward III. *by* Philippa *of* Haynalt.

HIS Eldeſt Son was [1] *Edward* of *Woodſtock*, ſo called becauſe born there *June 15th* 1330. He was Prince of *Wales*, and married *Joan* Counteſs of *Kent* (called for her great Beauty *The Fair Maid of Kent*) She was Daughter to *Edmund* of *Woodſtock*, Sixth Son of King *Edward* I. (but the Second by his Queen *Margaret*, Daughter to the K. of *France*) but the Lady we now ſpeak of, was Siſter and Heir to both her Brothers *Edmund* and *John* Earls of *Kent*, who both died without Iſſue: [2] She was firſt married about the Five and twentieth year of her Age, and Six and twentieth of *Edward* III. to Sir *Thomas Holland*, Knight of the Garter, and in her Right made Earl of *Kent*, by whom ſhe had Iſſue two Sons, *viz. Thomas* Earl of *Kent*, and *John* Duke of *Exeter:* He died *December* the Six and twentieth, in the Four and thirtieth year of *Edward* III. 1360. She was alſo in her youth betrothed to *William Montacute* Earl of *Saliſbury*, from whom ſhe was divorced by conſent: with this Lady the Prince fell in Love, and was married to her in the One and thirtieth year of his Age, and the Five and thirtieth of his Father's Reign, *A. D.* 1361. By her He had [3] firſt *Edward* of *Angouleſme* (ſo called becauſe he was there born) who died in the ſeventh year of his Age. His Second Son *Richard* of *Bourdeaux* (ſo alſo called becauſe born there) ſucceeded his Father as Prince of *Wales*, and his Grandfather in the Kingdom, by the Name of *Richard* II.

[4] *William* of *Hatfield*, Second Son of *Edward* III. born there 1336. in the Tenth of his Father's Reign, who died very young.

The [5] Third Son of King *Edward* and Queen *Philippa* was *Lionel*, born at *Antwerp*, created Duke of *Clarence*, and married to *Elizabeth de Burgh*, Daughter and Heir of *William de Burgh*, Earl of *Ulſter*, Lord of *Clare*, *Connaught* and *Trim*, by whom [6] he had only one Daughter named *Philippa*. She was by the King her Grandfather, after the Death of her Father, at the Age of thirteen Years, married to the Lord *Edmund Mortimer*, created Earl of *Marche* in the Forty ſecond Year of *Edward* the Third, *A.D.* 1368. by whom She [7] had *Roger Mortimer* their Eldeſt Son, and Heir to both their Honours and Titles, who left *Edmund Mortimer*, his Son and Heir, Earl of *Marche* and *Ulſter*,

[1] T.W. Ypod. Neuſtr.

[2] Sandf. Gen. Hiſt. p. 184.

[3] T.W.

[4] Id. Ypod. Neuſtr.

[5] Ibid.

[6] Sandford, ut ſup. p. 219.

[7] Id. p. 225.

ſter, Lord of *Wigmore*, *Clare*, *Trim* and *Connaught*, and Heir to the Crown of *England*, after the Death of King *Richard* II. [4] He died without Iſſue, as alſo his Brother *Roger*, and Eldeſt Siſter *Elianor*; leaving *Anne* their Second Siſter ſole Heireſs to her Father *Roger Mortimer*, Brother to *Edmund*.

[4] Rot. Parl. 39 Hen. 6. n. 18.

The [5] Fourth Son of *Edward* III. and his Queen *Philippa*, was *John* ſirnamed of *Gaunt*, becauſe born there; he was firſt Earl of *Richmond*, and afterwards Duke of *Lancaſter*; he married *Blanche* the Second Daughter and Co-heir (with *Maud* her Siſter) of *Henry* Duke of *Lancaſter*, [6] by whom he had his only Son by that Marriage, *Henry* Earl of *Derby*, Duke of *Hereford* and *Lancaſter*, afterwards *Henry* IV. King of *England*. After the Death of *Maud* the Eldeſt Daughter without Iſſue, He in Right of *Blanche* enjoy'd all the vaſt Eſtate of her Father Duke *Henry*, with his Titles; and was in the Six and thirtieth Year of *Edward* III. advanced to the Title of Duke of *Lancaſter*.

[5] T. W.

[6] Vid. Dugd. Baron. Vol. 2. p. 115.

The [7] Fifth Son of King *Edward* and Queen *Philippa*, was *Edmund* of *Langley*, ſo called from a Mannor near *St. Albans* in *Hartfordſhire*, where he was born; he was by his Father made Earl of *Cambridge*, and by King *Richard* the II. created Duke of *York*. [8] He married *Iſabel*, Younger Daughter and Co-heir of *Peter* King of *Caſtile*, by whom he had *Edward* his Eldeſt Son, who died without Iſſue. He had alſo by her *Richard* Earl of *Cambridge*, called of *Coningsburgh*, a Town of that name in *Yorkſhire*: [9] He married the Lady *Anne Mortimer* abovementioned, by whom he had *Richard* Duke of *York* and Earl of *Cambridge*, who married *Cecilia Nevil*, the Youngeſt Daughter of *Ralph* Earl of *Weſtmorland*, by whom he had *Henry* his Eldeſt Son, who died young, and *Edward* his Second Son, Duke of *York*, and afterward King of *England* by the Name of *Edward* IV.

[7] T. W. Ypod. Neuſtr.

[8] Sandf. ut ſupra, p. 357. & deinc.

[9] Brooks Catal. of Honour.

[1] *William* of *Windſor* (the Second of that Name) was the Sixth Son, who died ſo young as there is nothing memorable left of him.

[1] Sandf. ut ſup. p. 178.

The Seventh and Youngeſt Son of *Edward* III. and Q. *Philippa*, was [2] *Thomas* of *Woodſtock*, there born; he was by King *Richard* II. created Duke of *Glouceſter*, he married *Eleanor* the Eldeſt of the two Daughters and Heireſs of *Humphrey de Bohun*, Earl of *Hereford*; he died without Iſſue.

[2] Id. ib. p. 227.

Iſabel, the Eldeſt Daughter of King *Edward* and Queen *Philippa*, [3] married *Ingelram* Le Brett Lord of *Coucy*, and Earl of *Soiſſons* in *France*, who by King *Edward* was created Earl of *Bedford*.

[3] Ibid.

Their Second Daughter *Joane* [4] had the Title of Queen of *Spain*; She was by Proxy married to *Alphonſo* King of *Caſtile* and *Leon*, and convey'd into that Country, ~~and~~ not long after died of the Plague before He could ~~arrive to~~ conſummate the Marriage.

[4] Ib. p. 179.

[illegible] eldest Son to Alphonso being to be) at Bourdeaux. Vid: Rot: Claus: 22. E. 3. p. 2. m. 17. et Rot. Cl. [illegible]

[5] The Third Daughter was *Blanche de la Tour*, ſo named becauſe born in the Tower of *London*; ſhe died an Infant.

[5] Ibid.

[6] *Mary* their Fourth Daughter, was Wife of *John Montfort*, Duke of *Bretagne* in *France*, of whom We have ſpoke ſo much in the preceding Reign.

[6] Ibid.

[7] *Margaret* the Fifth and Youngeſt Daughter, was Wife to *John Haſtings* Earl of *Pembroke*.

[7] Ibid.

Taxes

Taxes in this King's Time.

[1] IN the Sixth Year He had granted him a Fiſteenth by the Counties, and a Tenth by the Cities and Burghs for one Year.

[2] In his Eighth Year He had the ſame, and a Tenth granted by the Clergy.

[3] In his Tenth Year He had the ſame Tax from Layty and Clergy.

[4] In the Eleventh Year He had a Three-year's Tenth given Him by the Clergy in Convocation, a Three-year's Tenth given Him by Citizens and Burgeſſes in Parliament, and by Others a Three-year's Fiſteenth, to maintain the War then begun with *France*, and to pay the *Germans*, *Brabanters* and other Confederates on the Borders of *Germany*, againſt the King of *France*.

[5] In the Thirteenth Year the *Great Men* gave Him the Tenth Sheaf of all manner of Grain of their Demeaſn Lands, except of their Bond Tenants, with the tenth Fleece and the tenth Lamb: this was in the firſt Parliament this Year held fifteen days after *Michaelmas*.

Then a [6] Parliament was ſummon'd to meet eight days after St. *Hilary* or twentieth of *January*, in which the Commons gave the King thirty thouſand Sacks of Wool.

[7] In his Fourteenth Year, the Prelates, Earls, Barons, for themſelves and their Tenants, the Knights of Counties for themſelves and the Commons of the Land, granted to the King the Ninth Sheaf, Fleece, and Lamb; but the Citizens and Burgeſſes gave the Ninth of all their Goods, according to the true Value, for two Years next coming, and thoſe that lived not in Cities and Burghs, nor lived upon Tillage or Shop Trades, paid the Fiſteenth part of all their Goods, according to the true Value.

Upon the King's writing to the Parliament for ſpeedy Supply, ſeeing the Ninths could not be levyed time enough for his Service, the Lords and Commons agreed to have twenty thouſand Sacks of Wool ſpeedily provided.

In the Fifteenth the Ninths were revoked, in reſpect of this Grant of twenty thouſand Sacks of Wool.

In the Eighteenth, the Clergy of the Province of *Canterbury* granted a Three-year's Tenth, and the Knights of Counties gave two Fiſteenths and two Tenths of Cities and Burghs; and afterwards the Commons granted another Fiſteenth. The Lords promiſed to go with the King in Perſon, and therefore gave nothing.

In the Twentieth Year, the Commons granted two Fiſteenths, to be levyed in two Years in Cities, Burghs and Antient Demeaſns, as alſo of the Commons of the Counties.

In the Two and twentieth Year, the Commons granted three Fiſteenths, to be levied in three Years, ſo as one Fiſteenth was to be levied in each Year, and no more.

In his Five and twentieth Year, the *Great Men* of the Realm and the Commonalty, by the Advice of ſome *Great Men* ſent to aſſiſt them, granted the King three Tenths, to be paid in three Years.

In the Seven and twentieth Year, the King made it his Requeſt, that the Prelates, *Great Men* and Commons, would grant Him the Subſidy of Wool-fells and Leather for ſome time; to which Prayer they unanimouſly conſented, and granted that Subſidy in manner as it had been received before that time for three Years.

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[1] T. W.

[2] Id.

[3] Id.

[4] Ad Mur. ad An. 1337.

[5] Rot. Parl. 13 E. 3. Part. 1. n. 5.

[6] Rot. Parl. 13 E. 3. Part. 2. n. 5, 6, 7.

[7] Ib. 14 Ed. 3. Part. 1. n. 5, 6, 7.

Ib. Part. 2. n. 9, 10.

Ib. 15 Ed. 3. n. 5, 6.

Ib. 18 E. 3. n. 9, 10.

Ib. 20 E. 3. n. 11.

Ib. 22 Ed. 3. n. 4.

Ib. 25 E. 3. P. 1. n. 9, 10.

Ib. 27 Ed. 3. n. 31.

In his Nine and twentieth Year, the Commons came into the Preſence of the King, Prelates and *Great Men*, aſſembled in the White-Chamber, and having there a ſhort Conference with the *Great Men*, granted unanimouſly the Subſidy of Wool, Leather, and Wool-fells for ſix Years next coming; ſo as during that time no other Impoſitions or Charges be put upon the ſaid Commons. Ib. 29 E. 3. n. 11.

In the Thirty ſixth Year, the *Great Men* and Commons granted unto the King, of every Sack of Wool tranſported twenty Shillings, of every three hundred Wool-fells twenty Shillings, and of every Laſt of Leather forty Shillings; beſides the Antient Cuſtom of half a Mark a Sack of all Deniſons, and ten Shillings for Strangers; half a Mark for every three hundred Wool-fells of Deniſons, and ten Shillings of Strangers; and one Mark for every Laſt of Leather of Deniſons, and twenty Shillings of Strangers for three years. Ib. 36 Ed. 3. n. 35.

In the Forty ſecond Year, the Prelates and *Great Men* having had full Deliberation with the Commons, granted the Subſidy of Wool, Wool-fells and Leather, for two Years; of every Sack of Wool, and every twelve-ſcore Wool-fells thirty ſix Shillings eight Pence; of every Laſt of Leather four Pounds, beſides the Antient Cuſtom as before. Ib. 42 E. 3. n. 9.

In his Forty third Year, the Lords and Commons granted to Him the Subſidy as above for three Years; of every Sack of Wool forty three Shillings and four Pence, which paſſed beyond Sea; of every twelve-ſcore Wool-fells as much, and of every Laſt of Leather four Pounds, beſides the Antient Cuſtom; of Strangers for every Sack of Wool four Marks, of every twelveſcore Wool-fells four Marks, and of every Laſt of Leather eight Marks, beſides the Antient Cuſtom. Ib. 43 E. 3 n. 9, 10.

In the Forty fifth Year, the *Great Men* and Commons granted a Subſidy of Fifty thouſand Pounds, to be levied of every Pariſh of the Land two and twenty Shillings and three Pence, ſo as the Pariſhes of greater Value ſhould contribute ratably to thoſe of leſs Value. Ib. 45 E. 3. n. 5.

This two and twenty Shillings and three Pence of every Pariſh anſwered not the Sum of Fifty thouſand Pounds, and therefore not long after at *Wincheſter*, the *Great Men* and Commons granted five Pounds and ſixteen Pence out of every Pariſh, the two and twenty Shillings and three Pence being compriſed in it; ſo as the Pariſhes of greater Value ſhould contribute to thoſe of leſs. Ib. n. 10, 11.

In the Forty ſixth Year, the Lords and Commons granted for two Years the Subſidy of Wool, Leather and Wool-fells, as it was granted in the Forty third Year. Ib. 46 E. 3. n. 10.

And for that this Subſidy proved not ſufficient for the King's Expences, they granted a Fifteenth for one Year, to be levied as the laſt was. Ib. n. 11.

Beſides this, the Citizens and Burgeſſes in this Parliament, for the ſafe convoying of their Ships and Goods, granted two Shillings upon every Ton of Wine, and ſix Pence in the Pound of all Goods for a Year. Ib. n. 14, 15.

In the Forty ſeventh Year, the Lords and Commons granted a Fifteenth, as it had been in Antient manner levied, for two Years; they alſo gave Tonnage and Poundage for two Years, as it was given the laſt Year of all Merchandiſes exported and imported, except of Wool, Ib. 47 E. 3. n. 5.

Wool-fells and Leather, and then granted the Subſidy of them for the next Year coming.

Ib. 50 Ed. 3. n. 9. In the Fiſtieth Year, the Lords and Commons granted the Subſidy of Wool, Leather and Wool-fells for three Years, as it had been granted in his Forty ſeventh Year.

Ib. 51 Ed. 3. n. 19. In his Fiſty firſt Year, the Lords and Commons granted Him Four Pence of every Perſon of the Kingdom, Males and Females, above the Age of Fourteen Years (except very Beggers) and then they deſired to be excuſed that they could give no greater Subſidy, becauſe of their preſent grievous Neceſſities.

A Sum or Abſtract of the Principal Laws or Statutes made in the Reign of Edward *the Third.*

1 Edw. III. Stat. 1. In his Firſt Year there was a Confirmation of the Baniſhment of *Hugh le Diſpencer*, both Father and Son; and in the ſame Parliament, by another Chapter, the Repeal of their Exile made in the Reign of *Edward* II. was reverſed and made void. Cap. 2.

Ch. 1. And it is further declared, That none ſhall be impeached who took part with this King againſt his Father. But theſe Acts are long ſince expired, and I have given a particular Account of them in the Hiſtory, at the beginning of this Reign.

Ch. 4. Concerns only Matter of Practice, about a Tryal of an Averment in a Writ of Falſe Judgment, which I therefore barely mention.

Ch. 5. An Averment may be made againſt Falſe Returns by Bayliffs of Liberties.

Ch. 6. In Writs of Treſpaſs, an Attaint ſhall be granted by the Chancellor, without ſpeaking to the King, as well upon the Principal as upon the Damages. And in all Caſes of Attaints, the Juſtices ſhall not let to take the Attaints for the Damages not paid.

Ch. 7. The Juſtices of either Bench, Aſſize and Gaol-delivery, ſhall hear and determine all Plaints made againſt Sheriffs and Goalers, who ſhall compel or procure Priſoners to become Approvers, *viz.* to accuſe others.

Ch. 8. How they ſhall be dealt with that are taken for any Offence committed in the Foreſt, and how they ſhall be Bayled; and what Remedy the Priſoners ſhall have, if the Warden of the Foreſt ſhall refuſe Bayling them.

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Other Statutes made at Weſtminſter *the ſame First Year of this King.*

Stat. 2. 1 E. 3. Ch. 1. Confirms the Great Charter, and the Charter of Foreſts; and how the Perambulations of Foreſts ſhall be bounded, and Charters to be made thereof, and ſent to every Shire accordingly.

Ch. 2. Every Man having Wood within the Foreſt, may take Houſe-Boot and Hay-boot in his ſaid Wood, without being attached for the ſame; ſo it be done by the View of the Foreſters. It further enacts, That the King ſhall not (as had been done in the time of his Father) cauſe to be ſeized into his hands the Temporalties of any Biſhop.

None

Ch. 5. None ſhall be charged to arm himſelf otherwiſe than as was uſed in the time of the King's Progenitors; nor ſhall any be compelled to go out of his Shire, but when neceſſity requireth, and ſudden coming of ſtrange Enemies into the Realm. And then, for defence of the Realm, it ſhall be done as in times paſt.

Ch. 6. Aids granted to the King ſhall be taxed after the old manner, and not otherwiſe. *Stat.* 9 *H.* 4. *c.* 7.

Ch. 7. Whereas Commiſſioners have heretofore prepared Men of Arms, and conveyed them to the King out of the Realm, at the charge of the Shires, to the great Impoveriſhment of the Commons; it is to be done ſo no more.

Ch. 8. Nothing ſhall be taken for *Beau-pleader*, but the Statute of *Marlebridge* ſhall ſtrictly be obſerved in this point. *Vid.* 52 *H.* 3. *c.* 11.

Ch. 9. A Confirmation of the Liberties of Cities and Boroughs.

Ch. 10. There ſhall be no more Grants of Penſions, Prebends, Churches, or Corrodies at the King's Requeſt by Archbiſhops and Biſhops, *&c.*

Ch. 11. A Prohibition is granted againſt thoſe, who in the Spiritual Courts do ſue their Indictors in Civil Courts.

Ch. 12. Lands holden of the King in Chief, and aliened without Licence, ſhall not be forfeited, but a reaſonable Fine ſhall be taken (of ſuch Lands ſo aliened) in *Chancery* by due Proceſs.

Ch. 13. Lands holden of the King as of ſome Honour, ſhall not be taken into his hands, as if they were holden in Chief of Him, as of his Crown.

Ch. 14. None of what Quality ſoever ſhall maintain Quarrels, nor Parties in the Countries, to the Let and Diſturbance of the Common-Law.

Ch. 16. In every County good and lawful Men, that are no maintainers of evil, or Barretors in the Country, ſhall be aſſigned to keep the Peace.

Ch. 17. Sheriffs, and all others that take Indictments, ſhall take them by Roll indented, whereof one part ſhall remain with the Indictors, and the other with him that takes the Inqueſt, that the Indictments may not be embezeled as they had been in time paſt; ſo as one of the Inqueſt may have one part thereof, to ſhew to the Juſtices when they come to make Deliverance.

Statutes made at Northampton, An. 2 Edw. III.

Ch. 1. Confirms the Great Charter, and that of Foreſts.

Ch. 2. Juſtices of Goal-delivery, and *Oyer* and *Terminer*, procured by *Great* Men, ſhall not be made againſt the Form of the Statute 27 *Edw.* I. *c.* 3. And Aſſizes, Attaints and Certifications ſhall be taken before Juſtices commonly aſſigned, being good and lawful Men, having knowledg in the Law, and none other, according to the Statute of *Weſtm.* 2. *cap.* 29. Commiſſions likewiſe of *Oyer* and *Terminer* ſhall not be granted but before Juſtices of the one Bench or the other, or Juſtices Errant, and that for great and horrible Treſpaſſes, and of the King's Special Grace, according to the laſt mention'd Statute.

Ch. 3. None ſhall come with Force and Arms before the King's Juſtices, or other his Miniſters, nor go or ride arm'd in affray of Peace, upon pain of forfeiting their Armour to the King, and ſuffering Impriſonment at the King's Pleaſure. Juſtices and other Officers have power to put this Act in Execution; and the Juſtices of Aſſize ſhall enquire of their Default in that behalf.

Ch. 4. The Statute of *Lincoln*, 9 *Edw. II.* is confirmed; and Sheriffs and Bayliffs of Fee ſhall cauſe their Counties and Bayliwicks to be kept by ſuch as have Lands therein.

Ch. 5. The Manner and Method how Writs ſhall be delivered to the Sheriff or Under-Sheriff, to be executed, according to the Statute of *Weſtminſter* 2. *cap.* 39. and they ſhall be puniſhed as that Statute directs, if they refuſe to return ſuch Writs.

Ch. 6. The Statute of *Wincheſter*, and other Statutes made for keeping of the Peace, to be kept and duly obſerved; and the Juſtices aſſigned ſhall have power to puniſh the Diſobeyers and reſiſters of the Peace.

Ch. 8. No Command ſhall be made under the Great or Little Seal to diſturb or delay Common Right; and the Juſtices ſhall proceed to do Right, notwithſtanding ſuch Commands.

Ch. 9. All *Staples* ſhall ceaſe, and all Merchants may come in and go out with their Merchandize at their pleaſure, according to the Great Charter. And Writs thereupon ſent to all Sheriffs of *England*, and to Mayors and Bayliffs where need ſhall require.

Ch. 11. The Common-Bench ſhall not be removed without giving Warning ~~by~~ to the Partice. Adjourn~~ment of~~ the Parties, in time that ~~for~~ they may not loſe their Proceſs.

Ch. 12. *Hundreds* and *Wapentakes* let to Farm by the King, whether for Term of Life or otherwiſe, ſhall be rejoined again to the Counties; and the Sheriffs and their Heirs to have Allowance for the time paſt; and the ſaid *Hundreds*, *&c.* ſhall never more be given or ſevered from the Counties.

Ch. 15. No Perſon ſhall keep a Fair longer than he ought to do, on pain to have it ſeized into the King's hand, till he hath paid Him a Fine for ſo doing. Alſo every Lord at the beginning of his Fair ſhall cry and publiſh how long it ſhall endure, on pain to be grievouſly puniſhed.

Ch. 16. *Niſi prius*, or Inqueſts taken in Pleas of Lands, ſhall be taken as well at the Requeſt of the Tenant as of the Demandants, notwithſtanding the Statute 12 *Edw.* 2. *cap.* 3. called the Statute of *York*.

Ch. 17. A Writ of Deceit ſhall be maintainable, as well in caſe of Garniſhment touching Plea of Land, as in caſe of Summons in Plea of Land.

Statutes made at Weſtminſter, An. 4 Edw. III. An. D. 1329.

Ch. 1. A Confirmation of the Great Charter, and that of Foreſts, and all other Statutes not repealed.

Ch. 2. Good and Diſcreet Perſons ſhall be aſſigned in all the Shires of *England*, to take Aſſizes, Juries and Certifications, and to deliver the Goals three times in the Year at leaſt. And alſo good and lawful Men in every County, to keep the Peace; and ſuch as ſhall be indicted or taken by them, and are not baylable by Law, ſhall not be let to Main-priſe by the Sheriff, or any other Miniſter, nor otherwiſe delivered than at the Common-Law.

Juſtices of Goal delivery ſhall have power to deliver the Goal of ſuch as ſtand indicted before the Keepers of the Peace; and the Indictments found before the ſaid Keepers ſhall be ſent to the Juſtices of Goal delivery, and they have power to proceed and puniſh Offenders as they do at this Day.

The

Ch. 6. The Statute made at *Carliſle* 35 *Edw.* 1. *cap.* 2. touching Religious Perſons, is confirmed.

Ch. 7. Executors ſhall have an Action of Treſpaſs [illegible] a Wrong done to their Teſtator, as of the Goods and Chattels carry'd away in their Life-time.

Ch. 9. Sheriffs and Bailiffs of Hundreds, and Eſcheators, ſhall have ſufficient in the County wherewith to anſwer the King and his People, in caſe any Perſon complain againſt them.

Ch. 10. Sheriffs and Goalers ſhall receive Offenders, without taking any thing for ſo doing. And the Juſtices of Goal-delivery have power to hear Complaints, and to puniſh ſuch Sheriffs and Goalers as they ſhall find guilty.

Ch. 11. Juſtices of the Benches, of Aſſize, and of *Niſi prius*, ſhall have power to hear and determine Maintenance, Conſpiracy and Champerty, as well as Juſtices in Eyre: and what cannot be determined before them upon the *Niſi prius*, ſhall be adjourned to their own Benches, and be there determined. Note, this Statute is confirmed by 7 *Ric.* 2. *cap.* 15.

Ch. 12. Wines ſhall be ſold at reaſonable rates, and be aſſay'd or try'd twice a year. Corrupt Wines ſhall be poured out, and the Veſſels broken.

Ch. 13. The Statute of 2 *Ed.* 3. *cap.* 2. touching granting of Pardons, is confirmed.

Ch. 14. A Parliament ſhall be holden once a year, and oftner, if need be.

Ch. 15. Sheriffs ſhall let their Hundreds and Wapentakes for the old Farm, and not above: And the Juſtices aſſigned have power to enquire of Sheriffs, and puniſh them, if guilty.

Statutes made at Weſtminſter, 5 Edw. 3. An. Dom. 1339.

Ch. 1. The Great Charter, and that of the Foreſt, is confirm'd.

Ch. 2. Concerning how Purveyance was to be appraiſed; but this is now of no uſe, being taken away by Act of Parliament in K.*Ch.* 2's Reign.

Ch. 3. The Statute of *Carliſle*, made 35 *Ed.* 1. *cap.* 2. is again confirmed.

Ch. 4. The Statute of the laſt Year, *cap.* 9. is confirmed.

Ch. 5. Merchants after the Fair is ended, ſhall ſhut up their Shops, and ſell no Wares there, on pain of forfeiting double the value of ſuch Ware ſold, the Proſecutor to have a fourth part of what ſhall be loſt at his Suit.

Ch. 6. *Niſi prius* ſhall be granted in Attaints, but no Eſſoin or Protection.

Ch. 7. Writs of Attaint ſhall be granted as well in Pleas of Treſpaſs moved without Writ, as by Writ before Juſtices of Record, if the Damages be adjudged above 40 *s.*

Ch. 8. The Marſhals of the King's Bench ſhall not bail any committed to their charge; which ſhews that they had formerly much greater Power than now.

Ch. 9. None ſhall be attached upon any Accuſation, nor forejudged of Life or Limb, *&c.* againſt the Form of the Great Charter, and the Law of the Land.

Ch. 10. A Juror that is an *Ambidexter*, and takes Bribes of either Party, and is thereof attainted, ſhall ſerve no more on any Jury, but ſhall be impriſoned and ranſomed at the King's will; and the Juſtices of ſuch Aſſizes, *&c.* have power to enquire and determine according to the Statute.

Ch. 11. Juſtices aſſigned to hear and determine Felonies, ſhall direct their Writs to all the Counties of *England*, where need ſhall be, to take Perſons indicted or outlaw'd for Felony.

Ch. 12. Where the Plaintiff recovers Damages, and the Defendant is thereupon outlaw'd at the King's Suit, no Pardon ſhall be granted of the Outlawry, except the Chancellor be certify'd, that the Plaintiff is ſatisfied of his Damages: With other things concerning Proceſſes in Outlawrys, and Pardons thereupon, and what is to be done for the obtaining of them.

Ch. 13. Ordains what is requiſite, where any Perſon will avoid an Outlawry by Impriſonment.

Ch. 14. Night-walkers and ſuſpected Perſons ſhall be ſafely kept, until they be delivered by the Juſtices aſſigned to deliver the Goal.

Statutes made at York 9 Edw. 3. *Stat.* 1.

Ch. 1. Merchant-Strangers, Denizens, and all others, may freely buy and ſell within the Realm, without interruption, except they be Alien-Enemies. And thoſe that diſturb Merchants within a Franchiſe from ſelling their Commodities, ſhall (upon being convicted) anſwer double Damages to the Party grieved, ſuffer one Year's Impriſonment, and be ranſomed at the King's Will; and the Franchiſe to be ſeized into his hands; and what Puniſhment ſhall be inflicted in caſe of diſturbance, if it be out of a Franchiſe. Yet Aliens ſhall carry no Wines out of this Realm; and appoints who ſhall have power to hear and determine all ſuch Miſdemeanors.

Ch. 2. None ſhall loſe their Land from henceforth by reaſon of *Nonplevin*.

Ch. 3. In a Writ of Debt brought againſt divers Executors, they ſhall have but one *Eſſoin* before Appearance, and but one other after; for they repreſent the Teſtator but as one Perſon. The reſt concerns the Proceſs that ſhall be ſerved againſt them upon their Non-appearance, or for default after Appearance, *&c.* and therefore I refer to the peruſal of the Statute.

Ch. 4. Appoints how a Deed ſhall be tried and proved, that is dated within a Franchiſe where the King's Writ runneth not.

Ch. 5. Juſtices of Aſſize, Goal-delivery, and *Oyer* and *Terminer*, ſhall yearly at *Michaelmas* ſend all their Records and Proceſſes (determined and put in execution) into the Exchequer, which the Treaſurer and Chamberlains there ſhall receive under their Seals, to keep them in the Treaſury: Howbeit the ſaid Juſtices ſhall firſt take out the Eſtreats of the ſaid Records and Proceſſes, to ſend them to the Exchequer as they were wont to do.

The Statute of Mony made at York, 9 Edw. 3. *Stat.* 2.

Ch. 1. None, without the King's Licence, ſhall export any Gold or Silver in Mony or Plate, on pain of forfeiting the ſame.

Ch. 2. No falſe Mony, or counterfeit Sterling, ſhall be brought into any of the King's Dominions, on pain of forfeiting the ſame. But all Strangers, of what Realm or Dominion ſoever, may ſafely bring to the Exchanges good Mony or Bullion, and receive convenient Exchanges for the ſame.

Ch. 3. No Sterling Farthing or Half-penny ſhall be molten to make Veſſel, or any other thing, upon forfeiture of the Mony ſo molten, and Impriſonment till one half of the Mony ſo molten ſhall be paid.

Statutes made at Weſtminſter, 10 Edw. 3. Anno Dom. 1336.

Ch. 1. All Statutes not repealed ſhall be kept, holden, and put in execution.

Ch. 2. Pardons ſhall not be granted contrary to the Statute of 2 *Edw.* 3. *cap.* 2.

Ch. 3. He that hath a Pardon of Felony, ſhall within three months after ſuch Pardon find Sureties, before the Sheriff and Coroners, for the good Behaviour, which ſhall under their Seals be returned within three weeks after into the Chancery: And if he find not ſuch Sureties as are there directed, or misbehaves himſelf contrary to the Peace, the Pardon ſhall be void.

The Statutes of *Purveyors* made at *Weſtminſter* the ſame 10*th* Year, contain in all five Chapters; but they being now repealed by later Statutes, I ſhall forbear making further mention of them.

Statutes made at Weſtminſter, *Anno* 11 *Edw.* 3.

Ch. 3. No Cloths made beyond the Sea, ſhall be brought into the King's Dominions, on pain to forfeit the ſame, and further to be puniſhed at the King's Will.

Ch. 5. Cloth-workers of ſtrange Lands, who come into the King's Dominions, ſhall have the King's Protection, dwell where they pleaſe, and have convenient Franchiſes granted to them.

Statutes made at Weſtminſter, 14 Edw. 3. *and* 1 *of his Reign of* France, *Stat.* 1.

Ch. Holy Church ſhall have her Liberties in quiet. The Great Charter and that of Foreſt be holden in all points. And the City of *London*, and all other Cities and Boroughs ſhall enjoy all their Franchiſes and Cuſtoms, which they have reaſonably had and us'd in times paſt.

Ch. 4. *Engleſchiree* and Preſentment of the ſame, is hereby wholly aboliſhed and taken away.

Ch. 5. One Prelate, two Earls and two Barons at every Parliament ſhall be choſen and have Commiſſion from the King, to hear and redreſs all Delays of Judgments in the Courts at *Weſtminſter*, with the Methods of their Proceedings therein; and in caſe of great difficulty, the Cauſes were to be brought by them unto the next Parliament, and there ſhall be a final Accord taken what Judgment ought to be given upon them.

Ch. 6. A Proceſs or Record, which by miſpriſion of a Clerk is defective in any place whereſoever, ſhall be amended without giving advantage to the Party that challengeth the ſame.

Ch. 7. No Sheriff ſhall continue in his Office above one Year, and then another ſhall be choſen in his place (having Lands ſufficient in his Bailiwick) and this ſhall be done yearly at the *Exchequer* the next day after *All Saints*.

Ch. 8. How many Eſcheators are to be in the Realm, by whom they are to be made, and none to tarry in their Office above one Year. Likewiſe a Coroner ſhall have Land in Fee ſufficient in the County whereof to anſwer all People.

Ch. 9. All Wapentakes and Hundreds which are ſever'd from the Counties ſhall be rejoined to them again. The Sheriffs alſo ſhall hold the ſame in their own hands, and put in ſuch Bailiffs and Hundredors (having Lands in the Bailiwicks and Hundreds) for whom they will anſwer.

The reſt only concerns the Conditions upon which the Sheriffs ſhall let their Bailiwicks, *&c.* to farm, and to whom, and what their Qualifications ſhall be, as alſo what Puniſhment ſhall be inflicted on thoſe that offend againſt this Statute.

Ch. 10. Sheriffs ſhall have the keeping of Goals, and ſhall put in ſuch Keepers for whom they will anſwer. But if the Keeper or Under-keeper by *Dureſs* compels a Priſoner to become an Approver, he ſhall have Judgment of Life and Member.

Ch. 11. Acton Burnel. 13 Edw. 1. The Clerk of the Statutes ſhall be reſident upon his Office, and ſhall have Land ſufficient in the ſame County wherewith to anſwer to all Perſons, if he offend.

Ch. 12. There ſhall be one Meaſure and one Weight thro the Realm of *England*; and the Treaſurer ſhall cauſe certain Standards to be made of Buſhels, Gallons and Weights of Braſs, and ſent into every County; and two or more Surveyors ſhall be aſſigned in every County, to ſee that the Weights and Meaſures be according to the Standard, and to puniſh the Guilty, and to command the Sheriff to impriſon them till they make Fine to the King. The ſaid Officers ſhall every Year deliver their Eſtreats into the Exchequer, and ſhall have a fourth part of the Profits for their pains.

Ch. 13. Eſcheators ſhall make no waſt in the Lands of the King's Wards; if they do, the Ward ſhall have an Action of Waſt againſt his Guardian.

Ch. 14. Upon demand of Lands in the King's hands, after four Writs of Search for Him directed to the Treaſurer and Chamberlains of the Exchequer for finding the King's Evidences, he that defends the Lands for the King, ſhall be put to anſwer, as there is ordered; and then Juſtice ſhall not be delay'd, tho the contrary be commanded under the Great or Privy Seal.

Ch. 15. No Pardon of the Death of a Man, or other Felony, ſhall be granted, but only where the King may do it, ſaving the Oath of his Crown.

Ch. 16. Before what Juſtices *Niſi prius*, at the Defendant or Plaintiff's Suit, ſhall be granted and try'd, with other things relating thereunto, for which I refer to the Act it ſelf.

A Writ of *Juris Utrum* of Lands and Tenements, *&c.* is hereby made maintainable for a Parſon or Vicar. Ch. 17.

Where the Tenant voucheth to Warranty a dead Man, the Demandant ſhall be received to aver that the Vouchee is dead, and that there is none ſuch. Ch. 18.

2. *Another Statute made the ſame* 14th *Year of* Edw. 3.

All Merchants, Denizens and Foreigners (except Enemies) may ſafely come into *England* with their Goods and Merchandize, and ſafely tarry and return, paying the Cuſtoms and Subſidies; the Franchiſes reaſonably granted to Cities and Boroughs being reſerved and ſaved to them. Ch. 2.

3. *A Statute for the Clergy made at* Weſtminſter *the ſame Year.*

Spiritual Perſons Goods ſhall not be taken by Purveyances without the Owner's Conſent. Ch. 1.

The King ſhall not preſent in another's Right, but within three Years after the Avoidance. Ch. 2.

The Temporalties of Biſhops or other People of Holy Church, ſhall not be ſeiſed into the King's hands without juſt Cauſe. Ch. 3.

Eſcheators ſhall preſerve from Waſt and Deſtruction, the Poſſeſſions of Arch-Biſhopricks, Biſhopricks, and other Prelates, during their Vacations; and by and to whom they ſhall be demiſed, *&c.* Ch. 4.

Who ſhall let to farm the Temporalties of Biſhops to the King's Uſe. Ch. 5.

By the fourth Statute made this 14*th Year of* Edw. 3.

It is ordained, that the Realm and People of *England* ſhall not be ſubject nor obedient to the King or Kingdom of *France*.

In a Parliament at *Weſtminſter* held the 15*th* of this King, a Body of Laws was made; but becauſe there were in it ſeveral Articles, which, he ſaid, were expreſly contrary to the Laws and Cuſtoms of the Realm, and his Prerogatives Royal, He therefore, with the Advice and Aſſent of his great Council of Peers, took upon Him to revoke and repeal the ſaid Statutes, by a Proclamation iſſued forth under his Seal for that purpoſe. Dated the firſt of *October*, *An. Dom.* 1341. *Regni ſui* 15.

But even the Peers themſelves, not being ſatisfy'd with this high Strain of Prerogative, did within two Years after join with the Commons in a Bill for the more legal repealing the aforeſaid Statutes, which being paſt into an Act by the King's Aſſent, it ſtands enter'd on the Parliament-Roll of *decimo ſeptimo Edwardi tertii*, and remains a good Law to this day, tho it has never as yet been printed. But becauſe I have already given it at large in the Body of my Hiſtory, I have thought it enough here thus briefly to mention it, leaving the Reader to his Diſcretion to peruſe it as he pleaſes.

A Statute made the 18 *Edw.* 13.

Declaring in what caſes, and for what Offences *Exigents* ſhall be awarded.

Another Statute made the ſame 18 Edw. 3.

Ch. 2. Two or three of the beſt Reputation in the Counties ſhall be aſſigned Keepers of the Peace by the King's Commiſſion, who with other Wiſe and Learned in the Law ſhall have Power to hear and determine Felonies and Treſpaſſes done againſt the Peace, and to inflict Puniſhment according to Law and Reaſon.

Ch. 3. The Sea ſhall be open to all manner of Merchants, to paſs with their Merchandize where they pleaſe.

Ch. 5. No Exigent ſhall be granted againſt one indicted for Treſpaſs, unleſs it be againſt the Peace, or of things contained in the 18 *Edw.* 3. *Stat.* 1.

Ch. 7. This concerning Men of Arms, Hoblers and Archers that were in the King's Service out of *England*, how they ſhall be paid, being become obſolete, I therefore barely mention it.

A Statute of the Clergy *made alſo this Year; but moſt of them now being obſolete, I ſhall only ſet down the Titles of them.*

Ch. 2. Bigamy ſhall not be try'd by Inqueſt, but by Certificate from the Ordinary.

Ch. 3. Prelates ſhall be impeached, unleſs they ſhew the King's Charter of Licence for purchaſing Lands in *Mortmain.*

Ch. 4. In Commiſſions to be made for purveyance, the Fees of the Church ſhall be excepted.

Ch. 5. No Prohibition ſhall be awarded, but where the King hath cognizance of the Cauſe.

Ch. 6. Temporal Juſtices ſhall not enquire of Proceſs awarded by Spiritual Judges.

Ch. 7. No *Scire facias* ſhall be awarded againſt a Clerk for Tythes.

The next that follows in the ſame 18*th* Year, is the Oath to be given to Juſtices, when they take their places; but it is not of Record, as my Lord *Coke* affirms, 4 *Inſtit.* 51. However this is the effect of it, *viz.* to ſerve the King faithfully in their reſpective Offices; to warn Him of any damage; to do Juſtice, to take no Reward; to give no Counſel where the King is a Party; to arreſt and impriſon all that go about to diſturb the Execution of the Common Law, or menace the People that they may not perſue the Law; not to maintain any Suit, nor deny Right, tho by command from the King, or Letters from any other Perſon; to procure the King's Profit; and if found in default, to be at the King's Will in Body, Lands and Goods, 3 *Inſtit.* 144.

Then there is ſet down the Oath of the Clerks of the Chancery, and of the Clerks of Courſe, which they take at this day. But the

Abſtract would be too tedious, and therefore I refer to the Statute-Book for the form of it.

Statutes made at Weſtminſter *7 May* 20 *Edw.* 3.

The King's Juſtices ſhall do Right to all without reſpect of Perſons, notwithſtanding any Letters or Commands to the contrary; and they ſhall certify to Him and his Council all illegal Commands; they ſhall take no Fee but of the King, nor give Counſel to any where he is Party, upon pain of being at his Will, in Body, Lands and Goods; and for that reaſon their Fees were increas'd. Ch. 1.

The like is ordained to the Barons of the Exchequer, and to diſpatch Buſineſs depending before them without delay. Ch. 2.

Juſtices aſſigned by Commiſſion of Aſſize and Goal-delivery, and their Aſſociates, ſhall make ſuch Oath as is to be enjoin'd them by his Council in Chancery before they receive their Commiſſions. Ch. 3.

None ſhall maintain any other than their own Quarrels for any cauſe whatſoever, in diſturbance of Law, and hindrance of Right, upon pain of having their Body, Lands and Goods to be at the King's pleaſure. Ch. 4.

Juſtices of Aſſize have power to enquire of the Miſdemeanors of Sheriffs, Eſcheators, Bailiffs and their Under-Miniſters, common Imbraceors and Jurors, and to puniſh the Guilty: And the Chancellor and Treaſurer are to hear all Complaints thereof, and give ſpeedy remedy therein. Ch. 6.

The Statute of Labourers *made* 23 Edw. 3. An. Dom. 1349.

All Victuals ſhall be ſold at a reaſonable Price, and the Sellers thereof ſhall be content with a moderate Gain, upon the Penaltys therein preſcribed; and the Mayors and Bailiffs of Cities, Boroughs, *&c.* have power to enquire of Offenders, and puniſh them according to the direction of the Statute; and what theſe ſhall forfeit, if they neglect doing their Duty, beſides the Fine laid on them by the Juſtices for the King. This is obſolete, but deſerves to be renew'd. Ch. 6.

Another Statute of Labourers, *made* 25 Edw. 3. Anno Dom. 1350.

Appoints the ſeveral Wages of Servants and Labourers, and the particular Puniſhments of Perſons offending againſt the true meaning of this Statute, containing eight Chapters, but they are all repealed, or grown obſolete.

The Statute de Natis ultra Mare, *of thoſe that are born beyond Sea,* 25 Edw. 3.

The King's Children, whereſoever born, are inheritable of the Crown of *England*, after the death of their Anceſtors. And Subjects Children born beyond the Sea, out of the Ligeance of *England*, are alſo inheritable, if their Parents at the time of their Birth were within the King's Ligeance, and that the Mother paſſed beyond Sea with the conſent of her Husband. If Baſtardy be alledged againſt any born beyond Sea, the Certificate ſhall be made by the Biſhop of the Place where the Land demanded lies.

A Statute for the Clergy made the ſame Year.

Ch. 1. All Privileges that have been granted to the Clergy, are hereby confirmed; and it is further enacted, that neither the King nor any of his Heirs ſhall take Title to preſent to any Benefice in any other's Right of any time of his Progenitors.

Ch. 2. A Repeal of the Statute of 14 *Edw.* 3. *Stat.* 3. *cap.* 2. touching the King's Preſentment to a Church of another's Right.

Ch. 3. When the King preſenteth to a Benefice in another's Right, his Title ſhall be examined.

Ch. 4. All Clerks convicted of Felony or Treaſon ſhall be delivered to their Ordinaries.

Ch. 5. A Clerk ſhall be arraigned of all his Offences at once.

Ch. 6. A Biſhop's Temporalties ſhall not be ſeized for a Contempt.

Ch. 7. The Ordinary may counterplead the King's Title for a Benefice fallen by Lapſe.

Ch. 8. Cogniſance of Avoidance of Benefices appertaineth to the Eccleſiaſtical Judg.

Ch. 9. Indictments of Ordinaries for Extortion ſhall be put in certainty.

A Statute of Cloths *made alſo the* 25 Edw. 3.

Ch. 1. All Cloths vendible ſhall be meaſured by the King's Aulnager, or his Deputies, who are ſworn to do their Duties faithfully, with their Puniſhment, if they offend. But this Statute as to the Meaſure is altered by the 27 *Ed.* 3. *cap.* 4.

Ch. 2. Merchants-Strangers may buy and ſell within this Realm, without Diſturbance, the Commodities that are therein expreſs'd, and confirms the *Stat.* of 9 *Ed.* 3. *cap.* 1.

Ch. 3. The Penalty to be inflicted on thoſe that foreſtal Wines, Merchandizes, or Victuals, *&c.* But ſee the *Stat.* of 5 *Edw.* 6. *cap.* 14.

Ch. 4. All Gorces, Mills, Wears, Stanks, Stakes and Kiddels, ſet up in the time of *Edw.* 1. and ſince, whereby the King's Ships and Boats are ſo hinder'd, that they cannot paſs in Rivers as they were wont, ſhall be utterly pulled down, never to be renewed.

A Statute of Purveyors *made the ſame Year.*

Ch. 1. By what Meaſure the King's Purveyors ſhall take Corn; and how things purvey'd ſhall be appraiſed, and Tallies made thereof.

Ch. 2. This is the noted Declaration of what Offences ſhall be adjudged both high and petty Treaſon; which, ſince they are commonly given in charge at every Aſſizes and General Quarter-Seſſions of the Peace, I ſhall forbear here troubling my Reader with, and barely content my ſelf with ſetting down one remarkable Clauſe in it, which perhaps is not ſo generally taken notice of, which is this, *viz.* "And becauſe

“ that many other like Caſes of Treaſon may happen in time to come, “ which a Man cannot think or declare at this preſent time, It is “ accorded, that if any other Caſe, ſuppoſed Treaſon, which is not “ above ſpecify'd, doth happen before any Juſtices, the Juſtices ſhall “ tarry without any going to Judgment of the Treaſon, till the Cauſe “ be ſhew'd and declared before the King and his Parliament, whe- “ ther it ought to be judged Treaſon, or other Felony.

Ch. 3. No Indictor ſhall be put upon the Enqueſt of the Party indicted.

Ch. 4. None ſhall be condemned upon Suggeſtion without lawful Preſentment.

Ch. 5. Executors of Executors ſhall have Actions of Debt, Account, and of Goods carry'd away of the firſt Teſtators, and Execution of Statutes-Merchants, and Recognizances made unto him, and ſhall alſo anſwer to others ſo far forth as they ſhall recover of the firſt Teſtator's Goods, as the firſt Executors ſhould have done.

Ch. 6. Concerning Purveyors of Timber for the King's uſe, is taken away by the Statute of the 12 *Charles* 2*d*. for taking of Purveyance.

Ch. 7. No Foreſter, nor Keeper of Chaſe, nor any other Miniſter, ſhall gather any Victuals, or other thing, by colour of his Office, without the Owner's good-will, but what is due of Old Right.

Ch. 8. None ſhall be conſtrained to find Men of Arms, Hoblers, or Archers, but by Tenure of Land, or Grant of Parliament.

Ch. 9. Auncel-Weight ſhall be quite put out, and Weighing ſhall be by equal Balance.

Ch. 10. Every Meaſure ſhall be according to the King's Standard, and ſhall be ſtriked without heap, ſaving the Rents of Lords.

Ch. 11. How the reaſonable Aid, to make the King's eldeſt Son a Knight, and to marry his Daughter, ſhall be demanded and levy'd. This being obſolete, I barely mention it.

Ch. 12. No Perſon ſhall take Profit by Exchange of Gold and Silver, or *è contra*, upon pain of forfeiting the Mony ſo exchanged, except the King's Exchangers, who yet ſhall take but according to the Ordinance before made.

Ch. 13. The Mony of Gold and Silver now current, ſhall not be impaired either in Weight or Alloy.

Ch. 14. Directs what Proceſs ſhall be awarded againſt him that is indicted of Felony.

Ch. 15. The Penaltys to be inflicted on Purveyors who take Sheep for the King's Houſe before Sheering-time, are now taken away by the Act againſt Purveyance.

Ch. 16. By the Exception of Non-tenure of Parcel, there ſhall be no Abatement of the whole Writ.

Ch. 17. Proceſs of *Exigent* ſhall be awarded in Debt, Detinue and Replevin.

Ch. 18. Concerning *Villenage:* All Villains being now ceaſed, I need ſay nothing more of this.

Ch. 19. Notwithſtanding the King's Protection of his Debtor, other Creditors may proceed to Judgment againſt him, with a *Ceſſet Executio* until the King's Debt be paid: And if the Creditors will undertake for the King's Debt, they ſhall have Execution againſt the Debtor both for their own Debts, and likewiſe for ſo much as they have paid the King.

Ch. 20. Plate of Gold and Silver ſhall be received into the King's Mint by Weight, and not by Number, and ſo alſo ſhall the Mony be returned.

Ch. 21. Concerning how the King's Butler ſhall make Purveyance of Wine, being now become obſolete, I paſs it by.

Ch. 22. He that purchaſes a *Proviſion* from *Rome* for an Abby, ſhall be out of the King's Protection, and any man may deal with him as with a publick Enemy.

The Statute of *Proviſors of Benefices* made this 25 *Edw.* 3. *Stat. 6.*

This was to prevent Collations of Benefices in *England* by the Pope to the Proviſors or Procurers thereof, as well Aliens as Denizens, under the penalty of Impriſonment without Bail, till he made Fine to the King, and Satisfaction to the Party griev'd, if he were taken; but if not, the *Exigent* ſhould run againſt him. I ſhall ſay no more of this Statute here, becauſe I have already given a large Account of it in the Hiſtory among the Eccleſiaſtical Affairs.

Another Statute of Proviſors *made the* 27 Edw. 3.

Ch. 1. A *Præmunire* is granted againſt ſuch as ſue in a foreign Realm, or impeach there any Judgment given in any of the King's Courts, for any Matters whereof the King's Courts may take cognizance. The Penalty is, to be out of the King's Protection, to forfeit all their Lands and Goods, and to be impriſoned and ranſomed at the King's will, if they be found; but if not, they may be put in *Exigent*, and outlawed.

Ch. 2. Pardons that have not in them the Suggeſtion whereupon they are granted, and alſo the Suggeſtor's Name, ſhall be void; ſo are thoſe likewiſe which are granted upon falſe Suggeſtions.

Ch. 4. A Subſidy granted to the King of every Cloth ſold. Note, this Statute concerning the Aulnager's Fees for every Cloth ſold, as alſo the four following Statutes printed at large in the Statute-book, my Lord *Coke* ſays, are not of Record, 4 *Inſtit. p.* 51. and being alſo become obſolete, I omit them.

A Statute of the Staple *made this* 27 Edw. 3.

Ch. 1. Sets forth where the Staple for *England*, *Wales* and *Ireland* ſhall be kept, for Wool, Leather, Wool-fells and Lead; and to what places Merchandizes of the Staple ſhall be carry'd, and the ſeveral Cuſtoms that ſhall be paid for them. Every Merchant-Stranger to be ſworn to hold no Staple beyond the Sea of thoſe Merchandizes. This, tho now obſolete, yet deſerves our notice.

Ch. 2. Safe-Conduct granted to Merchants-Strangers to come and dwell in this Realm, and to depart from it with their Goods when they will; and none of them ſhall be taken by the King's Purveyors without their Conſent, over the Cuſtoms ordained to be paid by the firſt Chapter.

Ch. 3. Concerning what Perſons may buy Wools, Fells, *&c.* and bring them to the Staple. This being now become obſolete, I omit it.

Ch. 4. As alſo the next Chapter concerning Merchants going unto, or returning from the Staple, not to be diſturbed by the Kings Purveyors; and that for the ſame reaſon.

Ch. 5 & 6. Ch. 7. So likewiſe Chapter 5*th* and 6*th*, that none of the King's Juſtices, or other Officers, ſhall take cognizance of any Matters belonging to the Staple; and the 7*th* Chapter againſt all Licenſes granted to tranſport the abovesaid Merchandizes, contrary to the Statute of the Staple.

Ch. 8. Ch. 9. I do likewiſe omit the 8*th* Chapter concerning the Juriſdiction of the Mayor and Conſtables of the Staple; together with the 9*th*, containing the force or effect of a Recognizance acknowledg'd before the Mayor and Conſtables of the Staple, *&c.*

Ch. 10. There ſhall be but one Weight, Meaſure and Yard thro the Realm; and the Penalty of him who does not weigh by an even Balance.

Ch. 11. That it ſhall be Felony to foreſtal, buy, or give Earneſt for any Merchandizes before they come to the Staple, is now obſolete.

Ch. 12. As alſo that it ſhall be the ſame Crime to carry any Wool, *&c.* into *Scotland*, or to ſell them to any *Scots* man.

Ch. 13. How Merchants rob'd on the Sea, whoſe Goods are brought into the Realm, ſhall be relieved.

Ch. 14. Merchants may bring in Gold or Silver, in Mony or Bullion, to the King's Exchanges, and carry forth as much new Mony, but not old Sterling; but all falſe Mony ſhall be forfeited to the King.

Ch. 15. Concerning Indentures to be made between Carriers of Wool by Water, and the Bailiffs of Towns where they load them. This is now become obſolete.

Ch. 16. As is alſo the next concerning in what manner Houſes ſhall be let for reaſonable Rents in Staple-Towns.

Ch. 17. No Merchant-Stranger ſhalll be impleaded for another's Treſpaſs, or Debt, but upon good cauſe ſhewn. But if any of this Realm be endamaged by foreign Lords or Princes, or their Subjects do not right them, Letters of Mart ſhall be granted to do them Juſtice. Merchants of Enemies Countries ſhall have convenient time by Proclamation, to ſell their Goods, and to depart.

Ch. 18. Merchants of *Ireland* or *Wales*, who cannot ſell their Wool, *&c.* there, may bring the ſame to any of the Staples of *England*. This being now obſolete, I do but mention it.

Ch. 19. None ſhall loſe their Goods for their Servant's Offence, if they had not their Maſter's Command for ſo doing; and ſpeedy Juſtice ſhall be done them after the Law-Merchant, every day and hour.

Ch. 20. Merchants-Strangers ſhall be taken into the King's Protection, and ſhall have preſent Remedy for any Wrong or Grievance done to them in the Country, out of the Staple.

Ch. 21. Is concerning the Election of the Mayor and Conſtables of the Staples, and their Authority, which, as alſo Chapters 22, 23, 24, 25. concerning the Collectors and other Officers of the Staple, being all become obſolete, I omit.

Ch. 26. Credit ſhall be given to Letters brought by Merchants-Aliens, or to their Oaths, of the value of their Goods.

Ch. 27. The Forfeiture of thoſe who before this Statute have tranſported their Wools, *&c.*

Ch. 28. The Liberties of the Staples are confirmed, notwithſtanding any Franchiſes granted to Corporate Cities or Towns: howbeit other Mens Liberties, being within the Staple (*viz.* to keep Fairs, Markets, and the like) are ſaved.

Theſe Laws concerning the Staple being now ~~almoſt~~ all repealed, by the Statutes againſt Exportation of Wool, or elſe grown obſolete, I have only ſet down ſome of the Titles of them.

Statutes made at Weſtminſter, Anno 28 Edw. 3.

Ch. 1. Is a Confirmation of all Statutes heretofore made and uſed.

Ch. 2. The Lords of the Marches of *Wales* ſhall be for ever attendant on, and annexed to the Crown of *England*, and not to the Principality of *Wales*.

Ch. 3. No Man, of what Eſtate or Condition ſoever he be, ſhall be put out of Land or Tenement, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought to anſwer by due Proceſs of Law.

Ch. 4. How the King ſhall be ſatisfy'd of the Meſne Rates of thoſe Lands which come to his hands by the death of his Tenants.

Ch. 5. Is againſt Exportation of Iron made in *England*, or brought into it, and ſold here; but this is now become obſolete, Iron being one of the Staple Commodities of this Nation.

Ch. 6. All Coroners of the Counties ſhall be choſen in the full Counties, by the Commons of the ſame Counties, of the moſt meet and moſt lawful that ſhall be found in the ſaid Counties, to execute the ſaid Office; ſaving always to the King and other Lords, who ought to make ſuch Coroners, their Seigniories and Franchiſes.

Ch. 7. The Sheriffs of the Counties ſhall be removed every Year, and not abide in the ſame the Year following: And no Commiſſion ſhall be made to him thereof, or renewed for the ſame Year following.

Ch. 8. An Attaint ſhall be granted, as well upon a Bill of Treſpaſs, as upon a Writ of Treſpaſs, without having regard to the quantity of Damages.

Ch. 9. No Writ ſhall hereafter be directed to the Sheriff, to charge him to ſummon a Jury to indict any man.

Ch. 10. The Penalty of the Mayor, Sheriffs, *&c.* of *London*, if they do not redreſs Errors and Miſdemeanors there; and in what Counties the Tryal thereof ſhall be.

Ch. 11. Hue and Cry ſhall be levied, and freſh Suit made after Robbers from Town to Town, and from Country to Country; and the Penalty of the Country, if Robbers offending therein be not taken within forty days.

Ch. 12. How Purveyances made to the King's uſe, ſhall be paid for, is now taken away.

Ch. 13. As alſo the 13*th* Chapter concerning packing of Wool.

Statutes made at Weſtminſter, 31 Ed. 3. An. Dom. 1357.

Ch. 1. A Confirmation of the Great Charter, and the Charter of the Foreſt.

Ch. 2. No Wool ſhall be bought by Fraud to abate the Price thereof: Alſo Balances and Weights for Wool ſhall be ſent to all the Sheriffs of *England*, according to which every Perſon ſhall make theirs without Fee or Reward; and the Penalty to the King for buying and ſelling by any other Weight. This is become obſolete, but deſerves to be renew'd.

Ch. 3. If any Man or Town be charged with the Goods of Fugitives and Felons, and will, in diſcharge thereof, alledg another that is chargeable therewith, they ſhall be heard, and Right done thereupon.

Ch. 4. By what means Extortion in Biſhop's Officers for Probats of Teſtaments ſhall be redreſs'd.

Ch. 5. If any ſell a Tun or Pipe of Wine not gag'd, he ſhall forfeit the ſame Wine, or the value thereof, to the King.

Ch. 8. What Refuſe ſhall be made of Wool. The Contents of a Sack and Stone of Wool, *&c.*

Ch. 9. Gives the Chancellor and Treaſurer, with the Advice of others of the King's Council, Power to defer the tranſporting of Wool, when they judg it neceſſary. This is obſolete.

Ch. 10. Every man that brings Victuals to *London*, may freely ſell the ſame, without being diſturb'd by any. And the Mayor and Aldermen of the ſaid City may redreſs the Defaults of Fiſhmongers, Butchers and Poulterers there.

Ch. 11. To whom the Ordinary may commit the Adminiſtration of the Goods of him that dieth inteſtate. The Benefit and Charge of an Adminiſtrator.

Ch. 12. The Lord Chancellor and Treaſurer, taking to them the Juſtices and other ſage Perſons as they ſhall think fit, ſhall examine erroneous Judgments given in the Exchequer.

Ch. 14. The Eſcape of Felons, and Chattels of Felons, Fugitives and Clerks convict, adjudg'd by the King's Juſtices, ſhall be levy'd as they ſhall fall.

Ch. 15. Every Sheriff ſhall hold his Turn yearly one time within the Month after Eaſter, and another time within the Month after *Michaelmas*, on pain to loſe his Turn for the time.

Another Statute call'd that of Herrings, *made the ſame Year, but of no concern to us at this day: However I will give you the Titles of them, ſince they ſhew us the Antiquity of our Fiſhing-Trade in the* N*arrow Seas.*

Ch. 1. Herrings ſhall not be bought or ſold on the Sea; and at what time they ſhall be ſold.

Ch. 2. The Order and Time of bringing and ſelling of Herring at *Yarmouth* Fair. How many Herrings ſhall be accounted a Hundred, and how many a Ten thouſand, and who ſhall govern the Fair.

Ch. 3. The Chancellor and Treaſurer, with the Judges and other the King's Council, as they ſhall think fit, may take order for the buying and ſelling of certain Fiſh and Wine.

A third Statute of the ſame 31*ſt* Year concerning Fiſh, and the Price of Dogger-Fiſh, *&c.* being now become obſolete, I omit.

Statutes made at Weſtminſter, 34 Edw. 3. Anno Dom. 1360.

Ch. 1. What ſort of Perſons ſhall be Juſtices of the Peace, and what Authority they ſhall have. They may hear and determine at the King's Suit all manner of Felonies and Treſpaſſes. Commiſſions of general Enquiries granted within any Seigniories, ſhall ceaſe: And the Fines to be made before Juſtices for Treſpaſſes committed, to be reaſonable.

Ch. 2. Ch. 3. Concerning Purveyance to be made only for the King, the Queen, and the King's eldeſt Son: And when ſuch Purveyances ſo made ſhall be paid for, I only mention them.

Ch. 4. Sheriffs and others ſhall array their Pannels out of the Vicinage, not ſuſpected nor procured; on pain of being puniſhed by the Juſtices that take ſuch Enqueſts both to the King and Party grieved, according to the quantity of their ſaid Treſpaſs and Damage.

Ch. 5. Juſtices of the Peace ſhall have power to enquire of Weights and Meaſures. *Auncel* Weight ſhall be wholly laid aſide. Every buying and ſelling ſhall be by equal Balance; and the Offender grievouſly puniſhed both at the King's and Party's Suit.

Ch. 7. Attaint ſhall lie as well in Pleas Real as Perſonal; and ſhall be granted to the Poor (who ſhall affirm they have nothing whereof to make Fine, ſaving their Countenance) without Fine, and to all others by eaſy Fine.

Ch. 8. If any of the Jurors be accuſed by either of the Parties for taking a Bribe to give his Verdict, the Juſtices may preſently try it by a Jury then alſo to be taken. And if it be proſecuted by any other than one of the Parties, he ſhall have the Fine; but if by one of the Parties, he ſhall recover Damages by the Aſſeſſment of the Enqueſt ſo taken; and the attainted Juror ſhall be impriſoned for a Year, not pardonable for any Fine. The Suit may alſo be proſecuted before other Juſtices in form above.

Ch. 12. There ſhall be no Forfeiture of Lands for Treaſon of dead Perſons not attainted in their Lives-time.

Ch. 13. By what ſort of People, and in what Place and Manner an Eſcheator ſhall take his Enqueſt.

Ch. 14. In what Court Traverſes of Offices found before Eſcheators ſhall be try'd.

Ch. 15. A Confirmation of thoſe Alienations which the Tenants of King *Henry* III. and other Kings before Him, did make.

Ch. 16. The Plea of *Non-claim* of Fines ſhall not hereafter be taken nor holden for any Bar.

Ch. 17. Merchandizes may be carry'd into, and brought out of *Ireland*, without Fine or Ranſom, ſaving to the King his antient Cuſtoms and other Duties.

Ch. 18. They who have Lands in *Ireland*, may carry their Goods thither, and bring them hither, paying their Cuſtoms, *&c.* to the King. Repealed as to Cattel by 18 *Car.* 2. *cap.* 2.

Ch. 19. No Cuſtom or Subſidy ſhall be paid for Canvas to pack Wool in.

Ch. 22. A Hawk taken up ſhall be deliver'd to the Sheriff, who after Proclamation in all the conſiderable Towns of the County, if it be challenged, ſhall deliver her to the right Owner, paying the Coſts, while ſhe was in his Cuſtody, *&c.*

An Ordinance of *Herring*, made 35 *Edw.* 3. 1360. being now obſolete, I omit.

Statutes made at Weſtminſter, 36 Edw. 3. An. Dom. 1362.

Ch. 1. A Confirmation of all former Statutes.

Ch. 2. A Confirmation of the former Statute concerning Purveyance for the King and Queen, and that ſpeedy Payment ſhall be made. This
Ch. 3. with the third Chapter concerning the Penalty of Purveyors, which
Ch. 4. ſhall receive a Reward to ſpare or charge any one, and the 4*th* Chapter, that Commiſſioners ſhall be awarded to enquire into their Behaviour, I barely mention.

Ch. 5. None ſhall keep any more Horſes for the King than be aſſigned unto him.

Ch. 6. It is Felony for any Subject's Caterer to buy any thing, but by the conſent of the Owner.

Ch. 7, 8, 9. The 7*th*, 8*th* and 9*th* Chapters being concerning the Juriſdiction of the Mayor and Conſtables of the Staple, with other Matters relating to it, I omit.

Ch. 10. For the redreſs of divers Miſchiefs and Grievances which daily happen, a Parliament ſhall be holden every Year, as was formerly ordained by 4 E. 3. 14.

Ch. 12. That in the Commiſſions of Juſtices of the Peace, and of Labourers, expreſs mention be made, that the ſame Juſtices make their Seſſions four times by the Year; that is to ſay, one Seſſion within the *Utas* of the *Epiphany*; the ſecond within the ſecond Week of *Lent*; the third betwixt the Feaſts of *Pentecoſt* and of St. *John Baptiſt*; the fourth within the eight days of St. *Michael*.

Ch. 13. An Eſcheator ſhall have no Fee, nor commit Waſt in Lords Lands. Thoſe Lands which be ſeized upon an Enqueſt taken before an Eſcheator, ſhall be let to farm.

Ch. 15. Pleas ſhall be pleaded in the *Engliſh* Tongue, to prevent the Miſchiefs which have happen'd to divers Subjects of this Realm, by their not underſtanding what has been pleaded for or againſt them; and the better to govern themſelves without offending of the Law, as alſo to defend their Heritages and Poſſeſſions; but they ſhall be enter'd and enrolled in *Latin*. This deſerves our more particular notice, becauſe ever ſince the paſſing of this Statute, all Pleadings have been continued in *Engliſh*; whereas before this time from *William* the Firſt, they were all in the *French* Tongue.

Statutes made at Weſtminſter, 37 Edw. 3. An. Dom. 1363.

Ch. 1. A Confirmation of former Statutes.

Ch. 2. An *Identitate Nominis* ſhall be granted upon the wrongful Seiſure of the Lands, Goods or Chattels of any Perſon (outlaw'd for want of a good Declaration of his Sirname) to diſcharge him, as hath been uſed in times paſt, *&c.*

Ch. 4. The Clerk of the Remembrance ſhall ſit againſt the Clerk of the Pipe, to take notice of, and imbreviate all Diſcharges in the Pipe, that all Proceſs thereupon may ceaſe, and upon ſuch diſcharge that the Summons of the Pipe be withdrawn.

Ch. 7. Goldſmith's Work ſhall be of good Sterling, and marked with his own Mark, made known to the Surveyor thereof: and after it is by him aſſayed, he ſhall ſet to it the King's Mark, and then the Goldſmith his. None making white Veſſel ſhall meddle with Gilding, *&c.* This Chapter, as my Lord *Coke* affirms, is not of Record, 4 *Inſtit.* 51.

Ch. 17. In what caſe a Writ ſhall not abate by exception of acknowledgment of Villenage.

Ch. 18. Before whom the Promoters of Suggeſtions to the King ſhall find Surety to perſue the ſame, and the Penalty on them who cannot make good ſuch Suggeſtions.

Ch. 19. He that ſteals and carries away a Hawk, not obſerving the Ordinance of 34 *Edw.* 3. *cap.* 22. ſhall be deemed a Felon. Neither is this on Record, as is ſaid 4 *Inſtit.* 51.

Statutes made at Weſtminſter, 38 Edw. 3. An. Dom. 1364.

Ch. 1. Former Statutes ſhall be kept and duly executed in all points.

Ch. 2. Any Merchant may trade in more Merchandiſes than one. This repeals a Statute of the laſt Year, and therefore not mentioned above. Alſo who only may tranſport Gold or Silver.

Ch. 3. All Fines ſhall be levied in the Preſence of the Pledges, and they to know the Sum how much before they depart.

Ch. 4. All penal Bonds in the third Perſon ſhall be void.

Ch. 5. Any man may wage his Law (by ſufficient People of his Condition) againſt *Londoners* Papers; and the Creditor ſhall take Surety otherwiſe, if he pleaſe, but not put the Party to plead to the Enqueſt, unleſs he has a mind ſo to do.

Ch. 7. A Confirmation of the Statute of the Staple, made *Anno* 27. *Ed.* 3.

Ch. 8. No Owner ſhall loſe his Ship for a ſmall thing found that is in her uncuſtomed, without his knowledg.

Ch. 9. If the Promoter of a Suggeſtion made to the King cannot make it good, he ſhall be impriſoned, till the Party grieved be ſatisfy'd his Damages, and Fine be made to the King.

Ch. 10. A Confirmation of the Statutes made for Wines.

Ch. 11. All Merchants Denizens that are not Artificers, may go into *Gaſcoigne* to fetch Wines; and Aliens may bring Wines into the Realm.

Ch. 12. A Juror taking Reward of either Party to give his Verdict, and be attainted of it by Proceſs contained in the Article of 34 *Edw.* 3. *cap.* 8. ſhall pay ten times ſo much as he hath taken: and all Embraceors that procure ſuch Enqueſt ſhall incur the like Puniſhment; and if they have not wherewithal, ſhall ſuffer a Year's Impriſonment.

Another Statute made the ſame Year, ſetting forth the ſeveral Enormities of Citations, and Impetrations of Benefices obtained from *Rome*, and the Penalties incurred thereby; which being obſolete, I only give you the Contents of it.

A Confirmation of the Great Charter, and the Charter of the Foreſt, and a Repeal of thoſe Statutes that be made to the contrary. Ch. 1.

None ſhall be put to anſwer an Accuſation made to the King without Preſentment, or ſome matter of Record, or by due Proceſs and Writ Original: And what is done to the contrary, ſhall be void in Law, and holden for Error. Ch. 3.

Commiſſions of Enquiry ſhall be made to the Juſtices of both Benches, of Aſſize, or of the Peace, with others of the moſt worthy of the Country, ſave in the Office of the Eſcheatorſhip, or ſomething touching the ſame. Ch. 4.

None ſhall be an Eſcheator, unleſs he have 20 *l.* of Land at leaſt, in Fee, and do his Office in proper Perſon; and if any other be, he ſhall be put out. Ch. 5.

The Party chargeable by the Eſtreats of Green-wax, upon payment ſhall ſee the Rolls themſelves under Seal, and what is paid ſhall be totted by the Sheriff, for default whereof he ſhall pay the Party that is afterwards damnify'd treble Damages, and beſides make Fine to the King, *&c.* Ch. 9.

Children born beyond the Sea in any of the King's Dominions ſhall be inheritable in *England*. *St.* 25 *E.* 3. Ch. 10.

No Enqueſts but Aſſizes and Deliverances of Goals ſhall be taken by Writ of *Niſi prius*, before the Names of all that are to paſs thereupon be returned into Court. When the Sheriff ſhall array the Pannels in Aſſizes, under the forfeiture of 20 *l.* and when the Returns thereof ſhall be made by the Bailiffs to the Sheriffs upon the like Penalty; and alſo what ſort of Perſon ſhall be returned upon Enqueſts. Ch. 11.

Statutes made An. 43 Edw. 3.

The King's Butler, or his Lieutenants, ſhall take no more Wine than he hath in Command, on pain of Impriſonment, and to be ranſomed at the King's Will: and after ten days the Merchant may ſell the Reſidue, notwithſtanding any Arreſt made upon them by the Butler, *&c.* Ch. 3.

Statutes made at Weſtminſter, 45 Edw. 3. Anno Dom. 1371.

A Confirmation of the Great Charter, and that of the Foreſt in all points. Ch. 1.

The Statute of *Wears* made 25 *Edw.* 3. *cap.* 4. ſhall be put in due execution; and if any Annoyance be done, it ſhall be pulled down by due Proceſs, according to the ſaid Statute. And whoever ſhall again repair or ſet up ſuch Annoyance, ſhall upon Conviction pay 100 Marks to the King, and ſo for enhauncing them. Ch. 2.

Ch. 3. A Prohibition (and an Attachment thereupon) ſhall be granted, where a Suit is commenced in the Spiritual Court for the Tythes of Underwood above 20 Years growth, in the name of *Silva cædua*.

Ch. 4. No Impoſition or Charge ſhall be put upon Wools, Wool-fells and Leather, other than the Cuſtom and Subſidy already granted to the King, and that in no ſort without the Aſſent of Parliament; and if any be, it ſhall be holden for none. See 11 *R.* 2. *cap.* 9. whereby this Law is confirmed.

Statutes made at Weſtminſter, 50 Edw. 3. An. Dom. 1376.

Ch. 1. A Confirmation of the Liberties of Holy Church.

Ch. 2. The Great Charter, and the Charter of the Foreſt, to be kept in all points.

Ch. 4. No Prohibition ſhall be allowed after Conſultation duly granted, provided the Matter in the Libel of the ſaid Cauſe be in no wiſe changed.

Ch. 5. None ſhall arreſt Clerks or other Perſons of Holy Church, attending on Divine Service, on pain of grievous Forfeiture; ſo that Colluſion be not found in any ſuch Perſons or Clerks.

Ch. 6. Fraudulent Aſſurances of Lands or Goods to deceive Creditors, ſhall be void, and the Creditors ſhall have Execution of the ſame, as if no ſuch Gift had been made.

Ch. 7. Woolen Clothes ſhall not be tranſported beyond Sea, nor any Subſidy paid, before they be fulled.

Ch. 8. Clothes, called *Frize-Ware*, made of *Iriſh* Wool, ſhall pay no Subſidy nor Aulnage, and the reaſon wherefore they ſhall not.

The

The Lord Chief Juſtice Hale's *Account of the State and Progreſs of the Laws during this King's Reign.*

KING *Edward* the Third ſucceeded his Father, his Reign was long, and under it our Law improv'd to its greateſt height; the Judges and Pleaders were very Learned in their Pleadings, tho ſomewhat more poliſh'd and regular than in the time of *Edward* the Firſt and Second: they had neither unneceſſary Length, nor yet any Obſcurity; they were plain and skilful, and the Rule of Law, eſpecially in relation to real Actions, and Titles of Inheritance, very learned and exact, exceeding thoſe of the time of *Edward* I. ſo that about the latter end of this King's Reign the Law ſeemed to be near its Meridian.

The Reports of this time run from the beginning of his Reign to the end, except ſome few Years, as between the 10*th* and 17*th*, and between the 30*th* and 33*d* of *Edward* 3*d*; yet thoſe very omitted Years are extant in antient Manuſcripts, which are in many hands. The Book of Aſſizes is a Collection of the Aſſizes or Trials that happen'd in this King's time, from the beginning of his Reign to the end, extracted out of the Year-Book and Reports of thoſe that attended the Aſſizes in the Country.

Yet the Juſtices Itinerant continued by intermitted Viciſſitudes till about the 4*th Edward* III. and ſome of them till 10*th Edward* III. their Juriſdiction extended to Pleas of the Crown, or Criminal Caſes, Civil Suits and Pleas of Liberty, and *Quo Warranto*; the Reports thereof are not printed, but are in many Hands in Manuſcript, of the Times of *Ed.* I. *Ed.* II. and *Ed.* III. full of excellent Learning, beſides ſome few broken Reports of thoſe Eyres, eſpecially in *Cornwall*, *Nottingham*, *Northampton* and *Derby* Shires, are collected by *Fitz-Herbert*. After the 10*th* of *Ed.* III. I do not find any Juſtices *Errant ad Communia Placita*, but only *ad Placita Foreſtæ*. Other things that concern'd thoſe Juſtices *Itinerant* were ſupplied and tranſacted in the Common Bench. The King's Bench and Exchequer were then for *Placita de Libertatibus*. There were alſo Juſtices of Aſſize, *Niſi prius*, *Oyer* and *Terminer*, and *Goal-Delivery* for Aſſizes and Pleas of the Crown. Thus much for the Reign of *Ed.* 3. and the Laws of that time.

Church

mr Darby.

Church Affairs in this King's Reign, relating chiefly to the great Difference concerning Papal Proviſions.

I Have from Dr. *Brady's* *Compleat Hiſtory* given you an Account of ſuch Eccleſiaſtical Affairs as could not be well inſerted into the precedent Reigns; particularly concerning that great Diſpute between the Pope and the King, about *Proviſions* or *Nominations* to Biſhopricks, and other Eccleſiaſtical Dignities; againſt which divers ſevere Statutes were made in this Reign, the Subſtance of which drawn from the Parliament-Rolls and printed Statutes, you will find in the enſuing Sheets; and therefore I have purpoſely omitted taking any notice of them among the Temporal Laws made under this King.

The old Controverſy was ſtill kept on foot *inter Regnum & Sacerdotium* (as they then term'd it) that is, between the Secular and Eccleſiaſtick Governments, or rather between the King and Pope, concerning the *Regalia* in Church Matters, and the Privileges of the Clergy.

See the Letter at large in Dr. B's Append. *from* Rot. Rom. 4 Ed. 3. n. 2.

The King, in the fourth Year of his Reign, wrote to Pope *John* XXII. concerning the Treaſurerſhip of *York*, which He had given by *Proviſion* to a Cardinal, againſt the Rights of his Crown and Prerogative, and to the ineſtimable Damage of the Kingdom; and therein beſeeches Him, that He would revoke his ſaid *Proviſion*, and direct the Cardinal not to contend againſt *William de Maza* his Clerk (then in poſſeſſion of it by his Preſentation) in ſuch a Novelty and Uſurpation; it being his Right, and always had been that of his Progenitors, in the Vacancy of the Arch-Biſhoprick, to preſent to that Dignity; and to ſtrengthen that Right, he vouches a Precedent in the Court of King's Bench in the time of his Grandfather *Edward* I.

Ibid.

He likewiſe at the ſame time wrote to *Robert de Wodehouſe*, Arch-Deacon of *Richmond*, wherein He acquainted him, that He had notice, that he and ſome others were contriving by divers Proceſſes, to put the Cardinal into actual Poſſeſſion of the ſaid Treaſurerſhip of *York*, to the great prejudice of his Crown; and therefore ſtrictly prohibited him from doing any thing to the impairing of his Right; and in caſe any thing already had been done by himſelf or others, thro his means or procurement, that he ſhould without delay revoke it; and ſo behave himſelf in this matter, that He might not have cauſe to chaſtiſe him as a Violator of the Rights of his Royal Dignity; and much after the ſame manner the King directed his Writs to theſe underwritten, *viz.*

The Arch-Biſhop of *Canterbury.*
The Biſhop of *Lincoln.*
Monſieur *Marmyon.*
The Biſhop of *Worceſter.*
The Biſhop of *Salisbury.*
The Prior of *Lewis.*
The Prior of *Linton.*
The Dean of the Church of *Aukland.*
Mr. *Richard de Byntworth.*
The Arch-Deacon of *Lincoln.*
Mr. *Iſcher de Concoret.*
Mr. *Guido de Calm.*

Rot. Rom. n. 10. m. 3. *printed in the Dr's Append. n.* 98.

In the tenth Year of his Reign the King wrote to Pope *Benedict* X. that his Progenitors had long ſince ſounded and endowed the Church of *England*, and freely collated to the Cathedral Churches by their Royal Right; that afterwards upon the Petition of the Clergy, and for reverence to the Pope, and at his requeſt, the King had granted to the Chapters of Cathedral Churches the Power of chuſing a Biſhop, when the See became void, ſaving to Him and his Succeſſors the Prerogative, that whenever the Church did ſo become void, the Chapter ſhould acquaint Him with it, and make their requeſt to Him for his Licence to chuſe a Biſhop, and when he was ſo choſen, then to preſent him to the King for his Aſſent, before they proceeded further in the Buſineſs of his Election; and then after he had been confirm'd, he was to requeſt of the King the Temporalties belonging to the Biſhoprick, and do Him Fealty for the ſame: and whatever was done againſt this Form was to be void. That the Biſhoprick of *Norwich* being vacant, He had given the Prior and Chapter leave to chuſe, and they having ſo done, had preſented their Elect to Him for his approbation; but He having a deſire to be fully ſatisfied concerning ſomething he had heard of him, before He gave his Conſent to their ſaid Election, by the Advice of his Wiſe Men He gave him a ſhort Day to receive his Anſwer: But he ſcornfully rejected this way of proceeding, and proſecuted the Buſineſs of his Election in the Court of *Rome*, to the King's reproach, and in contempt of his Right, the Suppreſſion of his Royal Prerogative, and manifeſt Danger of Diſinheritance. Wherefore He beſought his Holineſs's favour to take the Premiſes into due conſideration, and deny the Biſhop-Elect any Audience for the confirmation of his Election, until he had obtain'd his Royal Aſſent, according to the Form aforeſaid, which He was ready to grant without more ado, if there ſhould be no reaſonble cauſe to oblige Him to the contrary: Concluding, that if He ſhould not have taken notice of this Supplication of the Elect of *Norwich* to the Pope, yet his Subjects would not ſuffer Him to paſs by ſuch an Encroachment.

Rot. Rom. 16 Ed. 3. n. 2.

After this the King apprehending that the Pope's Chaplains and Auditors of his Sacred Palace (to whom He uſually therein refer'd the hearing of ſuch Cauſes) tho otherwiſe good Lawyers, might yet be ignorant of the Laws and Cuſtoms of *England*, wrote to them likewiſe, and gave them notice, that all Cauſes about the *Jus Patronatus*, or Right of Patronage of Benefices whatſoever, were always pleaded, determin'd, and ended in his Court, before his Juſtices, and ought not to be diſcuſs'd any where elſe. That if any Man marry'd a Woman that was Patroneſs of any Church or Eccleſiaſtical Benefice, and had Iſſue by her, and ſhe dy'd before him; upon any Vacancy he was to preſent during his Life, and his Clerk was to be inſtituted by thoſe unto whom it belonged: and further, that if any Tenants *in Capite* died, poſſeſs'd of Lands, to which the Patronage of any Benefices were annexed, then if there happen'd any Vacancys after the Death of the Tenant, while the Lands were in the King's hands, it was his Right to preſent them; and therefore deſired, that if any of theſe matters came before them, they might be duly conſidered, and nothing done therein, to the prejudice of his Crown, nor of the Laws of his Kingdom.

Vid. *Stat. at large* 14 Ed. 3.

And that theſe Preſentments, as alſo thoſe made in the Vacancies of Arch-Biſhopricks, Biſhopricks, Pleas of a Plenarty, or the Church's being full, was no more an Exception or Plea againſt the King, than if they had been made in right of his Crown, until by a Statute for the Clergy, enacted upon the Petition of the Arch-Biſhops, Biſhops, and Clergy, in the fourteenth Year of his Reign, *Chap.* 2. He granted it ſhould be a bar to Him and his Heirs for the future; for before that, the King had his Remedy againſt the Incumbent, if he had not been duly preſented: for at that time Inſtitution, tho upon a wrong Preſentation, made a Plenarty againſt a common Perſon; but to make it good againſt the King, Induction, or actual Poſſeſſion of the Church was alſo required: yet before this Statute neither could be pleaded againſt Him.

Rot. Parl. 17 Ed. 3. n. 59.

In the ſeventeenth Year of his Reign, there was great Complaint made in Parliament, of Strangers holding ſo many Benefices in *England*; that the Alms were not beſtow'd, as they were wont; that much of the Treaſure of the Land was carry'd beyond Sea, for the maintenance of the King's Enemies; the Secrets of the Nation diſcover'd, and by this means the able and loyal Clerks of the Nation were leſs advanced: that of late there were many Cardinals made, to two of whom the Pope had granted by his Bulls Benefices in this Land to the value of ſix thouſand Marks; that the Commons underſtood, that one of the Cardinals, to wit the Cardinal of *Perigort*, was the fierceſt Enemy, and the moſt averſe to the King's Deſigns of any in the Court of *Rome*; that in a little time by ſuch Grants the Nation would be filled with Strangers, and no Clerk of this Kingdom, tho the Son of never ſo great a Lord, nor any other, would find a Benefice worth having, to which he could be advanced; and this to the great damage of the King and whole Community, by reaſon of ſuch Reſervations and Proviſions. Of which things the Commons pray Remedy, for that they could not, nor would any longer endure it, becauſe all the Foundations and Advowſons of Arch-Biſhopricks, Biſhopricks, Abbys, Priories, Churches Parochial, and the whole Spiritual Revenue of this Land, were of the Foundations of our former Kings, Earls, Barons, and Commons: and therefore that it would pleaſe the King to write to the Pope, under his Great Seal, and the Peers and Great Men of the Land under their Seals, that He would ceaſe from putting theſe Burdens on the Nation, and revoke what He had done: And if any of the Peers or Great Men would not ſeal ſuch a Letter, the Commons ſhould not hold him for a Well-wiſher to the King's Profit, or their own; and in caſe the Pope ſhould not comply with what was deſired, they pray'd the King to encourage and maintain ſuch as ſhould, and would endeavour to remove this Burden, and put ſuch out of his Protection as would not comply. They alſo pray Him to command all the Peers and Great Men of the Land to ſtay at this Parliament quietly, until theſe things ſhould be perfected and ſealed as above: and for the great damage that might happen in the mean time, that He would pleaſe to grant his *Prohibitions* to the Miniſters and Proctors of the Great Biſhops, not to intermeddle in this matter, until the Pope had wrote back his Pleaſure.

The Anſwer to this was, that the King well underſtood the miſchief, Ibid and was pleaſed that the Great Men and Commons ſhould order Remedy and Amendment, and He would agree to it; and alſo He conſented that Letters ſhould be wrote to the Pope about this matter, as well by Himſelf, as by the Great Men, and likewiſe by the Commons.

And then the Earls, Barons, and other Nobles, and the whole Ib. n. 10. Commonalty of the Realm, further pray'd the King, that for the avoiding and ſetting aſide the Damages, Grievances, and Oppreſſions of the People, and Holy Church of *England*, as well of Benefices as of Firſt-fruits; and by Impoſitions of Tenths, and other Burdens, in Diſheriſon both of the King and his Crown, and of the ſaid Earls, Barons, and other Nobles, that He would pleaſe to command that certain Petitions of the Earls, Barons and Commons of the Realm, offered in the time of his Grandfather, at his Parliament holden at *Carliſle* in the five and thirtieth Year of his Reign, and alſo the Agreement and Judgment made upon them in that Parliament, ſhould be again inquired into and conſider'd. So this their Prayer being granted, ſearch was made in the Rolls and Remembrances of the ſaid Parliament; and the ſaid Statute being found accordingly, the ſaid Statute of *Proviſors* is here recited at large, but ſince it is already ſet down among the Eccleſiaſtical Affairs of that King's Reign, I refer the Reader to it. After Recital, that ſerves as a Preamble to the preſent Statute, it follows to this effect:

Wherefore the King (viz. *Edward* the *Third*) in this preſent Parliament, Ibid. at the Suit of the Commonalty, and upon their Suggeſtions by their Petition before Him and his Council, of the many Damages and Grievances that have divers times happen'd by ſuch Proviſions and Reſervations, as well of Benefices as Firſt-fruits, and other things, as alſo by Impoſitions of Tenths and other Burdens lately impos'd by the Pope, to the *Slander, Diſhonour and Depreſſion of the whole Church of* England, *and diſinheriting of our Lord the King and his Crown, and the Nobles of the Kingdom, and in Offence and Deſtruction of the Laws and Rights thereof, and Subverſion of the State of the whole Realm, againſt the Will of God, and the good Deſign of the Founders of thoſe Benefices*, and againſt the Proviſion, Ordinance, Accord, Decree and Conſideration aforeſaid, made by his ſaid Grandfather: They (*viz.* all the Eſtates above-mention'd) humbly pray the King, that He would pleaſe to have regard to the Church of *England*, and the diſinheriting of Himſelf, the Earls, Barons, Nobles and Commonalty, and ordain Remedy. Wherefore He by Aſſent of all the Parties aforeſaid, hath Provided, Ordained, Decreed, *&c.* that as well within the Franchiſes of the Cinque-Ports, as elſewhere upon the Sea-Coaſts, and thro all the Counties of the Kingdom, open Proclamation ſhould be made, that no Perſon, of what Eſtate or Condition ſoever he was, whether Stranger or Denizen, ſhould from hence-forward bring, or cauſe to be brought into *England*, upon grievous forfeiture to the King, any Letters, Bulls, Proceſs, Reſervations, Inſtruments, or other things prejudicial to Him or his People, or to deliver them to any Arch-Biſhops, Biſhops, Abbots, Priors, Earls, Barons, or others within the Realm, and that none by virtue of ſuch *Proviſions* or *Reſervations*, ſhould receive any Benefices of Holy Church; and likewiſe that no Perſon, upon the Forfeiture aforeſaid, ſhould receive or take ſuch Letters, Bulls, Proceſs, or Inſtruments touching ſuch *Proviſions* and *Reſervations*, nor by reaſon thereof make *Inſtitution* or *Induction* into, or any other manner of Execution of them; and that none do, or ſuffer to be done, any other thing that might prove prejudicial to the King or his People, or which may damage the Rights of his Crown, or the Proviſions, Ordinances, Accords, Decrees, *&c.* aboveſaid.

And alſo it was further there agreed and enacted, that diligent ſearch ſhould be made in all Places needful, for all and every ſuch Perſons coming into the Kingdom; and that thoſe who ſhould be ſeiz'd by ſuch Search, or Enqueſt to be taken, or by other Information, bringing in any ſuch *Letters*, *Bulls*, *Proceſs*, *Reſervations*, *Inſtruments*, or other things prejudicial to the King or his People, and all thoſe who by virtue of them ſhould receive any Benefices, and place themſelves in, or be received into them; and alſo thoſe that by Authority of ſuch *Letters*, *Bulls*, *Proceſs*, *Reſervations* or *Inſtruments*, ſhould make any Appeals, Citations or Proceſs againſt the Patrons of ſuch Benefices, or thoſe they had preſented, or any others, or ſhould proſecute, or cauſe to be proſecuted in any Court whatever, whereby they had done, or procured to be done, any thing in prejudice of the King, or the Earls, Barons, Nobles, and Commonalty or of the Proviſions, Ordinances, Decrees, *&c.* and againſt the Proclamation and Inhibition aforeſaid, ſhould be taken and arreſted by their Bodies; and the Letters, Bulls, Proceſs, and Inſtruments, granted upon ſuch Proviſions and Reſervations, ſhould be taken from them, wherever they were to be found, and ſent before the King's Council, with their Bodies that brought them into *England*, or any other his Majeſty's Dominions therein mention'd, with all thoſe that proſecuted any Execution upon them, ſhould be arreſted in order to receive what the Court ſhould award thereupon; and further, that Writs to this purpoſe be ſent thro the whole Realm.

Rot. Clauſ. 18 Ed. 3. Part 1. m. 14. dorſ.

Rot Parl. 18 Ed. 3. n. 33.

Ib. n. 36.

In perſuance to which Statute, a Proclamation and Writs were iſſued forth, but without any great effect; for in the Parliament of the next Year, which began on the Octaves after *Holy Trinity*, the Commons again pray'd the King, that the *Proviſions*, *Ordinances* and *Accord* made in the Parliament of the ſeventeenth Year of his Reign, concerning the *Proviſions* and *Reſervations* of the Court of *Rome*, might be confirm'd and made a perpetual Statute. It was then alſo ordered, that the King ſhould preſent to the Prebends, Dignities, Churches and Chappels, of ſuch as lived in his Enemies Countries, or elſe to ſeize them into his own Hands, and employ the Profits thereof in defence of the Land and Holy Church, except ſo much as ſhould maintain the Houſes, and provide for Divine Service; and that any one who ſhould bring in any thing prejudicial to this Order from beyond Sea, ſhould be taken and carried back again.

Ib. n. 37. Clauſ. 18 E. 3. part 1. m. 20. *printed in Dr. B's* Append. n. 99.

And further it appears, that when all theſe Writs and Proclamations proved of little effect, the King by another Proclamation this Year, directed to the Sheriffs of *London*, in which all theſe *Proviſions*, *Ordinances* and *Agreements* were recited, it is further added, that ſince ſome *Proviſors* (*i. e.* ſuch as had received Benefices, *&c.* by the Pope's *Proviſions*) as well Strangers as Denizens, their Proctors and Meſſengers, not conſidering the ſaid *Proviſions*, *Ordinances*, *Proclamation* and *Inhibitions*, nor the Puniſhments contain'd in them, had brought *Letters*, *Bulls* and *Inſtruments* into the Kingdom, prejudicial to the King and his People, and had deliver'd them to Arch-Biſhops, Biſhops, Abbots, Priors, and others, as well Denizens as Strangers, to be executed, contrary to the ſaid *Proclamation* and *Inhibition*; and the Arch-Biſhops, Biſhops, and others receiving them, had by virtue thereof admitted and inducted very many ſuch *Proviſors*, and their Proctors or Subſtitutes, into Benefices, which they now poſſeſt, to the diſinheriting and intolerable prejudice of the King, his Crown and People, and againſt the Form of the *Proviſions*, *Statutes*, *Proclamation* and *Inhibition* aforeſaid. And ſince the Sheriffs of *London* had attempted ſomewhat againſt that *Proclamation* and *Inhibition*, and had hitherto neglected to obey his Command therein, at which He is much concern'd, the King proceeds again to enforce the former Inhibition, according to the Points of the late *Agreement*, *Proviſion* and *Statute* (including all thoſe that had admitted or inducted any into Benefices according to the Pope's Bulls and Reſervations) under the greateſt Forfeiture that could be made; and concludes, that they ſhould ſo behave themſelves in the Execution of this preſent Proclamation and Command, that He might not have cauſe to proſecute them, as Favourers of His and the Kingdom's Enemies. Witneſs the King at *Weſtminſter*, the thirtieth of *January*, in the eighteenth Year of his Reign of *England*, and of *France* the fifth.

By the King and the whole Council.

Ibid.

In the ſame manner all the Sheriffs of *England* received the like Precepts, to put in execution the ſaid Proclamation in their ſeveral Counties and Shires, as did alſo *Bartholomew de Burgherſh* Conſtable of *Dover* Caſtle, and Warden of the *Cinque-Ports*.

As to the ſeizing of the Houſes and Monaſteries belonging to Alien Monks and Friers, we find theſe following Records.

Rot. Parl. 20 Ed. 3. n. 30.

Then in a Parliament holden the Eighth of *September* in the twentieth Year of his Reign, by *Leonel* his Son, Guardian of *England*, the Commons petition, that the Alien-Monks might be made to go out of *England* before *Michaelmas* next coming; and that thoſe who ſtaid beyond that Feaſt might be outlaw'd, and the Abbies and Priories which they poſſeſs'd might be ſeized into the King's hands, and *Engliſh* men placed in them, according to the diſcretion of the Ordinary of the Place: for that the young *Engliſh* Scholars (who then did neglect their Studies) and thoſe who ſhould be the Teachers of their Faith, would undertake it, if they had any hopes to be encouraged; and that the good Priories were in the hands of Strangers, who carried the Revenues beyond Sea; ſo that for this reaſon their Faith was like to come to nothing: That the ſtrange Monks were only Laymen, and the King their Patron.

Ibid. The Anſwer to this was, that theſe Religious *Aliens* were ſpiritual Perſons, and held their Houſes by Inſtitution, which thing could not be try'd in Parliament: and as to their Lands and Benefices, they were in the King's hands, and He received the Profits of them; but as to ouſting of them, it could not be done without conſulting the King.

Ib. n. 30. It was alſo pray'd, that as for Strangers, Enemies in *England*, who ſhould remain there after *Michaelmaſs*, and ſhould be outlaw'd, Command might be given to ſeize their Poſſeſſions and Goods to the King's uſe, and He to cauſe *Engliſh*-men to inſtruct the Pariſhioners, and ſupport the Chanteries; for thoſe that were advanced in *England* were Taylors, Shoomakers and Chamberlains to Cardinals: ſo that the Pariſhioners being not inform'd by them, their Faith decreas'd daily.

Ibid. The Anſwer was near the ſame with the other, that they were Spiritual Perſons, and the King had taken the Profits as aboveſaid; and as to ouſting them of their Benefices, it could not be done without the King's Aſſent.

Yet notwithſtanding all theſe Proceedings in Parliament againſt the Pope's *Bulls*, his *Proviſions* and *Reſervations*, and the *Proclamations* and *Inhibitions* thereupon, the ſame evil Courſes, thro the connivance of the Biſhops and ſome of the Clergy (who made their advantage by them) were ſtill continu'd; for in the five and twentieth Year of his Reign, the Commons in a long Petition to the King and Peers of the Land, pray them to take notice of the great Miſchief and Deſtruction of late coming upon the Kingdom by the Pope's Reſervations, by Brocage, and purchaſing his Proviſions; and many of the former Grievances were again complain'd of, which turned to a greater ruin of the Nation than the whole War: and thereupon they requeſt that the King would pleaſe with his Council to ordain Remedy in that Parliament, for that the longer theſe things ſhould be ſuffer'd, there would be the greater difficulty in reforming them. And it was then agreed, that the Anſwer to this Petition ſhould be made a Statute; for which ſee the Statutes at large in *Pulton*'s Collection of this Year. And in a ſecond Parliament of the ſame Year, the *Commons* pray that this Statute concerning Proviſions and Reſervations might be publiſhed, and put in execution, againſt ſuch as acted to the contrary.

Ibid.

Ib. part 2. n. 49.

The Anſwer was, that the Statute ſhould be recited before the Council, and if need were, it ſhould be better worded and amended, ſo as the Eſtate of the King and Kingdom might in all things be ſafe and preſerved. But indeed the true reaſon why theſe Statutes had ſo little effect, was, becauſe the Biſhops and Eccleſiaſticks being either afraid of, or willing to comply with the Pope, durſt not, or would not ſee theſe Laws put in execution.

Vid. Statute at large, 27 Ed. 3. c. 1. In the ſeven and twentieth Year of the King, upon the grievous Complaint of the Great Men and Commons, that divers of the King's People had been drawn out of the Kingdom, to anſwer things, the cogniſance whereof belong'd to the King's Court only, and that the Judgments given in the ſame Court were impeached in another Court, in prejudice and diſheriſon of the King and his Crown, and of the People of the Realm, and in deſtruction of the *Common Law*, it was accorded and aſſented to by the King Great Men and Commons, that if any of the King's Ligeance, who ſhould practiſe ſuch things, and upon warning given him to appear before Him and his Council, or before his Juſtices at the time appointed, to undergo the Law, ſhould not appear, he ſhould be put out of the Royal Protection, and his Lands, Goods and Chattels forfeited to the King, his Body to be impriſoned, and ranſomed at the King's will. During this Conteſt between Him and the Pope, or indeed the Secular and Eccleſiaſtick Power, the King was very kind to the Clergy in confirming their old, and granting them many new Liberties and Privileges, as appears by the Statutes at large in the *14th*, *18th*, and *25th* Years of his Reign.

From this time all things were pretty quiet, and nothing conſiderable complain'd of in Parliament againſt the Pope and his *Proviſions*, until the forty ſeventh Year of his Reign; and then indeed the Commons again deſired Remedy againſt them, for that by reaſon thereof He received the firſt Fruits of Eccleſiaſtical Dignities, and by that means the Treaſure of the Realm was convey'd away, which they could not bear.

Rot. Parl. 47 Ed. 3. n. 30.

The Anſwer was, the King had Ambaſſadors at the Court of *Rome* concerning theſe matters, before whoſe return He could not give them any further ſatisfaction.

Ibid.

In the fiftieth Year of his Reign the *Knights*, *Citizens* and *Burgeſſes* who came to this Parliament for the Commonalty of the Realm, did pray the King and his Council, and ſupplicate on behalf of the ſaid *Commonalty*, that He would pleaſe to have good conſideration to the things underwritten and Faults following, and ordain convenient Remedy, which would be the moſt pleaſing to God, and acceptable to Holy Church, and moſt profitable to Him and his Kingdom that ever was done, it being their holy Faith and firm Hope, that thoſe who pleaſed God and Holy Church ſhould be accepted in whatever they did. The Heads of which excellent Petition and Declaration are as follow.

Rot. Parl. 50 Ed. 3. n. 94. *printed in Dr.* B's Append.

Firſt, that He would pleaſe to conſider how his Noble Progenitors, Kings of *England*, and other Great-men of the ſame Land, built Churches, and in proceſs of time, by great Devotion, endowed them with Riches, Rents, Lands, and great Poſſeſſions, Franchiſes and Temporalties, which, with what the King Himſelf had given, amounted to more *than the third part of his Kingdom*; and think how all theſe things were given upon ſuch Devotion and Intent, that the Profits riſing from them ſhould be ſpent where they were given, to the Honour of God, and Maintenance of the Places belonging to them, in Hoſpitality and Alms, and divers Works of Charity, in the Service of God and Holy Church, in Chaplains, Clerks and poor People, that prayed night and day for their Holy Father the Pope; for Holy Church, for the King and Kingdom, for Peace, for their Founders, Patrons and Benefactors, for their Souls, and thoſe of all Chriſtians; and alſo conſider how the King and other Great Men, by their eminent Devotion and Gifts to Holy Church, were in peaceable poſſeſſion to beſtow the Churches and Benefices, as Holy King *Edward* gave the Biſhoprick of *Worceſter* to St. *Wulſtan*; and afterward by Devotion of our Kings, it was granted, and by the Court of *Rome* confirm'd, that the Cathedral Churches ſhould have free

Ibid.

free Election of their Prelates, ſo that the Biſhopricks by true Election, and other Benefices of Holy Church, were given charitably (not out of Covetouſneſs, or by Simony) to the moſt Worthy of the Clergy, Men of ſtricteſt Lives, and holieſt Converſation, that could be found, being ſuch as would reſide upon their Benefices, preach, viſit and confeſs their Pariſhioners, and ſpend the Goods of Holy Church, to the Honour of God, and in Works of Charity, according to the Devotion and Intent of the Donors: and ſo long as theſe good Cuſtoms were continued, the Kingdom was proſperous, the People good and loyal, there was Peace and Quiet, and ſufficient of Treaſure, Grain, Cattel, and other Riches; but ſince theſe good Cuſtoms had been perverted, Covetouſneſs and Simony increaſed, the Kingdom had been full of Adverſities, as Wars, Peſtilence, Famine, Murrain amongſt Cattel, and other Grievances, whereby it was ſo much impoveriſhed and deſtroy'd, that there were not the third part of the People, or other things in it, for the Cauſes aboveſaid; and then follows,

Ibid. Alſo it is to be conſider'd, that no Man in the World, who loved God, Holy Church, the King and Kingdom of *England*, but had great reaſon to think ſorrowfully of theſe things, and mourn that the Court of *Rome*, which was wont to be the Fountain, Root and Source of Sanctity, and Deſtruction of Covetouſneſs, Simony, and other Sins, had ſo craftily, by ſlow degrees, in proceſs of time gained the Collations of Biſhopricks, Dignities, Prebendaries, and other Benefices of Holy Church in *England*, of which the Pope always received the Tax or Firſt Fruits, and by his Bulls made ſeveral Tranſlations, that He might get the more; by which means, and by other Payments and Charges, the Biſhops became ſo very much in debt to the Court of *Rome*, that they ſold the Timber of their Biſhopricks, had Aid of their poor Tenants and Clergy; and indeed all Methods were taken to deſtroy the Church and Realm of *England*.

Ibid. Alſo it ought to be conſider'd, that there are many, who when they have purchaſed one Benefice of the Court of *Rome*, and paid the Tax, or Firſt-Fruits of it, the Brokers of Benefices reſiding in the Wicked City of *Avignon*, let them to farm, and ſent the Rents to their Brokers, to purchaſe more and greater Benefices: ſo that any ſorry Wretch, or miſerable Perſon, not worth or good for any thing, by ſuch Simony or Brokage, ſhould be prefer'd to Churches and Prebendaries, to the value of one thouſand Marks; whereas a * Doctor of Decrees, and a † Maſter in Divinity, muſt be ſatisfied with a ſmall Benefice of twenty Marks: So that Clerks loſt all their hopes of being advanced as ſuch, and for the ſame cauſe People forbore to put their Children to School; ſo as the Clergy, which is the Support of the Church, failed, and our Holy Faith declined, and in a little time would come to nothing.

* i. e. *of Canon Law.*
† i. e. *a Doctor.*

Alſo it ought to be conſider'd, how that Strangers, Enemies to the Land, and others beyond Sea, had the Benefices, Riches and Rents of Holy Church in *England*, which never ſaw or would ſee their Pariſhioners; whereby the Service of God and Holy Church, and all Works of Charity become neglected, the Pariſhioners like to ſuffer in Body and Soul, their only care being to get the Profits of their Benefices out of the Kingdom: and by this way Holy Church is more deſtroy'd by ſuch wicked Chriſtians, than by *Turks* and *Saracens*.

Alſo it is to be conſider'd that the Law of Holy Church is ſuch, that the Benefices of Holy Church ought to be given freely out of pure Charity, without Price or Prayer, without the gift of Gold, Silver, or any thing elſe; and that Law and Reaſon will, that what is given by Devotion to Holy Church, ought to be ſpent to the Honour of God, according to the Devotion and Intent of the Donor, and not out of the Realm upon their Enemies.

Alſo it is to be conſidered, that God committed his Sheep to the Pope to paſture, and not to ſheer them; and that Lay-Patrons followed theſe Examples, and ſold their Churches, as God was ſold to the *Jews*, who put Him to Death.

Wherefore they deſired the King, that He would pleaſe to remember, this was the fiftieth Year of his Reign, which was called the Year of *Jubilee*, the Year of Grace and Joy; and it would be the greateſt Grace and Joy that ever happen'd to this Kingdom, and the moſt pleaſing to God and Holy Church, and all thoſe that love them, if the things aboveſaid were laid to heart, and agreeable Remedy provided for them. And then they propounded, that the King and Great-men ſhould write to the Pope, as had been before ordained in Parliament.

Ibid.

The King's Anſwer was, that He had ordain'd ſufficient Remedy before by Statutes and otherwiſe; that He was then applying to, and preſſing the Pope concerning this matter, and was fully reſolv'd to do it from time to time, until He had performed their deſires, as well concerning the things compriſed in this large Bill above-mentioned, as that which was to follow, which was very near the ſame.

Rot. Parl. 50 Ed. 3. n. 45. 104.

The Title of this Bill is, according to the Margin of the Parliament-Roll, *Bille encontre le Pape & les Cardinaux*, the Bill againſt the Pope and Cardinals; and the other which follows this on the Roll, and was almoſt the ſame, had this Title, *Bills et Articles encontre le Pape & le Clergie.* To both which the King anſwer'd as above.

It is likewiſe worth notice, that tho the ſecond Bill was near the ſame with the former, yet becauſe the Commons acquainted the King that there were ſeveral Spies reſiding in *London*, who had their Emiſſaries and Informers throughout all Parts of the Kingdom, that gave them notice when any Dignities or great Benefices fell vacant, that ſo they might ſend to the Cardinals, and other Perſons who were at the Court of *Rome*, to purchaſe them of the Pope.

Now ſeeing that in theſe Complaints there hath ſo often been made mention of the Papal *Proviſions* and *Reſervations*; for the better underſtanding thereof, here follows the form of one of them tranſlated into *Engliſh.*

John, *Biſhop*, &c. *Servant of the Servants of God, to the perpetual memory hereof. Whereas We have underſtood, that the Church of* Rocheſter, *by the Death of* Thomas *Biſhop thereof, is at preſent become void, We, for the good Eſtate of the Church, intending the* Proviſion *of it, for* * *this turn, for certain Cauſes that have perſuaded Us ſo to do, have,* **by the Authority of theſe Preſents**, *fully* reſerved *it to the Ordinance and Diſpoſition of the Apoſtolick See, Decreeing that whatſoever ſhall be done, and by whomſoever, knowingly or ignorantly, contrary to this* Reſervation, *it ſhall be void. It may not therefore any way be lawful for any man to infringe this our* Reſervation *and* Conſtitution, *or raſhly attempt to do any*

This is enter'd in the Arch-Biſhop's Regiſter call'd Regenolds, *and printed in Dr.* B's Append. n. 101. *in* Latin.

* Pro hac vice.

thing againſt it: And if any one ſhall preſume to attempt any ſuch thing, he ſhall know that He incurs the Indignation of Almighty God, *and of his Apoſtles St.* Peter *and* Paul. *Dated at* Avignon *the eighteenth day of* March, *in the * firſt Year of our Pontificate or Popedom.*

* *This was the* 9th *of K.* Edward 3. A. D. 1316.

Ibid.

This *Reſervation* was publiſhed at the Arches of *London* on the thirtieth of *March*, and on the next day of the ſame month at *Rocheſter* before the Monks: but they having choſen their Prior *Hamon Heth* Biſhop the day before the date of this *Reſervation* and *Proviſion*, after three Years trouble in waiting at *Avignon* and elſewhere at great Expences, the Pope confirm'd him in the Biſhoprick. See the Hiſtory of the *Proviſion* and *Reſervation* in *Anglia Sacra*, vol. 1. f. 357.

In the next place I will give you ſome Account of the ſpreading of the *Wickliffian* Doctrines in *England*.

Vid. Walſing. Ypod. Neuſtr. ad An. 1377.

Spelman Concil. vol. 2. f. 621.

Id. f. 623.

Ib. f. 624.

In the fiftieth and fifty firſt Years of this King, *John Wickliff* Doctor in Divinity, by Preaching and Reading at *Oxford*, publiſhed many Opinions contrary to thoſe of the Church and Religion then here profeſs'd. Pope *Gregory* XI. hearing of it, ſent *Wickliff*'s Opinions incloſed in his Letter or Bull, directed to the Arch-Bp of *Canterbury* and Bp of *London*, requiring them, to examine Him and his Opinions, and take his Confeſſion concerning them: and his Holineſs wrote another Letter to them, that if they found his Opinions to be ſuch as He had incloſed to them, they ſhould then forthwith keep Him in Bonds and ſafe Cuſtody, until they ſhould receive further Commands from Him. He wrote likewiſe a third Bull or Letter, to uſe all Dilligence to preſerve the King, Queen, their Children and Great Men of *England* from theſe Errors and Hereſies, and keep them ſteady in the Faith; and to require them ſtrictly to ſhew them favour, and give effectual Aſſiſtance, *&c.* All theſe Bulls or Letters are of the ſame Date at *Rome*, being the two and twentieth of *May*, and the ſeventh Year of his Pontificate *A. D.* 1377.

Knyghton, col. 2647.

Upon theſe Bulls, *John Wickliff* was cited to appear before the Arch-Biſhop of *Canterbury*, and ſeveral other Doctors in the Church of the Friers-Preachers in *London*, whither he came, and thus explain'd himſelf concerning the Sacrament of the Altar, in theſe old *Engliſh* Words.

Ibid.

I knowlecke that the Sacrament of the Autere is very Goddus Body in fourme of Brede; but it is in another maner Goddus Body then it is in Hevene; for in Hevene it is ſene foote, in the fourme and figure of Fleſhe and Blode; but in the Sacrament Goddus Body is be myracle of God in fourme of Brede, and is he nouther of ſene foote, ne in Mannes figure, but as a Man leves for to thenke the kynde of an ymage, whether it be of Oke or of Aſhe, and ſettys his thouzt in him of whom it is the ymage; ſo myche more ſchuld a man leve to thenk on the kynde of Brede, but thenke upon Chriſt; for his Body is the ſame Brede that is the Sacrament of the Autere, and withalle clemes alle Devotion, and all Charitie that God wolde gif him, Worſchippe he Chriſt, and then He receyves God Goſtly, more medefully than the Prieſt that ſyngus the Maſſe in leſſe Charitie: For the Bodely etynge ne profytes nouth to Soule, but in as mykul as the Soul is fedde with Charitie, this Sentence is provyde be Chriſt that may nouzt lye; for, as the Goſpel ſays, Chriſt that night, that He was betrayed of Judas Scariot, *He tok Brede in his Honds, and Bleſſide it, brak it, and gave it to his Diſciplus to ete; for He ſays, and may not lye,* This is my Body.

What ſatisfaction this Explication gave to the Arch-Biſhop, and thoſe before whom he was convented, this Author ſays not; but *Walſingham* relates it was feigned and vain, and that the Arch-Biſhop and all others, the Duke of *Lancaſter*, and Lord *Henry Piercy* being preſent, commanded Silence to Dr. *Wickliff*, forbidding him for the future to meddle with, or treat upon that matter, or ſuffer others to diſcourſe or ſpeak upon it; and that he and his Followers were ſilent for ſome time.

Yet he was neither impriſon'd nor cenſured during his Life. His Opinions are variouſly and differently worded and ſtated, as well thoſe that were reputed and cenſured for Hereſies, as thoſe accounted but Errors, and ſo involv'd in the Terms of Scholaſtick Divinity then uſed, that they are now ſcarce intelligible. They are to be found in *Spelman*'s ſecond Volume of the Councils, *Henry de Knyghton*, and in *Wood*'s Antiquities of *Oxford*; but the plaineſt and cleareſt that were then eſteemed Hereſies, are in *Walſingham*'s *Hypodigma Neuſtriæ*, which are here tranſlated.

1. *That the Euchariſt in the Altar, after Conſecration, is not the true Body of Chriſt, but its Figure.*
2. *That the Church of* Rome *is not the Head of all Churches more than any other Church, nor was there any greater Power given to* Peter *than to any other Apoſtle.*
3. *That the Pope of* Rome *had no greater Power in the Keys of the Church, than any other Prieſt.*
4. *That the Temporal Lords (that were Patrons) might lawfully and meritoriouſly take away the Temporals from a Delinquent Church.*
5. *And that if a Temporal Lord knew a Church to be Delinquent, he was bound, under the pain of Damnation, to take the Temporals from it.*
6. *That the Goſpel was a ſufficient Rule for the Life of a Chriſtian, and that all other Rules of Saints, under the Obſervation whereof divers Religious live, add no more Perfection to the Goſpel, than Whiteneſs to the Wall.*
7. *That neither the Pope, nor any other Prelate of the Church, ought to have Priſons to puniſh Delinquents; but every Delinquent might freely go whither He would, and do what He would.*

Theſe are his Opinions, which *Walſingham* recites under this Reign; tho doubtleſs he taught and preach'd up divers others in the Univerſity of *Oxford*, where he had many Followers, and thoſe of the Learned men, as likewiſe in other Places, which were cenſured in the next Reign.

I ſhall ſay no more of theſe Doctrines now, but leave them to the Reader to conſider, how far they afterwards prov'd the Groundwork and Principles of the *Reformation* began in the Reign of *Henry* VIII. and carried on under thoſe of King *Edward* VI. and Queen *Elizabeth*. And indeed (except the fourth and fifth concerning taking away the *Temporals* from a Delinquent Church) they are almoſt the ſame with thoſe of the Reformed Religion at this day profeſs'd in *England*, as well as other Countries.

The End of the Reign of K. Edward *the Third.*

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THE
General Hiſtory
OF
ENGLAND
BOTH
Eccleſiaſtical and Civil.

VOL. III. BOOK XII.

Containing the Reign of King *Richard* II.

Anno Dom. 1377.

WHEN King *Edward* the Third Deceaſed, (as you have already heard) He immediately was ſucceeded by his Grandſon the Prince of *Wales*, by the Name of King *Richard* the Second, then in the Eleventh Year of his Age, not only (as it is ſaid in my Author) by *Hereditary* Right, *but by the general Wiſhes and Conſents of the People*, who had an extreme kindneſs and value for Him, in reſpect of Prince *Edward* his Father, whoſe Memory was, for his great Vertues, moſt dear to the Nation; and it was upon the Old Stock of Merit, that He for a long time maintained himſelf in the People's Affections, though he acted not as became the Royal Lineage from which he was deſcended; for whether, through the too great Indulgence of an over-fond Mother, or his own Natural wilful Temper, which was too much complied with by thoſe who had the care of his Education, is hard to be determined; but he fell into that Miſfortune of many young Princes of great Hopes, who coming to the ſupreme Command, before they know what it is to Obey, will obſerve no other Rules beſides their own obſtinate Humours; ſo that as his Government was much diſturbed by popular Inſurrections, and rendered unſucceſsful, by the jarring Councils and ill Management of his Governors, during his Minority; ſo, when he came to take the Reins of the Government into his own Hands, and was grown of full Age, he acted as if he had been ſtill a *Minor*, being govern'd more by his own

King *Edward* is ſucceeded by Prince *Richard*, not only by an Hereditary Right, but the general Conſent of the People, whoſe Affection to his Father continued to him for a great while, notwithſtanding his exorbitant Actions.

1356/13

Anno Dom. 1377.

Paſſions, than by Law, Reaſon, or ſound Advice, as you will find in the whole Courſe of this Reign; however, at preſent, no Prince could ever aſcend the Throne with greater Hopes, nor be received with a more general Satisfaction.

[2] *T. W.* The Citizens of *London* apply themſelves to the young Prince and his Mother, deſiring their Protection and Mediation, with the Duke of *Lancaſter.*

[2] But I cannot omit taking notice of a Paſſage, which indeed properly belonged to the laſt Reign, yet becauſe it had ſo near a Relation to this, I thought fit to inſert it here; and that is, That on the very day of King *Edward*'s Death, (however before he expired) there were ſome of the chief Citizens ſent by the City of *London* to the young Prince then at *Kennington* with his Mother, who by *John Philpot*, (their Mouth) acquainted him, that ſince his Grand-father was now departing, having the manifeſt Signs of Death upon him, they beſeeched his Highneſs's Favour to, and Protection of the Citizens and City of *London* (which was his Chamber) being unſpeakably diſturbed, that he was ſo far from them; for they were not only ready to venture their Eſtates, but alſo, if need were, to lay down their Lives for him; and therefore they beſought him, that he would come and reſide there; and further pray'd him, to vouchſafe to put an end to all Diſcords and Differences, between the Citizens and the Duke of *Lancaſter*.

[3.] *Id. ib.* The Ld. *Latimer*, with others, are ſent to the City to aſſure them of the King's Favour; and that they ſhould ſubmit all Differences between the Duke & them to the King.

In return to the ſaid Meſſage, [3.] on the Morrow after the Deceaſe of the late King, the Lord *Latimer*, Sir *Nicholas Bond*, Sir *Simon Burley*, and Sir *Richard Adderbury*, Knights, were ſent to the City of *London*, to aſſure them on the King's Behalf of his Kindneſs to their City, and ſpeedy Return to it, and Reſidence there, according to their Requeſt; and they did further let them know, that the King himſelf had, in Anſwer to their late Addreſs, already ſpoke for them to the Duke of *Lancaſter*, who had ſubmitted all Differences between himſelf and the Citizens, to the King's Pleaſure; and he therefore hoped, that if they would agree to do ſo likewiſe, a firm Reconciliation might ſoon be made up between them and the Duke his Uncle; but it ſeems, the Citizens were more terrified than pleaſed with this Meſſage, and would not ſubmit to it, knowing the King to be but little more than a Child, and not able to Patronize or Defend them, if he would; ſo that their Cauſe was like to be heard and diſcuſſed, before, as well as Sentence given, by their greateſt and moſt powerful Adverſaries, if they ſhould ſubmit to his Propoſal: But at laſt, after a long Debate, they came to this Iſſue; *That if the Perſons who brought the Meſſage would oblige themſelves to the Citizens, that their Submiſſion ſhould not prove prejudicial, or bring any Damage to them or their City, they would then as willingly acquieſce in his Majeſty's Determination, as the Duke himſelf.*

Which they at laſt accept of on condition.

[4.] *Id. ib.* The Meſſengers give the King and his Uncle an Account of their Negotiation with the City.

[4.] This Security being thus given, and accepted of by both Parties, the Meſſengers return'd to the King, whom they found at *Sheen*, with the Princeſs his Mother, and the Duke of *Lancaſter*, and the reſt of his Uncles, together with ſome Biſhops, who attended the Corps of the Deceaſed King; and there the Lord *Latimer*, and the reſt of them that were ſent, gave an Account of what had been tranſacted with the Citizens, and adviſed the King to endeavour a ſpeedy and juſt Reconciliation between them and the Duke, ſince they found them willing to ſubmit to his Majeſty's Pleaſure, in whatever ſhould appear juſt and reaſonable for them to d

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[5.] This being Perform'd, and the King mounted on a ſtately Courſer, and attended by the Duke of *Lancaſter* (then Lord High-Steward of the Kingdom) and the Lord *Piercy* Earl-Marſhal, with many other Lords and Knights, He took his way towards *London*, Sir *Simon Burley* carrying the Sword before him, and Sir *Nicholas Bonde* walking on Foot, led his Horſe by the Bridle, being followed by many Perſons of Quality, and Young Noblemen of the King's own Age, each Troop having Trumpets ſounding before them: When they came to *Cheapſide*, they were magnificently received, a ſtately Pageant in the ſhape of a Caſtle being erected in the midddle of the Street, which ran with Wine all the while they paſſed by, part of which was ſerved to the King and Nobility in Golden Cups, by four Beautiful Damſels about the King's Age, who alſo ſtrewed Gilt Leaves and Flowers on his Head as he paſſed by; all the Noblemen, and eſpecially the Duke of *Lancaſter*, endeavouring all they could, by an extraordinary Affability, to gain the Good Will of the Common People; who receiving the King with great Joy and loud Acclamations, waited on him to his Palace at *Weſtminſter*, where he took up his Reſidence.

[5.] *Id. ib.* The K. makes his Entry into *London* with great State.

[1.] Then on *Thurſday* the Sixteenth of *June*, the Ceremony of his Coronation was performed in the Abbey-Church adjoyning, with great Pomp and Magnificence; the Particulars of which I paſs over, only ſhall take notice of ſome Paſſages not before obſerved, or elſe altered ſince the Coronation of King *Richard* I. The Oath the Young King took before the Arch-Biſhop of *Canterbury*, and all the Biſhops and Lords there preſent, was ſomewhat larger than that already mentioned by our Hiſtorians, and conſiſted of theſe Articles: First, ~~*That he would*~~ *permit the Church to enjoy* ~~*all her Liberties*~~; ~~*That he would reverence her Miniſters, and maintain the true Faith*~~; ~~*That he would reſtrain Violence, and all Oppreſſions*~~, *in all ſorts of Men*; ~~*That he would cauſe good Laws to be every where obſerved, eſpecially thoſe of St.*~~ Edward, ~~*King and Confeſſor*~~; ~~*and would alſo cauſe all evil Laws or Cuſtoms to be Abrogated*~~; *Laſtly*, ~~*That he would be no Reſpecter of Perſons, but would*~~ *give* ~~*Right*~~ *Judgment between* ~~*Man and Man, and would*~~ *chiefly obſerve Mercy in* [illegible] *Decrees or* ~~*Judgments, as God ſhould ſhew Mercy to him*~~: This deſerves our Obſervation, becauſe this Form of the Coronation-Oath, with ſome ſmall Alterations, has been Adminiſtred to all ſucceeding Kings and Queens, ever ſince that Time.

[1.] *Ib. id.* The King is Crown'd in the Abbey-Church with great Magnificence.

see this at large Rot. Cl. 1. Rich. 2. m. 45 & 8 col. p. 157. to 160. vol. VII

and as appears by the Words of it extant on the Clause Rolls

that he would [illegible] ve and

the

The Form of the Coronation-Oath, then taken by the King, almoſt the ſame with that adminiſtred to his Succeſſors ever ſince.

Theſe things being performed, [2.] the Arch-Biſhop led the King (the Lord-Marſhal walking before him) to all the four ſides of the Scaffold, and ſhewing the King to the People, declared the Purport of the Oath he had now taken, and asked them, ~~*If they would be ſubject to this Prince, as their lawful Ruler, and be obedient to his Commands*~~? This Ceremony, tho' not mention'd before in any of our Hiſtorians, yet was no Innovation, but ſeems a Remainder of that Old *Engliſh* Cuſtom of Electing the King, as any One that will compare the manner of the Election and Coronation of King *Edward* the *Confeſſor*, and *William* I. with this Action, may obſerve; and which hath been obſerved in ~~all~~ Coronations ſince that time.

ions

[2.] *Id. ib.* The King is ſhewn to the People, and their Conſent ask'd, whether he ſhould rule over them.

if the King would [illegible] conſent to have him for their King and Leige Lord, and as such to obey him.

Then the King was carried back to his Throne, where having received the Royal Enſigns, *viz.* the Sword, Royal Robe, Bracelets, and Ring of Gold, the Crown was put upon his Head by the Arch-Biſhop, with proper Prayers ſaid by the Biſhops, upon the King's receiving each

The K. having received the reſt of the Royal Enſigns the Crown is put upon his Head.

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each of thoſe Particulars; then the Arch-Biſhop ſtripping off his upper Garments, anointed him with Sanctified Oil, on the Head, Breaſt, Shoulders, and Joynts of his Arms, the whole Choir in the mean while ſinging as an Anthem, Zadock *the Prieſt Anointed King* Solomon.

[3.] *Id. ib.* The King returns to his Palace to dinner, with the manner of it.

[3.] Then, after the King and Arch-Biſhop had Communicated of the Holy Euchariſt, and that Maſs was finiſhed, the King return'd back to his Palace, in the ſame Order as he came, the Wardens of the *Cinque-Ports* (according to their Office) carrying a Canopy of blue Velvet over him, ſupported by Staves of Silver; being come into the Great Hall, the Dinner was ſerved up with mighty Magnificence. It would be tedious to relate the ſeveral Services performed by divers Noblemen, Knights and Gentlemen, according to their ſeveral Tenures; only it was found to be the Right of the Lord-Mayor of *London*, being aſſiſted by ſome ſelect Citizens, to ſerve the King as Chief Cup-Bearer, and to have a Cup of Gold with a Gold Ear for his Fee; and it was at this Coronation, that I obſerve Sir *John Dimmock* was firſt admitted to ſerve as Champion to defend the King's Right to the Crown with his own Body, againſt any that ſhould deny the ſame; but how long before, this Cuſtom of a Champion had been in uſe, I do not find. Then the King created his Uncle, the Lord *Thomas* of *Woodſtock*, Earl of *Buckingham*, with a Penſion of a Thouſand Marks; John ~~*Thomas*~~ *Mowbray* Earl of *Nottingham*; and the Lord *Guiſchard D'Ango~~leſme~~*, the King's Governor, was made Earl of *Huntington*, with the like Penſion; and *Henry* Lord *Percy*, ~~Lord~~ Earl Marſhal, Earl of *Northumberland*.

He creates divers new Earls.

[4.] *Id. ib.* A ſolemn Proceſſion for the peace of the Kingdom; at which the Bp. of *Rocheſter* preaches, with the effect of his Sermon.

(4) The next Day after the Coronation, there was a ſolemn Proceſſion of the Arch Biſhop, Biſhops, and Abbots, with the Temporal Lords there preſent, attended by a great number of People, to pray for the King, and Peace of the Kingdom: Before this Proceſſion the Biſhop of *Rocheſter* preached, and made an excellent Diſcourſe, exhorting the Auditory, that all Civil Diſſentions that had riſen of late between the People and their Superiors might now ceaſe: He alſo admoniſhed the Lords not to be ſo ſevere and hard to the ordinary People, or Commons; and then he likewiſe exhorted them all chearfully in general, to contribute to the Aid of the King and Kingdom, whenever there was Occaſion; and as for thoſe that were appointed to be about the King's Perſon, that they ſhould avoid all vicious Courſes, and practice purity of Life and Vertue; for if by their Connivance, or bad Example, the King declin'd from the Right Way, both He and the People would be in danger of Ruin; and it had been very happy for both, if this Biſhop's Advice had been followed as it ought. But, to come to things of another Nature.

[5.] *Froiſſart. ib. C.* 327. The *French* come before *Rye* with a conſiderable Fleet, where they land and burn the *Town.*

[1] T. W. *ad hunc An.*

The Kingdom being engaged in a War with *France*, at the Death of the late King, the *French* taking advantage of the unſettled Condition of the Realm, (5) within a Week after his Deceaſe, landed at *Rye* with a conſiderable Fleet, and burnt that Town; whereupon, immediately after the Coronation, the Earls of *Cambridge* and *Buckingham* were ſent to *Dover*, and the Earl of *Salisbury* and *Southampton*, with conſiderable Forces, to defend thoſe Parts; but it ſeems there was no Fleet then ready to take the Seas, for on the (1) Twenty-firſt of *Auguſt* following, the *French*, with a great many Galleys, landed in the Iſle of *Wight*, and burnt divers Towns there, and indeed took it all, except the Caſtle of *Caresbrook*; which being gallantly defended by

X give no comma here
~~from the [illegible]~~
to obſerve, that [illegible]
~~[illegible]~~
there [illegible] but
one [illegible] he (a subject)
i.e. of Lan-
caster, and
not above
15 or 16 Earls
[illegible]
several were
forreigners
and [illegible]
came to Parliament
and [illegible] Barons
they did not exceed
~~[illegible]~~ forty
[illegible] so that reck-
oning 24 Bps and
about 30 mitred Ab-
bots who sate in
the house
of Lords, the [illegible]
of Peers
were [illegible]
[illegible] the [illegible]
times [illegible] the
number of the Temporal Peers who did their Homage [illegible] by
ot. Claus. 16.

by Sir *Hugh Tyrrell* the Governor, a Knight of *Eſſex*, they were repulſed from thence with conſiderable Loſs; yet he not being able to do more than defend that Place, the Inhabitants of the Iſle were fain to pay the *French* a Thouſand Marks, to ſave the reſt of it from Plunder and Burning: Then they went to their Ships, and in their return home landed and burnt the Towns of *Haſtings*, *Portſmouth*, *Dartmouth*, and *Plimouth*, all along that Coaſt, yet with various Succeſs; for when they landed in *Suſſex*, the Prior of *Lewis* going againſt them, with ſome raw new-raiſed Men of the Country Militia, the *French* not only routed them, but killing about an Hundred of the *Engliſh*, carried away the Prior and two Knights Priſoners into *France*, but not without a conſiderable Loſs of Men on their ſide; however, at *Winchelſey* they did not meet with the like Succeſs, the Place being valiantly defended by the Abbot of *Battle*, and the Neighbouring Gentry: So unſafe was *England* at this Time, when it had neither any Fleet to defend it ſelf at Sea, nor regular Forces to oppoſe the Enemy by Land.

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They landalſo on the Iſle, which they take, except the Caſtle, defended by Sir *H. Tyrrell.*

The *French* land again, & burn *Haſtings*, *Portſmouth*, & other Towns upon the Coaſts.

Winchelſey defended by the Abbot of *Battle.*

But to come to Civil Affairs; The King being but juſt paſt his Childhood, and not able to govern himſelf nor his Realm, (2) his Uncles, *John* Duke of *Lancaſter*, and *Edmund* Earl of *Cambridge*, with divers other Noblemen, and ſome Biſhops, were by a great Council of Peers appointed his Protectors, and to have the Adminiſtration of the Government during his Minority; but the *Lambeth* Manuſcript Chronicle only ſays in general, That two Biſhops, two Earls, two Barons, and two Baronets, with two of the moſt learned Juſtices or Judges, were by Order of the Lords and *Community* (by which I ſuppoſe he means the Parliament) appointed to govern the Kingdom during that time: But whoever they were, though at firſt they took ſome care of his Education; yet by degrees, I ſuppoſe to obtain his Favour, they let him have his own Will, and ſuffer'd thoſe to be about his Perſon, who by looſe Principles, and evil Example, corrupted his good Nature; and by giving him falſe Ideas of Glory, made him believe it conſiſted in an expenſive riotous way of Living, and in beſtowing Gifts and Honours on his Favourites, without any Diſcretion or Moderation.

The King's Uncle, with other Noblemen and Bps. appointed Governors of the King and Kingdom.

[2] *Holingſhed Chron. ad hunc An.*

This is also
confirmed [illegible]
Patent Rolls of
[illegible]
where you may
the names of those Bp.
Earls Barons & others
that were then [illegible]
the Kings [illegible]

But though the Kingdom ſeem'd to be govern'd by a Council of Noblemen and Biſhops, (3) yet the Duke of *Lancaſter* had for a time the greateſt Share in publick Affairs; yet whether it was becauſe he fear'd the Envy and Hatred of the Clergy and common People, who were already much incenſed againſt him, or that he thought his Advice not ſufficiently follow'd; ſo that if any thing ſhould happen amiſs, it might be laid to his Charge: He took leave of the Court for a time, and retired to the Caſtle of *Kenelſworth*, where he kept a Court like a great Prince; however, before his Departure, there were placed neareſt about the King (by the Duke's Conſent and Appointment) *William Courtney*, Biſhop of *London*, (who was ſhortly after made Arch-Biſhop of *Canterbury*) and *Edmund Mortimer*, Earl of *Marche*, becauſe they were Perſons of whom all Men had a good Opinion for their Worth and Vertue; but the Lord *Latimer* and Biſhop of *Saliſbury*, who were alſo named among them, being Men of a quite different Character, the People murmur'd at it; the Earl of *Northumberland* alſo reſigned his Office of Lord-Marſhal, and was ſucceeded by Sir *John D'Arundel*, Brother to the Earl of that Name.

[3] *Id. ib.*

The Duke of *Lancaſter*, tho' he had at firſt the greateſt ſhare in publick Affairs, yet takes occaſion to retire from Court: A Council is by him appointed to be about the K.

Yet

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* *Rot. Clauſ.* 1. *Rich.* 2. *M.* 3. *dorſ.*
A Parliament ſummoned 15 days after *Michaelmas.*
† *Rot. parl.* 1. *Rich.* 2. *M.* 1. 2. 3. *et dein.*
The Cauſes of the Summons declared by the A. B. and Sir *R. l'Eſcrope*, who deſire their Advice.

Yet it ſeems the Duke's Receſs from publick Buſineſs was not very long; for a Parliament being ſummoned about the middle of *Auguſt*, to meet Fifteen Days after *Michaelmas*, we find, * by the Writ of Summons, the Duke appeared at it; when the Eſtates of the Kingdom were aſſembled accordingly, the † Cauſe of Summons was declared by the Arch-Biſhop of *Canterbury*; and further rehearſed by Sir *Richard L'Eſcrope*, which was to this effect; That the *Commons* would adviſe the King, by what moſt fitteſt Means His, and the Kingdom's Enemies might be reſiſted, and how the Expence of each Reſiſtance was to be born, with the greateſt Eaſe to the Subject, and Profit and Honour to the Kingdom.

* *Ib. N.* 12.
The Commons prayed, that certain Lords might be joyned with them.
* *Ib. N.* 13.
The Names of the Peers named to be ſent unto 'em.

Then * the Commons pray'd the King, that for the Difficulty of their Charge, (that is, the Declaration of Summons) and for the weakneſs of their Abilities, it would pleaſe his Majeſty to let certain Prelates and Lords be joined with them, for their Aid and Aſſiſtance, to commune and treat with them in theſe weighty Affairs, for the more haſty and good diſpatch of the Buſineſs wherewith they were charged, * *viz.* the King of *Caſtile* and Duke of *Lancaſter*, the Biſhops of *London*, *Ely*, *Rocheſter*, and *Carliſle*, the Earls of *March*, *Arundel*, *Warwick*, and *Angos*, the Lord *Nevil*, *Henry* and Sir *Richard L'Eſcrope*, and Sir *Richard de Stafford*, which was accordingly granted by the King in Parliament.

‖ *Ibm.*
The Duke of *Lancaſter* excuſed himſelf from going to the Commons becauſe he had been defamed by them.

Then ‖ the Duke of *Lancaſter* immediately ſtood up, and falling upon his Knees before the King, humbly pray'd him to hear him a little in a weighty Cauſe, that concern'd himſelf; and then ſaid, Though the *Commons* had choſen him for one of the Lords to commune with them of the ſaid Matters, yet he deſired his Majeſty would pleaſe to excuſe him, for that the *Commons* had ſpoken ill of him, and ſo ill, that he had committed maniſeſt Treaſon, if their Report was true; which GOD forbid, being always careful not to do any ſuch thing, as the Truth was notably known; and further added, That none of his Anceſtors, either of one ſide or other, was ever a Traytor, but True and Loyal; and it was a very marvellous thing how he ſhould deviate from the Line, for that he had more to loſe than any other in the Kingdom; and further he ſaid, That if any Man, of what Eſtate or Condition ſoever he was, ſhould be ſo hardy, as to lay Treaſon, or other Diſloyalty, to his Charge, or any thing done by him, prejudicial to the *Kingdom*, he was ready to defend himſelf by his Body, or otherwiſe by Award of the King and Lords, as if he were the pooreſt Knight Bachelor of the Realm.

‖ *Ib. N.* 14.
Whereupon, the Prelates, Lords and Commons acquitted him from all blame and Defamation.

‖ Whereupon the Prelates, and all the Lords, ſtood up, and with one Voice excuſed and prayed him to leave off ſuch Diſcourſe, for they thought no Man living would ſay any ſuch thing: The *Commons* alſo ſaid in their own Defence, it was apparent and notorious; that they thought him free from all Blame and Defamation, inaſmuch as they had choſen him to be their principal Aider, Comforter and Counſellor in this Parliament; praying with one Voice to have them excuſed from all ſuch Reports.

The Duke deſires that the Inventer and Spreaders of ſuch falſe Reports be puniſhed.

Then the Duke ſaid, The Words had been long, though falſely, thrown about the Kingdom; and he wondered how any Man could, or would begin, or continue ſuch Slanders for the Diſgrace and Danger that might thence enſue; becauſe the firſt Inventer of ſuch Speeches, by which Debate might be moved, between the King and Lords of the Land, was a manifeſt Traytor; ſince ſuch Debates might turn to the Deſtruction of the Kingdom: And therefore prayed, that a good Ordinance, and a juſt and ſpeedy Puniſhment might be provided in that Parliament, againſt ſuch Spreaders and Inventers of evil Reports, for the avoiding ſuch Miſchiefs for the time to come; but as for the time paſt, all ſhould be forgiven as to his own Perſon.

* And becauſe the King was then young, and of tender Age, therefore, for the Amendment of ſeveral Miſchiefs, and the Preſervation of the Realm, which was at that time in greater Danger than ever before, the *Commons* prayed the King and Lords of Parliament, for three things eſpecally;

* *Ib. N.* 17, 18. The Commons pray the King and Lords for 3 things of great Moment.

Firſt, That they would, in that Parliament, appoint and name Eight Perſons of divers Eſtates, to be the continual Counſellors of the King, for the Buſineſs of the Kingdom, together with the King's Officers; and that they might be ſuch Perſons as beſt knew, and moſt diligently would and could take Pains in the amendment of the impending Miſchiefs, and for the good Government and Preſervation of the Realm; and that the Commons might know the Names of thoſe Counſellors, which alſo might be the Layers out and Directors of what Money was to be given towards the Wars.

|| Secondly, That they would pleaſe to name and appoint in that Parliament, ſuch as ſhould be about the King's Perſon, Men of vertuous and honeſt Converſation, that might educate him accordingly; and that the Charge of the King's Houſe might be born with the Revenue of the Crown, ſo that what was granted for the Wars might only be imployed that way.

|| *Ib. N.* 19.

|| Thirdly, That the Common Law, and other Statutes and Ordinances of the Land, might be Obſerved, Ratified and Confirmed, and the People Governed by them; and they might not be defeated by the Conceitedneſs or Singularity of any about the King, &c. *ſaving* in all things the Regalities and Dignity of the King, to which the Commons would not that any prejudice ſhould be done any way by their Demands.

|| *Ib. N.* 20.

The || Anſwer to theſe Petitions was, That the Prelates and Lords would adviſe together, commanding the Commons, in the mean while, to return to their Place, and treat of their other Charges given to them between that time and *Thurſday* next, and then they ſhould have an Anſwer to their Requeſts.

|| *Ibm.*

The || firſt Requeſt of the Commons being recited before the King and Lords, was by them granted; yet ſo as the Chancellor, Treaſurer, and Keeper of the Privy-Seal, Juſtices of one Bench and the other, and all other Officers of the Realm, might execute their Offices, without the preſence of thoſe Counſellors, who by Advice of the Lords were then appointed, || being Nine in Number; *viz.* the Biſhops of *London*, *Carliſle*, and *Salisbury*, rhe Earls of *March* and *Stafford*, Sir *Richard de Stafford*, and Sir *Henry L'Eſcrope*, Banerets; Sir *John D'Everouſe*, and Sir *Hugh Segrave*, Bachelors. Which || Nine Prelates, Earls and others, thus choſen in Council for this Year, were ſworn before the King himſelf, to do what they were choſen for, in the preſence of divers Lords in Parliament.

|| *Ib. N.* 21, 22. The Anſwer of the King and Lords to the Petitions of the Commons.

|| *Ib.* 23. Nine Biſhops and temporal Lords appointed to be of the Kings Council.

|| *Ib. N.* 25.

As || to the Second Requeſt, for the naming and aſſigning ſuch as ſhould be about the King's Perſon, the Lords of Parliament an-

|| *Ibm.*

The Lords do not think the ſecond Requeſt fit to be granted.

ſwered, That it ſeemed to them for many Cauſes too heavy and hard a Requeſt to place any Perſon about the King, that ſhould not be acceptable to him; or to remove any Officer, or Servant, if it were not by his expreſs Will, and for ſome notable fault to be proved againſt ſuch Officers and Servants; wherefore, the Lords would not willingly meddle with theſe Matters.

[1] *Ibm.*

To [1] the other part of this Requeſt, the Lords anſwered, that they would take good Deliberation, and ſpeak with the great Officers of the King's Houſhold about it, and if by their Advice it could be done, *ſaving* the State and Honour of the King, what they deſired ſhould be performed.

[2] *Ibm.*

As [2] for the third Petition it ſeemed reaſonable to all the Lords, that it ſhould be granted.

[3] *Ib. N.* 27. The Lords and Commons grant the K. a Tax for the defence of the Kingdom.

Then [3] the Lords and Commons perceiving the imminent Danger the Nation was in, by reaſon of the great Wars, both by Sea and Land, for the defence of the Kingdom, and reſiſtance of its great Enemies, granted the King two *Fifteenths* without Cities and Burghs, and two *Tenths* within Cities and Burghs for two Years; praying the King, that as well the Money of the ſaid *Tenths* and *Fifteenths*, as the *Tenths* granted by the Clergy, and Money for the Subſidy of *Wool*, might be in the keeping of eſpecial Treaſurers by his own Appointment, which were *William Walworth* and *John Philpot*, Merchants of *London*, who were to give an Accompt of their Receipts and Disburſements, in manner as the King and his Council ſhould order.

[4] *Ibm.* 41. 42. *Alice* accuſed in Parliament for proſecuting Buſineſs at Court, and in what Particulars.

In this Parliament [4] *Alice Perrers* was brought before the Lords, where Sir *Richard L'Eſcrope*, Steward of the King's Houſhold, by the Command of the Prelates and Lords, recited, in the Preſence of the ſaid *Alice*, an *Ordinance* made in the Parliament holden at *Weſtminſter*, in the Fiftieth Year of the late King *Edward* the *Third*, That no Woman, eſpecially *Alice Perrers*, ſhould proſecute any Buſineſs in the King's Court, by way of *Maintenance*, upon pain of Forfeiture and Baniſhment out of the Kingdom; and the ſaid Seneſchal or Steward, further informed the Lords, that ſhe had incurred the penalty of it in two Points: Firſt, That Sir *Nicholas Dagworth*, being ordered by the King's Council to go into *Ireland*, upon ſeveral Matters of great Moment to the King and Realm, ſhe had perſuaded the King that the ſaid *Nicholas* (to the great prejudice of both) ſhould be Countermanded: Secondly, That *Richard Lyons*, having, for certain Miſpriſions, for which he was Convicted in the late Parliament, ſubmitted himſelf to the King's Grace, as to his Body, Lands and Goods, the ſaid *Alice* had procured the King, with the Aſſent of his Council, to pardon the ſaid *Richard* Three Hundred Pounds which he had owed to the Exchequer, and had further granted him a Thouſand Marks as a Gift; which things being contrary to the ſaid *Ordinance*, the Steward demanded of the ſaid *Alice*, how ſhe could clear her ſelf of thoſe Articles? Then the ſaid *Alice* anſwered, that ſhe was not Culpable or Guilty of them, which ſhe was ready to aver and prove by the Witneſs and Teſtimony of *John D'Ipre* (at that time Steward of the King's Houſe) *William Sheet* Comptroller, Sir *Allen Buxhall*, *Nicholas Carren*, Keeper of the Privy Seal, and others of the Court of the late King, who were preſent at the time of the ſuppoſed Forfeiture.

She denies the Accuſation, and offers Witneſſes to clear her.

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But the Depoſitions of theſe Witneſſes being ſomewhat long, I ſhall only give you a ſhort Abridgement of them, which was to this effect,

[1] *Ibm.* 43. The Depoſition of the Witneſſes on her behalf.

[1] That upon *Wedneſday*, the Day aſſigned for the Examination of the Witneſſes, they were examined and ſworn before the Duke of *Lancaſter*, the Earl of *Cambridge*, and other Lords; and it appeared, by the Teſtimony of Sir *Roger Beaumont*, Chamberlain to the late King, that he being asked to deliver a Bill, containing the Revocation of *Nicholas Dagworth*, and importuned by the ſaid *Alice* ſo to do; yet he had refuſed to do it, becauſe it was contrary to a late Order of Council: But the late King asking what they talked about, and being informed of the Contents of the Bill, he thereupon voluntarily declared, *That the Petition was reaſonable*; and when Sir *Roger* reply'd, that his Council had ordained to the contrary, the King anſwered, *He was Sovereign Judge, and it ſeemed to Him that the former Order was reaſonable*, and Commanded him to call back the ſaid *Nicholas*, which was done accordingly: Then the Duke of *Lancaſter* himſelf depoſed much to the ſame purpoſe, concerning the recalling of Sir *Nicholas Dagworth*, that the King had declared, *It was not reaſonable one Enemy ſhould judge another*, and therefore he thought fit to Countermand his Voyage, though he (the Duke) had ſatisfied the King, it was done by his Conſent in Council, who not long after came from *Alice Perrer*'s Chamber, to the Duke and told him, he muſt not ſuffer *Dagworth* to go to *Ireland*; but the Duke would not then comply, by reaſon it was otherwiſe Ordained by King and Council, though afterwards, at the King's expreſs Command, *Dagworth* was Countermanded. But as to the Article of *Richard Lyons*, he ſaid in his Conſcience he believed *Alice Perrers* was the chief Promotreſs of that Buſineſs; but he was not then preſent himſelf.

[2] *Ibm.* She is proved Guilty of procuring *Richard Lyons* pardon.

[2] *Nicholas Carren* being Sworn, depos'd, That coming to the King at *Sheen*, he there found *Richard Lyons*; and they two being commanded to come to the King's Bed-ſide, he there ſaw Dame *Alice* ſitting at his Bed's-head; where was ſhewed, That the King would pardon the ſaid *Richard* Three Hundred Pounds, due to him upon Accompt in the Exchequer, and alſo give him a Thouſand Marks of his Treaſure, and reſtore him what was given him to his Sons, the Earl of *Cambridge*, and Lord *Thomas* of *Woodſtock*; and commanded him, the ſaid *Nicholas*, to let his Sons know ſo much; and that the King revoked theſe Grants of his meer Grace. After him Sir *Alein Buxhall* Swore much to the ſame purpoſe, as that *Alice Perrers* then further deſired the King, to acquaint the ſaid Earls of his Pardon to *Lyons*; which at her Inſtance, the King commanded *Buxhall* to do; and preſently after, there were Twelve other Perſons called in, who were moſt of them Witneſſes, who in the Nature of a Jury or Inqueſt being Sworn, and charged to ſpeak the Truth, Whether the ſaid *Alice* were culpable, or not, of what ſhe was charged with; they ſound her Guilty, according to the Intent of the Statute made in the Fiſtieth Year of *Edward* III. then conſidering the Damages and Villanies by her done, ſhe was ſentenced by Parliament to be Baniſhed, and her Lands, Chattels, Tenements in Preſent and Reverſion, to be forfeited, and ſeized into the King's Hands; and it was further ordained by the King, and Lords in that preſent Parliament, That all her Land in Feoffees's Hands, and purchaſed in Truſt, ſhould be alſo Forfeited; but that it was the Intention of the King and Lords, *That this Law, particularly made for the prevention of*

She being found Guilty by an Inqueſt or Jury of 12 Men, is Condemned by the Lords to Baniſhment; and that all her Eſtate ſhould be Confiſcated.

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ſuch odious things, ſhould not be made uſe of, nor drawn into Example, againſt any other Perſon, or in any other Caſe.

I have nothing more to obſerve concerning this Lady, but that not long after, ſhe Married Sir *William* of *Windſor*, a Perſon of Note, and notwithſtanding this Act or Ordinance laſt mentioned, they both in the next Parliament [1] Petitioned for a Revocation of it, for divers Errors therein recited; and they thereupon obtained a Reverſal of the ſame; which lets us ſee how different and uncertain the Cenſures of Parliaments were in thoſe Times, as well as our own.

[1] *Rot. Parl.* 2. *Rich.* 2. *N.* 36.

She not long after marries Sir *William Windſor*, and they obtain a Reverſal of the late Judgment in the next Parliament.

I ſhall now give you ſome other remarkable Petitions of the Commons, with the King's Anſwers to them. [2] The Commons pray'd, that becauſe the late King *Edward* was guided by evil Counſellors, as had been authentickly proved, that they might be removed from all the King's Councils; and that other fit Perſons might be put in their Places; and further, that no Officers of the King's Court, great or ſmall, do keep up Quarrels or Suits in the Country by *Maintenance*, nor meddle with any thing, but what belongs to their Office.

[2] *Ib. N.* 49. The Commons pray, that all evil Counſellors be put from the King, with another Requeſt againſt Maintenance.

As [3] to the firſt Requeſt, the King granted it; and as to the Second, touching *Maintenance*, he further inforced it, by ſtreightly forbidding any Counſellor, Officer, or other Servant, or others belonging to Him, in the Kingdom, to uphold any Quarrel or Suit by *Maintenance*, under pain of loſing their Offices and Services, and to be Impriſoned, and Ranſomed at the King's Pleaſure.

[3] *Ibm.* Both which are granted.

The [4] Commons alſo pray'd, That during the King's Minority, the Chancellor, High-Treaſurer, Chief Juſtices of one Bench and the other, the Chief Baron of the Exchequer, the Steward and Treaſurer of the Houſhold, the Chief Chamberlain and Clark of the Privy-Seal, the Wardens of the Foreſts on this ſide *Trent* and beyond, might be made by Parliament; and if it ſhould happen, that any of theſe Miniſters or Officers ſhould be laid aſide, between one Parliament and another, that then another be put in his Place, by the King's Council, until the next Parliament ſhould meet.

[4] *Ib. N.* 50. The Commons deſire, that the Chancellor, and chief Juſtices and chief Baron, with other great Officers of the Kingdom, ſhould be made by Parliament.

This [5] Petition was likewiſe granted in part, that while the King was under Age, the Counſellors, Chancellor, Steward of the Houſhold, and Chamberlain, ſhould be all choſen by the Lords in Parliament, Saving always the Eſtate and Heritage of the Earl of *Oxford*, to the Office of Chamberlain; and as to the other Officers above-named, the King ſhould make them by the Aſſent of his Council.

[5] *Ibm.* Which is granted during the K's Minority.

Their [6] next Petition was againſt the ſetting free of Villains, belonging as well to Clergy-men as Lay-Lords, many having lately withdrawn themſelves, by Procurement of certain Adviſers, Maintainers, and Abettors in the Country, who received Money of them, by colour of Exemplifications, purchaſed in the King's Court out of *Domeſday* Book, of the Mannors and Towns where they dwelt, by means of which they had diſcharged themſelves of all manner of Service; and therefore to prevent this, they humbly pray due Remedy.

[6] *Ib. N.* 88. The Commons Petition againſt the ſetting free Villains.

To [7] which the Anſwer was, That as to the *Exemplifications*, Grants, and what elſe had been done in Chancery, it was declared in Parliament, that they could not, nor ought to be of any Value, or take Place, as to the Freedom of the Bodies of ſuch Villains, nor change the Condition of their Tenure and Cuſtom antiently due, nor do any prejudice to their Lords concerning them; who if they would, might

[7] *Ibm.* The Anſwer to it.

have Letters Patents of his Declaration under the Broad Seal, with other Matters there mentioned, which ſince they are now become obſolete, and are alſo recited in the Printed Statute concerning this Grievance, I refer you to it.

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1 *Rich*. 2. *cap*. 6.

Then [1] the Citizens of *London* deſired, that upon the King's ſpecial Grace, and for the Enlargement of the *Franchiſes* of their City, if any Article in the Charter granted by Him or his Progenitors, to the ſaid Citizens, ſhould prove difficult or doubtful, and might be taken in divers Senſes, that then the Senſe they claim'd to have it in, ought to be allowed.

[1] *Ibm.* The *Londoners* deſire an Enlargement of their *Franchiſe*, &c.

To [2] this the Anſwer was, That the Interpretation of the King's Charters belonged to Him; and if any Doubt aroſe thereupon, the King, by Advice of his Council, would make ſuch Interpretation, as ſhould be according to Reaſon and good Faith; and ſo this Parliament ended. ⁎

[2] *Ibm.* The King's Anſwer.

⁎ I find nothing else to have been transacted worth our notice in England, but that the Bp. of Winchester, who in the end of the late King's Reign had been accused of great crimes and misdemeanors (as in particular for converting several great sums of ye State Kings money to his own private use) being now reconciled to the Duke of Lancaster by his advice and consent as also of all the rest of the Privy Council, obtained the King's pardon under the great Seal bearing date July 31 of all treasons and other crimes whatsoever. After which he continued in favour all the time of his [illegible] some years after he was again made L. Chancellor, as you will find hereafter. Rot: Claus 1. R. 2. m. p. 7. 1 [illegible] [illegible] vid: 2d. vol. p. 163 in 168.

As [3] to Foreign Affairs, they were manag'd with various Fortune; for the *Scots* breaking in upon that part of *Scotland* which was under the *Engliſh* Dominion, burnt the Town of *Roxburgh*; but the Earl of *Northumberland*, in Revenge, entred *Scotland* with Ten Thouſand Men, and for Three Days together ravaged and ſpoiled the Land of the Earl of *Marche*, becauſe he was the cauſe of the burning the Town laſt mentioned: But ſome time after, the *Scots* took the Caſtle of *Berwick* by Surprize; upon which ill News, the Earls of *Northumberland* and *Nottingham*, with the Lords *Nevil*, *Lacy*, and *Stafford*, beſides other Men of Quality, preſently marched down thither, with a ſufficient Army of Three Thouſand Horſe, and Seven Thouſand Archers; who entering the Town, beſieged the Caſtle, and at laſt took it by Aſſault, and kill'd all the *Scots* they found in it, except *Alexander Ramſey* their Governor. As ſoon as the *Engliſh* had thus recover'd the Caſtle, they marched farther into *Scotland*, in hopes to meet with, and fight the *Scots*; who watching for ſome Advantage, kept out of ſight: Then the *Engliſh* Generals, ſending out Sir *Thomas Muſgrave*, a Knight of *Cumberland*, with Three Hundred Lances, and Three Hundred Archers, as far as *Melros*, to make Diſcovery; they, for want of good Intelligence, fell into part of the *Scotiſh* Army under Earl *Douglas*, conſiſting of about Three Thouſand Men, who ſoon putting the *Engliſh* to the Rout, took Sir *Thomas Muſgrave*, and Sixſcore others, Priſoners, the reſt being either killed, or ſaved themſelves by Flight.

[3] T. W. *ad hunc An.* The *Scots* burn *Roxburg*.

And ſurprize the Caſtle of *Berwick*, which is retaken by the Earls of *Northumberland* and *Nottingham*.

A Party of *Engliſh* under Sir *Tho. Muſgrave* is routed, and himſelf taken Priſoner.

But in *France* Matters went much worſe; [4] for not long after, the *French* having beſieged the Town of *Ardres* near *Calais*, had it betray'd to them by the Captain of the Caſtle, called the Lord *De Gurny*, a *German*; for which Crime he was ſeized by Sir *Hugh Calverly*, Governor of *Calais*, by whom he was ſent into *England*, and committed cloſe Priſoner: Nor were Affairs much better in *Aquitain*, where Sir *Thomas de Hilton*, the King's Lieutenant, tho' a Perſon of great Valour, yet falling too raſhly, with a few Men, upon a much greater number of *French*, he was by them routed, and taken Priſoner, with divers other Gentlemen, near the Town of *Reole*.

[4] *Id. ib.* The *French* take *Ardres*, near *Calais*, it being betray'd by the Governor, for which he is ſent Priſoner into *England*.

Sir *Tho. Hilton* taken Priſoner in *Aquitain*.

And to put the reſt of the Affairs of *France* together, about the end of this Year, [5] Sir *Hugh Calverly*, Governor of *Calais*, marched thence before Day; and coming early in the Morning to *Bologne*, burnt and plundered moſt part of the lower Town, and then returned back

[5.] *Id. ib.* Sir *H. Calverly* marches out of *Calais*, burns great part of *Bologn*, and returns with a great Booty of Cattle; and recovers the Caſtle of *Merch*.

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with a good Booty of Cattle, and other Goods. Alſo Sir *Rob. de Galle*, Governor of the Caſtle of *Merck*, not far from *Calais*, being gone into *England*, certain *Picards* that were there in Gariſon, took that Opportunity, by the Negligence of the *Engliſh* Soldiers, to deliver that Place to the *French*; but Sir *Hugh Calverly* hearing of it, made ſuch quick Diſpatch, that marching thither with a Body of Men, he retook the Caſtle the ſame Day, and hang'd up thoſe *Picards* that had betray'd it.

[1.] *Id. ib.* The *Engliſh* Fleet goes out to take a Navy of *Spaniſh* Ships, but is diſperſed by a Storm.

But the *Engliſh* had not ſo good Succeſs at Sea; [1] for the young Earl of *Buckingham*, the Duke of *Bretagne*, the Lord *Latimer*, the Lord *Fitzwalter*, and Sir *Robert Knolls*, with divers other Noblemen, going on Board the Fleet, which was now got ready, with a great number of Mariners, reſolved to go againſt a great Navy of *Spaniſh* Ships, that then lay in the Haven of *Sluice*, which they did, but with bad Fortune; for a great Storm taking them in their Paſſage, the Fleet was diſperſed, and driven into divers parts of *England*, having ſuffer'd great Damage in their Maſts, Sails, and other Tackle; which, when they had refitted, they went out again a ſecond time, againſt the *Spaniards*; and though they then met with ſome bad Weather, yet was not their ill Succeſs ſo much owing to that, as to the Cowardice and Treachery of the Captains and Seamen of great part of the *Engliſh* Fleet; for when their Admiral, the Earl of *Kent*, was about to fall again upon that of the *Spaniards*, that Squadron which was Commanded by the Lord *Fitz-Walter*, did not only refuſe to bear up to the Earl's Aſſiſtance; but when their Commander reproved them for their Stubbornneſs, they were like to have flung him over Board, had he not got off in a Barge; and coming up to the Earl, they fell upon the *Spaniards*, and took Eight of their Veſſels; and might have taken more, had they not been baſely deſerted by the reſt; ſo that they were forced to return again into Harbour preſently after *Chriſtmaſs*: Yet another part of the Fleet that ſtay'd behind to refit, had much better Succeſs in the beginning of the Year enſuing, when the Sea-Affairs were however carried on with various Fortune.

And going out again, met with a worſe Diſappointment through the Cowardice of part of the Seamen.

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[2] T. W. *ad hunc An.* Sir *Tho. Piercy*, with a few Veſſels, takes a Fleet of *Spaniards* and *Flemmings*.

For [2] about the beginning of this preſent Year, Sir *Thomas Piercy* having repair'd the Damage that had been done to his Ships by the late Storms, ſet out again with only one great Ship, two Barks, and ſome other ſmaller Veſſels; and meeting Fifty Ships laden with *French* Goods, whereof ſome were *Spaniards* and others *Flemings*, (having warned the latter to ſeparate from the former, and it being by them refuſed) he ſet upon them all together; inſomuch, that they being terrified with his Valour, and ſuppoſing he had more Ships behind, made but ſmall Reſiſtance; ſo that he took Two and Twenty of them, all the reſt ſaving themſelves by Flight; ſo that this Nobleman, with his ſmall Squadron, return'd home with that Succeſs as exceeded all Expectation.

[3.] *Id. ib.* The Duke of *Lancaſter* offers to put out a Fleet with the publick Moneys; but before it can ſet out, one *Mercer*, with certain other *French* and *Spaniſh* Ships, takes ſeveral *Engliſh* in the Harbour of *Scarburgh*.

Not [3] long after this, the Duke of *Lancaſter*, beginning now to concern himſelf in publick Affairs, deſired to have the Management of great part of the Money that had been granted by the laſt Parliament, promiſing therewith to ſet out a powerful Fleet, to make good the late Loſs and ill Succeſs; and to this end, he ſent and hired Nine great Ships from *Bayonne*, which in their paſſage to *England* took Fourteen *French* Veſſels, laden with Wine and other Merchandize; but before this Fleet could be got ready, one *Mercer*, a *Scotiſh* Man, came, with

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certain *French* and *Spaniſh* Veſſels under his Command, into the Harbour of *Scarburgh*, and there took ſeveral Ships, and carried them away. This he did in Revenge of his Father's Impriſonment, who being a noted Pirate, and having been ſome time before taken at Sea, and delivered to the Earl of *Northumberland*, was by his Order then kept Priſoner in the Caſtle of that Place; but *John Philpot*, Alderman of *London*, a Perſon remarkable for his Courage, as well as Riches, being grieved at this ill Management, complain'd to the King's Council of the Damage he had lately received, and deſired ſpeedy Redreſs; but not being able to obtain any more than fair Promiſes of them, he grew impatient at theſe Delays, and without any more ado, ſet out a competent Fleet at his own Charge; and going with them in Perſon, not long after met Fifteen *Spaniſh* Veſſels richly laden, which were part of *Mercer*'s Fleet, and making them Prize, was very well paid for the Money he had laid out of Pocket; but not long after, being called in Queſtion by the Lords of the King's Council, for preſuming to ſet out Men of War without their Advice or Command, he made ſo good a Defence to the Earl of *Stafford*, and others that laid it to his Charge, that he was diſmiſſed without any farther trouble.

Alderman *Philpot* ſets out a Fleet at his own Charge, and takes 15 *Spaniſh* Veſſels richly laden. For which being queſtion'd before the Lords of the Council, he makes a good Defence, and is acquitted.

Some time [1] after, the Earls of *Salisbury* and *Arundel*, having got part of the Fleet that was ready to ſet out, ſailed over towards *Normandy*, to aſſiſt the King of *Navarre*, who was then fallen out with the *French* King, his Brother in Law; but part of the Fleet met with ill Succeſs in their Paſſage thither; for Sir *Philip* and Sir *Peter Courtney*, two Brothers, then Commanding a Squadron of the *Engliſh* Navy, fell unwarily into the midſt of a ſtrong Fleet of *Spaniards*; and being by them over-power'd, Sir *Peter*, after the loſs of a great many Men, was forced to ſave himſelf by Flight, being alſo grievouſly Wounded; but Sir *Philip* was taken Priſoner, with thoſe Knights that accompanied him, a great many other Gentlemen of the *Weſt* Country being either Kill'd or Drowned, to the great Loſs and Prejudice of the Nation; nevertheleſs, the Earls above-mentioned, with the reſt of the Fleet, arrived ſafe in the Haven of *Cherburgh*, which, together with the Town and Caſtle adjoining, was delivered to them by way of Mortgage, by the King of *Navarre*; and it afterwards proved very prejudicial to the *French*, in that part of *Normandy*.

[1.] *Id. ib.*

Sir *Philip* and Sir *Peter Courtney*, with the Squadron under their Command, are taken by the *Spaniards*, and many Men are loſt.

Then preſently after Midſummer, the *Engliſh* Fleet being ready to ſet Sail under the Comand of the Duke of *Lancaſter*, who was accompanied with the Earls of *Warwick*, *Stafford*, and ſome others of the *Engliſh* Nobility, they ſteered for the Coaſt of *Bretagne*, and arriving before St. *Malo's*, laid cloſe Siege to it by Sea and Land; but the Town being naturally ſtrong, was ſo well defended, that the Duke was forced to raiſe the Siege, and return home, without doing any thing of Moment.

Not long after this, there happen'd an Accident, which, tho' of no publick Concern, yet caus'd a great Diſturbance, and highly increaſed the Hatred of the People, againſt that Duke: [2] The Buſineſs was thus; a *Spaniſh* Nobleman, called the Earl of *Denia*, having been taken Priſoner in the late War in *Spain*, by *Rob. Haullie* and *John Shakel*, two Eſquires of Note, he found ſo much Favour, that upon leaving his Eldeſt Son as a Pledge for his Ranſom, he had his Liberty, on Condition he ſhould raiſe the Money for his Ranſom, ſo ſoon as he came

[2.] *Id. ib.* The Account of the Impriſonment of the Earl of *Denia*; and of his being demanded by the Duke of *Lancaſter*, from his Keepers.

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home; which he neglecting to do, his Son remained here a Priſoner till his Father's Death, who had taken no care at all to Redeem him: But the Duke of *Lancaſter*, being now deſirous to have this young Earl in his own Hands, in order to the Deſign he had upon *Spain*, procured the King to ſend to theſe Gentlemen, to deliver their Priſoner to the Duke, which they looking upon as a very hard and unjuſt Proceeding, refuſed, and ſlipped him out of the way, and were thereupon committed cloſe Priſoners to the Tower for their Contempt; but not long after, finding Means to eſcape from thence, they took Sanctuary in the Abbey of *Weſtminſter*: The Duke of *Lancaſter* highly offended at this, ſent Sir *Alein Buxhall*, the Conſtable of the Tower, and Sir *R. Ferrars*, with Fifty Armed Men, to take theſe two Gentlemen out of the Sanctuary by Force; and coming upon them whilſt they were at Maſs, ſeized *Shakel*, and carried him away Priſoner to the Tower; but as for *Hall*, he made ſo vigorous a Defence with a ſhort Fawchion he had about him, that they could not take him; at laſt, in traverſing his Ground about the Choir, to avoid the Aſſaults of thoſe that came upon him, they got that Advantage, that one of them broke his Scull even to the Brains, whilſt another ran him thro' with a Sword: And at the ſame time Murthered a Servant of his, that took his part; as alſo a Monk, that interceded to ſave his Life. This Action was highly reſented by the Clergy, inſomuch that the Arch-Biſhop of *Canterbury*, and Five other Biſhops of his Province, openly declared all thoſe *Excommunicated* that had any Hand in theſe Murthers, and particularly Sir *Alein Buxhall*, and Sir *Ralph Ferrars*, their Leaders; as alſo all that aided, counſelled, or adviſed the doing of it; only the King, with his Mother, and the Duke of *Lancaſter*, were excepted by Name; yet for all this, the Duke's Power was ſo great, that I do not find any Temporal Puniſhment inflicted on the Actors of this horrid Murther, which ſhews us with how great Partiality Juſtice was Adminiſtred, during this King's Minority: But we ſhall now proceed to Matters of more publick Concern.

One of the Gentlemen that kept the Earl is taken out of the *Sanctuary*, and impriſoned, for refuſing to deliver him.

Divers being killed in the taking of him, the A. B. of *Canterbury* excommunicates all thoſe that had a hand in it.

A [1] Parliament was ſummoned to meet on the Twentieth of *October* at *Glouceſter*, (which Place is ſuppoſed to have been pitched upon, out of Hatred to the City of *London*) but tho' they met there at the Day appointed, yet they did not proceed to Buſineſs till the Day following; [2] when being met in the great Hall of the Abbey there, the Biſhop of St. *Davids*, then Lord Chancellor, declared the Cauſe of Summons; wherein he took Notice of what had been done by the *Scots* at *Roxburgh*; and that ſince, notwithſtanding the late Truce, they had made a freſh Alliance with the *French* againſt *England*.

[1] *Rot. Clauſ.* 2. *Rich.* 2. *M.* 29. *dorſ.*

A Parliament ſummoned at *Gloceſter*.

[2] *Rot. Parl.* 2. *Rich.* 2. *Parl.* 1. *N.* 1. 2.

The cauſe of the Summons declared by the Biſhop of St. *Davids*.

Next [3] Day Sir *Richard L'Eſcrope*, Steward of the Houſhold, enlarged upon the Cauſes of calling the Parliament; [4] and making excuſe for his own Inability, told the Prelates, Lords and Commons, (as the Chancellor had ſaid before) that the Nation was incompaſſed with Enemies, who daily increaſed: That the Ports of *Cherburgh* and *Breſt*, which of a long time had not been in the Hands of the *Engliſh*, beſides *Calais*, *Bourdeaux*, and *Bayonne*, with the Countries adjacent, were very chargeable to maintain; ſince *Calais*, with its Marches or Limits about it, ſtood the King in Twenty-four Thouſand Pounds every Year, and *Breſt* Twelve Thouſand Marks, and the other Three Places according to the ſame Rate.

[3] *Ib. N.* 7.

[4] *Ib. N.* 15.

Sir *Richard L'Eſcrope* ſets forth the great danger of the Nation, & the charge of maintaining ſo many foreign Gariſons.

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[1.] *Ib.N.* 16. The Speaker of the Houſe of Commons makes Proteſtation before the King and Lords, and the effect of it.

Then [1.] Sir *James Pickering* being admitted Speaker of the Houſe of Commons, came with them before the *King*, *Prelates* and *Lords* in Parliament, and made Proteſtation, as well for the whole *Commons* of *England*, as for himſelf. Firſt, *If he ſhould utter any thing to the Prejudice, Damage, Slander, or Diſgrace of the King, or his Crown, or in leſſening the Honour or Eſtate of the Great Lords, it might not be taken notice of by the King, and that the Lords would paſs it by, for that the Commons highly deſired to maintain the Honour and Eſtate of the King, and the Rights of the Crown, as alſo to preſerve the Reverence due to the Lords in all Points: Then as for his own Perſon, he made his Requeſt, that if by Indiſcretion he ſpake any thing unwarily by Common Aſſent of his Companions, it might be amended by them, before their departure, or afterwards.*

[2.] *Ib.N.*17. He returns thanks to the King for his gracious Conceſſions to the Church and State.

He [2.] then Rehearſed in ſhort, the Articles given them in Charge; and firſt, as to the *Liberties* and *Franchizes* granted to Holy Church, and for the King's *Promiſe* of entirely preſerving the Good Laws and Cuſtoms of his Kingdom, and Puniſhing ſuch as ſhould any ways Act againſt them; the *Commons* humbly thanked Him with their whole Hearts, kneeling upon the ground, and praying God they might be put in due Execution.

[3.] *Ib.N.* 18. The Commons excuſe giving any further Aid at this time, and why.

That [3.] as to the Aid the King Demanded of his *Commons* for the Defence and Safety of his Kingdom, and for the Safeguard of his Lordſhips, Lands, Towns and Forts Beyond-Sea, and toward his Wars. The *Commons* ſaid, that in the laſt Parliament, in his firſt Year, the ſame things were ſhewn unto them in behalf of the King, at which time they Anſwer'd, it was apparent the King had not ſo great need for an Aid, ſeeing He had in his hands the *Priories Alien*, the Subſidies of *Wooll*, the Revenues of the Crown, the Lands of the Prince his Father, and many other Great Lordſhips, by the *Non-age* of the Heirs of them; and that therefore they ſtill conceive there muſt be great plenty of Money in the Treaſury.

[4.] The Anſwer of the King's Council in Parliament, who ſtill inſiſt upon a Supply.

To [4.] this the King's Council in Parliament then Anſwer'd, That the late Charge of the Coronation had been very great, and that the Money upon thoſe *Funds* they mentioned came in very ſlowly, nor could they be Collected ſoon enough for an Expedition that Year; and it was then further propoſ'd, That if the Commons would Furniſh the King with a great Sum of Money to make ſuch an Expedition as might be for the Deſtruction of his Enemies, they (the Council) hoped He might have Money ſufficient hereafter from time to time to Maintain the War, and Defend the Kingdom.

[5.] The Commons ſtill perſiſt in Excuſing themſelves.

To [5.] this the Commons Replied, That in hopes of that Promiſe to be diſcharged of all Tallages for a long time, they had Granted a greater Sum than had ever been given to any King to be Levied in ſo ſhort a time; and that all things Conſider'd, it ſeem'd to the *Commons*, that there muſt needs be a great Sum in the Treaſury, beſides what had been Expended in the laſt Voyage; ſo that the King had no need to Charge the *Commons*, who were in a lower Condition than ever, by reaſon of that Payment, and alſo by the *Murrain* amongſt their Cattle, and their Enemy's Burnings and Depredations upon the Sea-Coaſts; that their Corn and Cattle were at ſo low a Rate, that no Money could be raiſed at preſent; whereupon they prayed the King to Excuſe them, as not being able to bear any further Charge for pure Poverty

[1.] To

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[1.] *Ib.N.* 19. Sir *Richard le Scrope* Replies to the Commons on the King's behalf, and denies their Allegation to be true

To [1.] all which, Sir *Richard le Scrope* Reply'd, by making Proteſtation that he knew of no ſuch Promiſe made by the King in the laſt Parliament; and ſaving the Honour and Reverence due to the King, and Lords, what the Commons ſaid was not true; and as to the Subſidy laſt Granted, that a great part of it was ſtill in the Treaſury; to wit, of the two *Fifteenths*, and two *Tenths*: But as to the *Wooll* that had been given in that Parliament, he vouched the Teſtimony of *William Walworth*, and *John Philpot*, who by their Conſent were appointed Receivers of the ſame, that every Penny thereof was Expended upon the War, and that none of it came to the High Treaſurer of *England*, or any other, to the Uſe of the King: That the Revenues of the Crown, conſidering the Annuities and other Charges upon them, Granted by his Father, and Grandfather, were ſo ſmall, that without the Cuſtoms of *Wooll*, and Lands of the Priors Aliens, the Honour and Eſtate of the King could not be maintained; and therefore they were to know, that according to Reaſon they ought to relinquiſh their Complaint, if they pleaſed.

[2.] *Ib.N.* 20. The Commons deſire an Account how the Money given has been laid out.

Whereupon [2.] the Commons, after a ſhort deliberation, made it their Requeſt to the King, that He would pleaſe to ſhew them how, and in what manner the great Sums given for the War had been Expended; and alſo that He would pleaſe to let them know the Names of ſuch as ſhould be the *Great Officers* of the Kingdom, and who were to be his *Counſellors*, and *Governors* of his Perſon, (being yet of tender Age) for the next Year, as it had been before *Ordained* in Parliament.

[3.] *Ib.N.* 21. The King with a Proteſtation conſents that the Commons ſhould ſee the Accounts.

To [3.] which it was Anſwered on the behalf of the King, by the ſaid Sir *Richard*, that tho' there never was any Account yet given of Subſidies, or any other Grants made in Parliament, or out of Parliament, to the *Commons*, or any other, but to the King and his Officers, yet that the King Willed and Commanded of his own Motion, to pleaſe the Commons, (not that it was of Right for him ſo to do) or that He was oblig'd to do it, only by reaſon of their Requeſt now made, that *William Walworth* then preſent, with ſome of his Council Aſſigned thereunto by Him, ſhould in Writing clearly ſhew them the Receipts and Expences, ſo as it ſhould not be drawn into an Example for the Future.

As to the *Officers*, the King had cauſed them to be Choſen by the Advice of the Lords; and as to his Counſellors, they ſhould be ſuch as pleaſed Him, whoſe Names He would ſhortly give them in Writing.

[4.] *Ibm.* The King ſtill preſſes the Lords and Commons to provide for the Defence of the Kingdom.

Then [4.] the King not only Commanded them, but all the Lords there preſent deſired, that having due Conſideration of the great and apparent Dangers on all ſides, they would Provide for the Defence of the Kingdom; which not only concern'd the King, but all and every one of them, and therefore to conſider how the War might be Maintain'd, and that they would give as ſpeedy an Anſwer as they could, that the Parliament might have an end, and good effect, for the eaſe of the King, the Lords, and themſelves, as alſo for the Profit of the Kingdom, and Diſcharge of the poor *Commons*, that every day paid their Expences during the Parliament. This was one of their Principal Charges given the firſt Day: Another was, That if any Fault was found in any part of the Kingdom, or Government, in the Laws, or

And offers to hear their Petitions of Grievances, and Redreſs them.

or any other manner, that they would bring in their Petitions concerning it, and they ſhould have due Remedy.

[1.] Then the Commons deſired to have a time limited to bring in their Common Bills, or Petitions, and that it might be prolonged to the Feaſt of *All-Souls*, or ſecond of *November* next coming.

[1.] *Ib.* The Commons deſire a longer time for it.

[2.] Alſo the Commons prayed the King to have a Copy of the Enrolment of the Subſidy of *Fifteenths*, and *Tenths*, as they had been Enrolled upon the Roll of Parliament for them to Adviſe upon; and this was granted at the King's Pleaſure, and not upon their Requeſt.

[2.] *Ib.N.*22.

[3.] They Pray'd likewiſe that five or ſix *Prelates* and *Lords* might come to the *Commons*, to Treat with them about their Charge, but the Lords Anſwer'd, they neither ought, nor would do it in that manner, which had never been ſeen but in the three laſt Parliaments; but the Cuſtom was for the Lords to chooſe a ſmall number of Six, or Ten, and the Commons as many of themſelves, to Treat together without noiſe, and then Report what they had done to their Companions, of one part, and the other; and according to this Method the Lords would Act, and no otherwiſe. To this the *Commons* aſſented, to proceed as had antiently been uſed.

[3.] *Ib.N.*23. The Commons deſire 6 Biſhops, and 6 Lords might come to their Houſe to treat about their Charge, which is refuſed, unleſs the Commons would alſo chooſe a Committee of as many.

After [4.] the *Commons* had ſeen and Examin'd the Enrolment, Receipts, and Expences, they were well ſatisfied with them, as being Honourable for the King and Kingdom; and only ſaid that Forty Six Thouſand Pounds, which was expended in keeping ſeveral Countries, Places and Fortreſſes, as the Marches of *Callais*, *Breſt*, and *Cherburgh*, *Gaſcoigny*, and *Ireland*, was not to be Charged upon them, nor as it ſeem'd to them, were they bound to bear any Foreign Charge.

[4.] *Ib.N.*24. The Commons are very well ſatisfied with the laying out of the Mony; only except againſt the Charges of Foreign Gariſons.

To [5.] which it was Anſwer'd by the King's Council, that *Gaſcoigny* and the Forts beyond Sea were *Barbicans*, and as it were Out-works and Defences to *England*, and if they were well Guarded, and the Sea well kept, the Kingdom would be quiet, otherwiſe it could not be ſo.

[5.] *Ib.N.* 25. The Reply to this Objection.

The [6.] *Commons* then propounded this Charge to be defrayed by the Goods and Eſtate of King *Edward* the *Third*, which the King Poſſeſſed, and was much Enriched by it. Whereto it was Anſwer'd, that thoſe Goods were juſtly appraiſ'd, and deliver'd to thoſe his Grandfather was Indebted to, except ſome Neceſſaries reſerv'd for his own Houſe, for which He had paid in part, and was to pay in whole for the ſatisfaction of his *Creditors*; and therefore the King Commanded, and the Prelates and Lords prayed them (as they had done before) to Adviſe about their Charge, and give good and effectual Anſwers thereunto, with as much haſt as might be, for the common profit of the Kingdom, and eaſe of the Lords, and themſelves.

[6.] *Ibm.* The Commons further propoſed this Charge to be defrayed by the Perſonal Eſtate of the late King, which is ſhew'd cannot be done.

At [7] length, notwithſtanding all theſe Excuſes, the *Prelates*, *Lords* and *Commons*, perceiving the great Perils wherewith the Land was encompaſſed, and the great and extraordinary Expences the King was to be at for the Safety and Defence thereof, agreed and granted the King the former Subſidy of *Wooll*, *Leather*, and *Woollfells*, for Three Years, *viz.* of *Wooll* Forty Three Shillings and Four Pence the Sack, of *Woollfells* as much; that is, for every Two Hundred and Forty of each (accounting Sixſcore to the Hundred) as alſo for *Leather* Four Pound, Six Shillings and Eight Pence on every Laſt, which ſhould be Exported by Denizens, and Strangers, beſides the antient

[7.] *Ib.N.*29. The Lords and Commons at laſt agree, and grant the King a further Subſidy upon *Wooll*, *Leather*, &c. beſides ſome other Additional Duties.

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Cuſtom; and as an Additional Grant, they gave Thirteen Shillings and Four Pence more for every Sack of *Wooll*, as much for every Two Hundred and Forty *Woollfells*, and for every Laſt of *Leather*, Twenty Six Shillings and Eight Pence. Alſo they gave Sixpence in the Pound for every Pound Value of Merchandize, as well of Denizens as Strangers, both Imported, and Exported, for one Year, and then the Parliament was Diſſolved.

[1] T. W. *Ad hunc An.* Some petty Succeſſes of the *Engliſh* in *France.*

But to ſay ſomething further of Foreign Affairs, the [1.] *Engliſh* at the beginning of this Year, had ſome Petty Succeſſes in *France*; Sir *Robert Knolls*, Governor of the Caſtle of *Breſt*, took above Fourſcore *French* Priſoners, who had made an Inroad to Plunder the Adjacent Country. And moreover preſently after *Chriſtmaſs*, Sir *Hugh Calverly*, who never loved to be Idle, marched privately out of *Calais* with a Select Band of Brave Soldiers to the Town of *Stapal*, where he heard there was to be a Great Fair, and falling upon certain Merchants of *Bologne*, *Paris*, *Amiens*, and other Places; he not only took a great many of them Priſoners, who were made to pay large Ranſoms, but alſo took away a good quantity of Rich Commodities; and as for thoſe he could not carry away, he threatned to burn, unleſs the Owners would agree to Redeem them at a certain Price; which being diſpatched, he Burnt the Town, and return'd to *Calais* with a Rich Booty of Priſoners, and Commodities, which ſerv'd the Town a great while after.

[2.] *Id. ib.* Thoſe of *Rye* and *Winchelſey* joyning their Ships, Land in *Normandy*, and Plunder Port *St. Pierre*, and other Places.

About [2.] the ſame time, the Men of *Rye* and *Winchelſey* joyning their Ships together, were reſolv'd to be Reveng'd on the *French* for the Damage they had done them the laſt Year; and Landing by Night upon the Coaſt of *Normandy*, they Aſſaulted a Town called *Port St. Pierre*, which they took and Plunder'd, not ſparing the very Churches, killing many of the Towns-Men, and carrying away ſome of the Richeſt of them Priſoners. And in ſhort, they amply re-paid the *French* for all the Miſchief they had done them; and then Marching forward to another ſmall Town, called *Wilet*, not far off, they did the like there, and then return'd home with good Succeſs, and a very Rich Booty.

[3.] *Id ib.* The Succeſſes of Sir *Hugh Calverly* againſt the *French.*

I cannot here omit, that about the time that *Cherburgh* was deliver'd to the *Engliſh*, [3.] Sir *Hugh Calverly* perform'd another Action worth our Notice; for Marching from his Government at *Calais* with ſome Forces, and making an Incurſion toward St. *Omers*, he carried away a great multitude of Cattle, with which he return'd to *Calais* without any Reſiſtance; and ſome time after this he was too hard for the *French* Governor of *Ardres*, who having obtain'd a great quantity of Cannon, and other Ammunition from the *French* King his Maſter, was afraid leſt they ſhould be Surpriſed by the Governor of *Calais* in their paſſage. To prevent which, he ſent to him, deſiring his ſafe Conduct to Treat with him about divers Matters of Moment; and the *Mounſieur* reſolv'd to take that very Day to bring his Ammunition to *Ardres*. But Sir *Hugh* being aware of his Deſign, ſent out certain Forces very early that Morning, which ſeiz'd upon the Cannon and Ammunition by the way, and brought them ſafe to *Calais*. But the Captain of *Ardres* hearing of this Exploit, whilſt he was on the way, finding himſelf out-witted, return'd back with great ſhame, and diſcontent.

In [1] *Scotland* the Military Actions met with various Succeſs; for the Men of *Northumberland*, truſting too much in their own Strength, made an Excurſion into the Weſt-marches of *Scotland*; but the *Scots* having notice of their coming, met them with an equal, if not greater Force; and engaging with them, kill'd the major part of them; which ſo diſpirited the *Engliſh*, that the *Scots* did what they pleaſed in thoſe Parts: Wherefore the Earl of *March* was ſent to renew the Truce with them, tho' it did not laſt long; for on *Thurſday* before the Feaſt of St. *Andrew*, the *Scots* in the Night ſurprized *Berwick*-Caſtle, and killed Sir *Robert Boynton* the Governor, yet ſuffer'd his Wife and Children, with their Relations, to depart, upon condition to pay Two Thouſand Marks within Three Weeks, or deliver themſelves Priſoners; but the Earl of *Northumberland* gathered a ſufficient Force, and in Nine Days time retook it by Storm, putting to the Sword all the *Scots* he found in it, except one that diſcover'd the Contrivance, and the *Scots* Deſigns: And thus, by the Valour of the Earl, and the Lord *Piercy* his Eldeſt Son, this Important Place was recovered with much more Honour and Difficulty than it was ſurprized.

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[1.] *Id. ib.*

The defeat of the *Engliſh* in the Marches of *Scotland*.

The *Scots* ſurprize the Caſtle of *Berwick* which is retaken by the Earl of *Northumberland*.

I ſhall conclude this Year with an Account of ſome Eccleſiaſtical Affairs of great Moment. [2] Pope *Gregory*, the *Eleventh* Deceaſing at *Rome*, on the Seven and Twentieth Day of *March*, the Cardinals thereupon went into the Conclave to chuſe a new Pope; where being threaten'd by the People of *Rome*, that if they did not elect a *Roman*, they would look upon the Election as Null; they therefore, to comply with their Humour for the preſent, choſe an old decrepid Cardinal, near an Hundred Years of Age, for Pope; at which, the People were ſo pleaſed, that putting him upon a White Mule, they carried him about the Town in Proceſſion, which ſo fatigued the poor Old Gentleman, that he died within Two Days after, which broke all the Meaſures of the Cardinals; for being again threatned by the Citizens that they did not chuſe an *Italian*, they thereupon Elected the Arch-Biſhop of *Bari*, a *Neapolitan*, who coming to *Rome*, was Crowned by the Name of *Urban* the *Sixth*; but when he would have made ſome Reformation in the Family of the Cardinals, and retrenched their Pomp, Avarice, and Luxury, many of them Rebelling againſt him, He fled into the Kingdom of *Naples*; and being there received by the Queen of that Country, they publickly declared they had choſen the preſent Pope for fear of Death, and therefore it was void; whereupon proceeding to a new Election, they choſe the Cardinal of *Civennes*, Son to the Earl of that Name, a Kinſman to the King of *France*, in hopes that He would aſſiſt him, and own his Title; whereupon, this Cardinal taking upon Him the Name of *Clement* the *Seventh*, fixed his See at *Avignon*; upon which, Pope *Urban* making Twenty new Cardinals in the Places of thoſe that had deſerted Him, *Excommunicated* the Anti-Pope, and all his Adherents; which begot ſuch a Schiſm in the *Romiſh* Church, as never had been before, it laſting above Fifty Years; during which time there were no leſs than two Popes at once, the one at *Rome*, the other at *Avignon*; the former of which was own'd by the Emperor, the Kings of *England*, *Portugal*, and *Hungary*; and the latter by the Kings of *France*, *Scotland*, *Caſtile*, and *Naples*.

[2] *Contin. Ad. Mur. Froiſ.* 2. Vol. *N. C.*

The death of Pope *Gregory*, who is ſucceeded by an old Cardinal, who ſits but two days; whereupon the Cardinals make a new Election, wherein the Arch-Biſhop of *Bari* is choſen, by the Name of *Urban* VI.

Many Cardinals rebelling againſt him, chuſe a new Pope, by the Name of *Clement* VII. who makes his Reſidence at *Avignon*.

Anno Dom. 1379.

[1] *T. W.* Pope *Urban* ſent his Nuncio's to the King, ſetting forth the Inſolence of the Apoſtate Cardinals againſt him: The Pope of the contrary Party does alſo ſend his Nuncio's to juſtify his Title; but upon Examination, that of *Urban* is allowed.

I have nothing more to add concerning this Affair, [1] but that during the Seſſions of the laſt Parliament, Pope *Urban* ſent his Nuncio's to the King and Lords, ſetting forth the Injury and Inſolence of the Apoſtate Cardinals, who had endeavour'd to depoſe Him, and ſet up another, to the Subverſion of the *Romiſh* Church; and about the ſame time there came other Meſſengers from the Pope and Cardinals of the contrary Party, juſtifying what they had done, deſiring the King's Aſſiſtance; but upon a mature Diſcuſſion of both their Rights, the Sentence of the Arch-Biſhop of *Canterbury* prevail'd; whereupon, *Urban*'s Title was allowed, and *Clement*'s rejected: But of this Affair you will hear more hereafter.

In the mean time, whilſt theſe two Popes wrote againſt and *Excommunicated* each other, *John Wickliff*, and his Party, did not only paſs without Cenſure, but alſo daily increaſed.

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[2] *Id. ad hunc An.* Sir *Rob. Rouſe*, Governor of *Cherburgh*, is recalled, and Sir *R. Herleſton* put in his Place: Sir *Hugh Calverly* is alſo recalled from *Calais*; and he and Sir *Thomas* being made Admirals, take many rich Ships.

Since *England* now affords us nothing worth our noting, I ſhall, tho' contrary to our uſual Method, begin with the Affairs of *France*; [2] where Sir *Robert Rouſe*, Governor of *Cherburgh*, having lately taken Sir *Oliver de Gueſclin*, Brother to the Renowned Mareſchal *de Gueſclin*, Priſoner, and done many other notable Exploits againſt the *French*; and being now called home, Sir *Robert Herleſton* was ſent to ſupply his Place, who not long after his Arrival there, ſlew a great many of the *French* in a Fight, or rather Skirmiſh; and about the ſame time, Sir *Hugh Calverly*, who had behaved himſelf ſo gallantly in his Government at *Calais*, was alſo recalled, and he and Sir *Thomas Piercy* being made Admirals at Sea, went out with a Fleet, and took many Veſſels richly laden from the *French* and *Spaniards*; and returning not long after from the Coaſt of *Bretagne*, they brought hither the good News, that the *Britains* were now highly exaſperated againſt the *French* King's Government; for He had juſt before commanded them to ſurrender up all their ſtrong Towns and Caſtles into his Hands, and ſuch as refuſed, He order'd ſhould be put to Death.

[3] *Ib. id.* King *Charles* of *France* forces the Noblemen of *Bretagn* to ſurrender to him all their Caſtles, and ſtrong Places.

Walſingham [3] further tells us, That in the latter end of the laſt Year, King *Charles* aſſembled a Parliament at *Paris*, where, upon pain of Death, He forced the Noblemen of *Bretagne* that were there, to yield up to him the fortified Towns and Caſtles they held, whenever He ſhould demand them; but inſtead of this, at their return home, they Mann'd and Victualled their Caſtles and Places of Strength; to reduce which, the King ſent Mareſchal *de Gueſclin* with a good Army, which forced the *Britans* to retire out of the Country.

[4] *Ib. id.* Sir *H. Calverly* and Sir *Tho. Piercy*, ſail to the Coaſt of *Bretagne*, and take 7 or 8 Ships; but ſoon diſcharged by a *Britiſh* Knight.

About [4] this time, likewiſe, Sir *Hugh Calverly*, and Sir *Thomas Piercy*, being ſtill joyned in Commiſſion to keep the Seas, ſail'd with a great Force of Armed Men to the Coaſt of *Bretagne*, where they took ſeven Ships of Burthen, and one Man of War, and afterwards ſet on ſhore there a Party of Men, to plunder the Country; but they were all taken Priſoners by Sir *Geoffry Cormel*, a *Britiſh* Knight, that lay there in Ambuſh; tho' he commanded his Men not to kill any of them, but upon a ſafe Conduct from Sir *Hugh Calverly*, to deliver them all to him without any Ranſom; and further informed him, that if he would Land there, it would much pleaſe the Lords, and Inhabitants of that Country, who were ready to deliver up to him their ſtrong Towns and Caſtles, if he would remain there, for the Guard of the Country; but he excuſed himſelf, ſaying, he had other Matters to perſue, and could not at that time ſatisfy his Deſires.

Then

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Then [1] the Duke of *Bretagne*, who had been forced out of his own Country by his own Subjects, by the Aſſiſtance of the King of *France*, in the Time of *Edward* the *Third* (as you have already heard) and being now in *England*, made a ſtrict League Offenſive and Defenſive, with King *Richard*; by which no Peace was to be made with *France*, but by mutual Conſent, the Original of which remaining in the Old Chapter-houſe at *Weſtminſter*, dated *March* the Firſt, in the Year of Grace, 1379, at *Weſtminſter*; I therefore refer you to it, as alſo to Mr. *Rymer*'s Hiſtory of *Leagues*, ~~now ſhortly coming out~~. vol. vii. p. 216. 237

[1] *Id. ib.* The Duke of *Bretagn* being expelled, his Country enters into a new League offenſive and defenſive with K. *Richard*.

and in order ~~for~~ this the Duke had some time before delivered up y town of Brest to be kept in a Garrison by [illegible] during [illegible] war with France. vid. RS. vol. p. 190. 191

Some time before this, on [2] the ſixteenth of *February*, Writs were iſſued forth, for a Parliament to meet fifteen Days after *Eaſter*, at *Weſtminſter*, in which the Lords and Commons, conſidering the great Neceſſities of the Kingdom, the Malice of its Enemies, of *France* and elſewhere, firſt agreed, That the Mark laid upon every Sack of *Wool*, and the Six-pence in the Pound for all Merchandize, which was given in the laſt Parliament at *Gloceſter*, ſhould be remitted; [3] and inſtead thereof, granted the old Subſidy on *Wool* (as it had been before that Parliament) for one Year from the Feaſt of St. *Michael*; and likewiſe a certain *Poll-Tax* to be paid by divers Perſons of the Kingdom, as are therein ordered and named, which being very long, I refer you to the Act it ſelf, printed from the Original Record, *N.* 102. in Dr. *Brady*'s Appendix; which deſerves your Notice, becauſe it contains all the ſeveral Degrees and Ranks of Laymen that were then in *England*, and how much each of them was to pay for his Poll; wherein, tho' the Dukes of *Lancaſter* and *Bretagne* (that paid the higheſt to it) were rated but at Ten Pounds a piece, as Dukes, yet as Barons they paid Ten Marks a piece more; and this Tax is of a mixt Nature, for they were therein rated not only according to their Heads, but Eſtates, Trades, or other ways of getting their Livings; and that which was moſt ſevere was, That every Married Man for himſelf and his Wife, not having any Eſtates in Land, and being above the Age of Sixteen, except very Beggars, ſhould pay a Groat: And every Man and Woman Unmarried, that had ſuch Eſtates, were to pay as much, beſides what they paid in another Capacity, for their Quality and Eſtates together; which Tax went very hard upon the meaner Sort, by the too ſevere exacting of it.

[2] *Rot.Clauſ.* 2. *Rich.* 2. *M.* 13. *Dorſ.* A Parliament ſummoned.

[3] *Rot. Parl.* 2. *Rich. N.*13. They remit the former Subſidy on Wool, and grant a leſs; together with a great Poll-Tax on all Perſons, with an account what all ſorts and degrees then paid.

But beſides what was now laid upon the Layety, [4] *Walſingham* tells us, That the Clergy alſo Taxed themſelves very high, every Arch-Biſhop and Mitred Abbot as much as a Baron, *viz.* Six Marks a piece; and further, the Abbots were to pay Forty Pence for every Monk in their Monaſtery; all which together muſt needs amount to a vaſt Sum of Money, tho' how it was diſpos'd of, is hard to tell; for we cannot find the Warlike Preparations either by Sea or Land, to have been at all proportionable to ſo great a Tax.

[4] *Ad hunc An.* The Clergy alſo agree to grant this Poll.

This year the King by Letters Patents, dated June 12, constituted John, King of Castile [illegible] i.e. the Duke of Lancaster his Lieutenant in Aquitain and all other parts of France with full power over all persons whatsoever. Pat. Franc. 2. R. 2. m. 16. RS. vol. p. 218. 219. but I do not find he went over this summer [illegible]

Little of Moment happen'd this Year in *England*, and therefore for want of other Matter, we ſhall relate ſomewhat of a more private Concern, ſince it gives us a ſingular Example of Honour and Fidelity. [5] You have already heard, that when *Robert Hanlle* was murthered in the Church of *Weſtminſter*, his Companion *John Shakel* was again committed to the Tower, for not delivering the young Earl of *Denia*; yet however he could not be induced to bring forth his Hoſtage, notwithſtanding all the Extremities uſed upon him. But at laſt, on condition

[5] *Id. ib.*

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The Earl of *Denia* is delivered up on Conditions, and is found in the diſguiſe of a Servant.

dition that the King would give him Five Hundred Marks in Money, and alſo pay him a Penſion of One Hundred Marks more during Life, he was content to diſcover his ſaid Hoſtage, and deliver him into the King's Hands; which when done, the Diſcovery of the Priſoner ſtruck all Men with great Admiration, for tho' the Young Earl might have been treated according to his Quality, had he diſcovered himſelf, yet he would not, but appear'd to the World in no other Habit than that of a meer Servant or Valet to his Keeper, under which unſuſpected Diſguiſe, he had lain long conceal'd in the Tower, ever ſince the Diſpute about him. This is ſuch a Noble Example of *Spaniſh* Honour, that it cannot be paſſed by, without Injury to his Vertue.

[1] *Id. ib.* The *Bretans* call home their Duke, who is Convoy'd by Sir *Hugh Calverly* and Sir *Thomas Piercy*.

But to ſpeak of ſome foreign Affairs of greater Moment, not long after this, [1] the *Britans* called home their Duke, who was Convoy'd by Sir *Thomas Piercy*, and Sir *Hugh Calverly*, and landed at a Port near St. *Malo's*, on the Fourth Day of *Auguſt*, where, and in all other Places, he was welcom'd with high Congratulations, as well by the Lords and Gentlemen, as common People of that Dutchy.

[2] *Id. ib.* A great Mortality in the North of *England*.

This [2] Summer there happen'd a great Mortality in the *North* Parts of the Kingdom, whereby the Country became almoſt deſolate: The *Scots* taking this Advantage, invaded the Borders, harraſſed, robbed, and plundered the ſame, killing many of the People that were left alive, and driving away vaſt Numbers of Cattel, ſcarce leaving any thing behind them, not ſo much as a *Hog*, which they never drove away before.

[3] *Id. ib.* The K. ſends a powerful Fleet and Army to aſſiſt the Duke of *Bretagne*, but is diſperſed by a Storm, and divers Ships loſt, and Sir *John Arundel* drowned.

About [3] the Feaſt of St. *Nicholas*, or Sixth of *December*, this Year, the King ſent a powerful Fleet, and an Army, to aſſiſt the Duke of *Bretagne*, againſt the King of *France*, (who ſtill detain'd ſeveral of his Towns and Caſtles) this was to have paſſed into that Dukedom, under the Conduct of Sir *John Arundel*, Sir *Hugh Calverly*, Sir *Thomas Piercy*, and many other Knights and Eſquires, all Veterane Soldiers; but ſo ſoon as they were out at Sea, there aroſe an horrible Storm, which ſcatter'd the Fleet, and drove them they knew not whither; Sir *John Arundel's* Ship was loſt, and himſelf drowned, as likewiſe Twenty-five more, and above a Thouſand Men; Sir *Thomas Piercy*, Sir *Hugh Calverly*, and Sir *William Elinham*, with others of Note, hardly eſcaping. This ill Succeſs is aſcribed, by my Author, to the Violence and Debauchery of Sir *John Arundel* and his Men, in Committing Sacriledge, and Raviſhing ſeveral *Nuns*, not long before this fatal Accident.

[4] *Id. ib.* Several ſmall Succeſſes gained by the *Engliſh* in *France*.

I ſhall here alſo take Notice of ſome Actions perform'd Abroad, tho' of leſs Moment than thoſe already related, ſince they make for the Honour of the Nation, and I ſhall do it as briefly as I can: Sir *John Herlſton*, Governor of *Cherburgh*, being block'd up by the *French*, and very much ſtreightned for want of Proviſions, encouraged his Men boldly to ſally out to fetch ſome in, and making an Incurſion into the *French* Territories, there took a great Magazine of Victuals that were laid up in a Church, and in an adjoining Mill; but being in his return, met with Sir *William de Bourd* and his Forces, whom the *French* King had appointed to lie in *Mountbergh*, to watch the Motions of the *Engliſh*; Sir *John* and his Men being over-matched, he was knockt down to the Ground, and lay for Dead, and had been taken, had he not been opportunely reſcu'd by Sir *Geoffery Worſely*, who, with a ſtrong

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Body of Foot, was appointed to come to their Aſſiſtance, if there were Occaſion; but upon his Arrival, the *French* were utterly Routed, and Sir *William de Bourd* himſelf taken Priſoner, with the loſs of about Two Hundred Men, who either underwent the like Fortune, or elſe were ſlain out right.

But, to allay this good Succeſs, [1] not long after, as ſeveral *Engliſh* ſmall Veſſels lay in a Port in *Bretagne*, certain *French* Galleys having Notice of it, came thither to ſet thoſe Ships on Fire; and ſending in one Galley to do the Execution, the reſt being four more lay out of ſight; now when Sir *John Clark*, Governor of a Caſtle that lay near the Haven, ſaw what was about to be done, he, and all the *Engliſh* in the Town, preſently ran and put themſelves aboard the Veſſels, to ſave them from being burnt; upon which, the *French* Galley retreating as if it had been for fear, drew the *Engliſh* out of the Harbour to perſue her; but by ſo doing, they fell in, and were incloſed among the reſt of the Galleys that lay without, with all which, the *Engliſh* Ships were forced to engage; yet Sir *John Clark* and his Men behaving themſelves very gallantly, moſt part of his Veſſels had time enough to run on Shore; but when Sir *John* himſelf thought to have done the ſame, he was Boarded, and cut over the Thigh with a Battle-Axe, and being there taken, he Dyed preſently of his Wound, an *Engliſh* Veſſel being at the ſame time ſunk, together with the Enemies that had Boarded her.

[1] *Id. ib.* Several ſmall *Engliſh* Veſſels lying in a Port in *Bretagn*, are like to be fired by four *French* Galleys; but being endeavour'd to be ſaved by Sir *John Clark*, he is wounded, taken Priſoner, and dies on the ſpot.

Nor can I omit another gallant Action, [2] related by my Author to have been perform'd by Sir *Hugh Calverly*, upon his conveying the Duke of *Bretagne* into his Country (as hath been above related) and that is, that when he, with Sir *Thomas Piercy*, had juſt entered the Haven of St. *Malo's*, there arrived ſeveral *French* and *Spaniſh* Privateers, which falling upon many Ships of Burthen, that by reaſon of the narrowneſs of the Paſſage, lay ſtill without, and could not enter the Port, they had been all taken by the Enemy, if Sir *Hugh*, to prevent this Loſs and Diſgrace, had not again expos'd his Perſon, and commanded the Maſter of his Ship (tho' againſt his Will) to go out, and make what Sail he could againſt thoſe Pirates; and coming up with them, his Men charged ſo furiouſly with their Arrows, that he put them to Flight, and perſued them, until in the mean while all the Ships of Burthen had got ſafe into the Harbour, and then he return'd thither again. This was perform'd not only in the ſight of the *Engliſh* and *Bretans* that were on the Shore, But alſo of the Mareſchal *de Gueſclin* himſelf, and the *French* Gariſon, which from the Walls of St. *Malo*'s beheld what was done; his Enemies, as well as Friends, highly applauding his Valour, and the Honour of the Action.

[2] *Id. ib.*

Sir *H. Calverly* reſcues divers *Engliſh* Ships from the *Fr.* Privateers, with great hazard of his Perſon.

But as this Noble Gentleman behaved himſelf bravely Abroad, ſo [3] certain *Engliſh* Merchants acted as baſely at Home; for a Rich Merchant of *Genoua* coming lately into *England*, offer'd the King, that if he might have leave to build a Caſtle at *Southampton*, for the defence of the Harbour, and the ſecuring of thoſe Commodities he ſhould there lay up, he would make that Place the moſt famous Port in *Europe* for all foreign Merchants, who would there Import all the Rich Commodities of the *Eaſt*, and Export thoſe of *England* in Exchange: But certain Merchants of *London* being afraid that this Project would turn much to their Detriment, cauſed him to be murthered one Night,

[3] *Id. ib.* Certain *Engliſh* Merchants privately murthered a *Genoueze*, for offering the King to fortify *Southampton* and make it a free Port for foreign Merchants.

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as he return'd home, before the Door of his own Lodging; which wicked Action not only tended to the Damage of the Nation, but alſo rendred the *Engliſh* odious all over *Europe*, when they ſaw the Laws of Nations and Commerce ſo highly violated in this Kingdom.

[1.] *Id. ib.* The Earl of *Flanders* is driven out of his Country, and why.

As to Foreign Affairs, [1.] the Earl of *Flanders* having this Year impos'd certain High and Extraordinary Taxes upon his Subjects, they Rebell'd, and drove him out of the Country; nor could he be again Reſtor'd, until he had taken off thoſe Taxes, and remov'd thoſe Counſellors that adviſ'd him to lay them.

[2.] *Id. ib.* The Archbiſhop of *Caſſels* is ſent hither as the Pope's *Nuntio*, and declaring the *French* King Excommunicated, excites K. *Richard* to Invade *France*

As for Eccleſiaſtical Matters, I find little Conſiderable, [2.] only that the Arch Biſhop of *Caſſels* being ſent hither, as *Nuncio* from Pope *Urban*, with an extraordinary Power, ſo ſoon as he came to *London*, declared the King of *France* to be *Excommunicated* by the Pope, and then uſed the accuſtomed Artifice of exciting the King to Invade *France*, as being the fitteſt Opportunity for that Purpoſe. But about that time, the *French* King, [illegible] be even with his Holineſs, iſſued out a Proclamation, that none under Pain of Death, and Confiſcation of Goods, ſhould dare to yield Obedience to the pretended Pope *Urban*.

[3.] *Id ib.* The Earl of *Salisbury* returns from *Calais*, and another Governor ſucceeds him.

[4.] *Rot. Clauſ* 3 *Rich.* 2. *m.* 32. *Dors.* A Parliament Summon'd, with what was done in it.

Rot. Parl. 3. *Rich.* 2. *N.* 12. [5.] The Commons Petition, that ſince the King was of years of diſcretion, his ſtanding Council might be diſcharged.

Preſently [3.] after *Chriſtmaſs* the Earl of *Salisbury*, who had been for a Year laſt paſt Governor of *Calais*, return'd home, Sir *John Denros* an old Soldier ſucceeding in that Place. And about the ſame time, Sir *John Herlſton* being diſcharged from his Command at *Cherburgh*, and Sir *William de Windſor*, a Valiant Knight, was made Governor in his ſtead. But to ſpeak of Matters of a more Publick Concern. On the twentieth of *October* laſt paſt, the King had ſent forth [4.] Writs for a Parliament to Meet on *Monday* next after St. *Hillary*, or the fourteenth of *January*, [5.] wherein the Commons by their Speaker, pray'd that the Prelates and other Lords of the King's ſtanding Council might be diſcharged, and none ſuch for the future to be retained, ſeeing the King was of good Diſcretion, and Stature, in reſpect of his Age, which agreed with the Age of his Grandfather at the time of his Coronation, who then had no other Counſellors, but the five Principal Officers of his Realm; praying further that thoſe five Officers, *viz.* the Chancellor, Treaſurer, Guardian of the Privy-Seal, Chief Chamberlain, and Steward of the Houſhold, might not be Renewed, or Changed until the next Parliament.

[6.] *Ib. N.* 13, 14. They likewiſe Petition for a Commiſſion to examine into the State of the King's Houſhold, and Expences; a Commiſſion is thereupon granted to divers Lords for that purpoſe.

They [6.] likewiſe pray'd a Commiſſion might be iſſued out to certain Commiſſioners to Survey and Examine in all Courts and Places the State of the King's Houſhold, the Expences and Receipts in all the Offices, &c. This was granted, and a Commiſſion made to the Earls of *Arundel*, *Warwick* and *Stafford*, the Lords *Latimer*, *Brian*, and *Montacute*, with *John Haſtings*, *John Gildesborough*, and *Edward Dalyngruge* Knights, and *William Walworth*, and *John Philpot*, Citizens of *London*, and *Thomas Graa* Citizen of *York*, with others, to Execute and Report the ſame.

[7.] *Ib. N.* 16. The Lords and Commons grant the King one *Fifteenth* and an half without Cities and Boroughs, and one *Tenth* and a half within them.

Then [7.] the Lords and Commons perceiving that the King and Kingdom were ſurrounded with Enemies, who with great Force endeavour'd all they could, as well by Land as Sea, to deſtroy them both, and farther to extinguiſh the *Engliſh* Language; Therefore for the Defence and Safety of the Kingdom, and for the good

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Succeſs of the Expedition order'd into *Bretagne*, and deſtruction of the ſaid Enemies, they Granted freely to the King one *Fifteenth* and an half, without the Cities and Burghs, and one *Tenth* and an half within thoſe Places, with this Prayer, *That this Subſidy, and what was remaining of that given the laſt Parliament, might only be applied to the Expedition into* Bretagne, and no where elſe.

And [1] Conſidering alſo that the Subſidy of *Woolls, Leather,* and *Woolſells*, was to end at *Michaelmas* next coming, and that from thence the King was not able to endure the great Charges He was to be at to maintain the War in the Marſhes of *Calais, Breſt, Cherburgh* in *Gaſcoigne, Ireland*, and the Marſhes of *Scotland*, they Granted Him the ſame Subſidies, from the time they were to end, until *Michaelmas* come Twelvemonth, and withal praying the King that there might not be another Parliament called to Charge the poor Commons until a Year after that time. [2.] To which I muſt alſo add another Remarkable Tranſaction, omitted by Dr. *Brady* in his Account of this Parliament, That when the King and both Houſes reſolved to enlarge the Powers of the Juſtices of *Peace*, and that the Prelates and Clergy in their Convocation made an expreſs Proteſtation againſt it, that it had not, nor ſhould ever paſs with their Conſents. Anſwer was made on behalf of the King, That He would not forbear for their Proteſtations to make his Juſtices as He was wont, and by his Coronation Oath was oblig'd to do. From whence we may obſerve, that the Clergy Aſſembled in *Convocation* were not then looked upon as a diſtinct Eſtate of Parliament, as ſome Men have without any due grounds ſuppoſed.

[1.] They likewiſe continue the Subſidy upon *Woolls*, &c. for one year longer.

[2.] *Ib. N.* 38.

[3.] *Walſingham* alſo further adds concerning this Parliament, That the *Commonalty* of the Kingdom then deſired, that ſome one of the moſt diſcreet Barons might be Ordained to be about the King, who ſhould be able to return fit Anſwers to Foreign Miniſters; and therefore *Thomas Beauchamp* Earl of *Warwick*, being choſen by Common Aſſent, was appointed to remain continually with the King, and to Receive an Annual Penſion for his Trouble and Charge. If this were ſo (for I find it in no other Author) the Duke of *Lancaſter*, and the reſt of the Biſhops, Earls, and Barons, that had been appointed the King's Governors, were now laid aſide, as having very much Exhauſted the King's Treaſure, without any conſiderable Benefit; and therefore they rather deſired to have this ſingle Noble-man ſerve, than ſo many.

[3.] *Ad huc An.* The Commons deſire that a fit Perſon ſhould be about the King, to give Anſwers to Foreign Miniſters, and thereupon the Earl of *Warwick* is appointed for that purpoſe.

In this Parliament alſo [4.] Sir *Richard le Scrope* ſurrendred his Office of Chancellor, and *Simon de Sudbury* Archbiſhop of *Canterbury* was put in his Place, which was counted a diſparagement to his Archiepiſcopal Dignity.

[4.] *Id ib.* Sir *Richard le Scrope* Surrenders the Office of Chancellor, and *Simon* Archbiſhop of *Canterbury* ſucceeds him.

The reſt of this Year paſſed over without any thing of Moment done in *England*, and therefore I muſt entertain the Reader with Matters of more Private Concern. Preſently after [5.] *Eaſter*, the Lady *Jane* the King's half Siſter, was Married with Great Solemnity to *Valeran* Earl of St. *Paul*, a young *French* Lord, on whom, whilſt he was a Priſoner, ſhe had ſettled her Affections; ſo that he was not only diſcharged without any Ranſom, but the King beſtowed upon the Bride, the Mannor of *Bieſleet* as a *Dowry*; tho' all this could not make this Nobleman to embrace the *Engliſh* Intereſt, as you will find hereafter.

[5.] *Id. ib.* The Kings half Siſter is Married to the Earl of St. *Paul*.

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[1] *Id ib.* A remarkable Duel between Sir *John Anneſly*, and *Tho. Katrington* Eſq; and on what Occaſion.

x before the L: Fitzwalter Leiutenant or Deputy to the L: Conſtable, & [illegible] the Earls of Warwick Northumberland & others as Deputy ~~Lieutenants~~ to the Marshal of England. Rot: Part: 3 R. 2. m. 17. vid. Rs. vol. p. 244.

I ſhall now give you an Account of a very Remarkable [1.] Duel or ſingle Combat that happen'd this Year, which was perform'd on the ſeventh of *June* in the Palace-Yard at *Weſtminſter*, the King being preſent, between Sir *John Anneſly* Knight, and *Thomas Katrington* an Eſquire, who was accuſed of Treaſon by the formerx for delivering up the ſtrong Fortreſs of St. *Saviour* in the Iſle of *Conſtantine* to the *French* for a Sum of Money (as you have already heard) which being by him deny'd, and by the Challenger as poſitively affirm'd before the Lords, ~~the Conſtable, and Marſhal,~~ a Battel enſued; in which (omitting unneceſſary Circumſtances, after a Tryal with Spears, Swords and Daggers) the Knight, tho' a far leſs Man, had the Advantage; yet when at laſt it ſo fell out that he had quite diſarmed the Eſquire, and thought to have grapled with him, and fling him down, he miſſing his hold, fell himſelf; whereupon, *Katrington* ſoon took the Advantage, and getting upon him, held him down, upon which the King preſently Commanded that they ſhould be taken up and parted: but the Matter did not end ſo, for the Knight going boldly up to the King, would not yield himſelf to be overcome, but earneſtly deſired that he and his Adverſary might be placed in the ſame poſture as they were before; but the Eſquire being quite out of breath, and diſpirited, was not in a Condition to accept of it; and being led between two, and placed in a Chair fell down in a Swoon; but coming again to himſelf, his Adverſary preſently calling him *Traytor*, Challenged him to renew the Combate a-freſh; but he not being able to look up, or make any Anſwer, the Victory was given on the Knight's ſide. [2.] And as for the Other, being carried to Bed, he fell Diſtracted, and died the next Day; or, as *Fabian* relates, he was on the Morrow drawn to *Tyburn*, and there hanged for the Treaſon, whereof, being vanquiſhed, he was prov'd Guilty according to the Law of Arms: But to proceed to Foreign Affairs.

[2.] *Katrington* is vanquiſhed, and dies diſtracted, or as others report, was Executed at *Tyburn*.

[3.] *Id. ib.* The *Scots* Invade *England*, and Burn and Plunder the Country, and take away many Priſoners from the Fair at *Penreth*.

The [3.] *Scots* toward the latter end of this Summer Invaded *Cumberland*, and *Weſtmorland*, Plundering, Killing and Burning where-ever they came, and driving away (as was reported) forty thouſand Head of all ſorts of Cattle, and going to *Penreth*, where was then a great Fair and Conflux of People, they killed ſome, carried away others Captive, and with them all the Goods of the Town and Fair. The Earl of *Northumberland* (who had ſuſtained great Damage by this Incurſion) was preparing to drive them out of the Country and Borders, and to force them to make ſatisfaction in *Scotland*, when he received a Prohibition from the King not to act any thing, but to expect the *March* Day, which was a Day appointed for the *Engliſh* and *Scots* to meet every Year, and adjuſt things done by either Nation upon the Borders, and ſhortly after the Truce was again renewed.

[4.] *Id. ib.* The *French* Gallies Land in *Suſſex*, and take and burn the Town of *Winchelſey*, and put the Abbot of *Battle* to flight.

This [4.] Summer the *Gallies* of *France* did much miſchief upon the *Engliſh* Coaſt, and Landing in *Suſſex*, they took and burnt the *Town* of *Winchelſey*, and when the Abbot of *Battle-Abbey* came thither with ſome Men to oppoſe them, they put them to flight, and kill'd ſome of the Monks that came Armed along with them. For the Earl of *Arundel*, who lived not far off, marching out with a very ſmall Retinue, ſerved rather to encourage theſe Pyrates, than repell them. And ſometime after the late diſaſter of the Fleet under the Command of Sir *John Arundel* [1] the Duke of *Bretagne* about ~~*Whitſontide*~~ Easter ſent again to the King for Aſſiſtance againſt the King of *France*; whereupon *Thomas* of *Woodſtock* Earl of *Buckingham* as General, with the Earl of *Stafford*, Sir *Thomas Piercy*, and many Barons, Knights and Eſquires of great Note and Skill in Arms, with a ſufficient Army, were appointed and retained for this Expedition, who Landing at *Calais* on the Nineteenth of *July*, Marched from thence [2] into *Bretagne* thro' *Champagne*, and other Countries, by ſmall Marches, to the great terror of the *French*, without any Reſiſtance; waſting the Countries as they went along; ſtaying two or three days, and ſometimes more, at every good Town, Where they took up their Quarters; but when they came to *Rennes* in *Bretagne*, the *Engliſhmen* wonder'd they heard not from the Duke, according to the Promiſe he had made them juſt before, by certain Meſſengers he had ſent on purpoſe; [3] wherefore the Earl ſent Sir *Thomas Piercy*, and Sir *Thomas Trivet* to him, but they met him on the way coming to the Earl. When they were got together at *Rennes*, they reſolv'd to [4.] Beſiege *Nantes*, as the moſt Obſtinate and Rebellious Town in *Bretagne*, and the Duke promised to marche ~~March'd~~ to Aſſiſt the Earl in this Siege with his whole Force; but the *Engliſh* having remained fifteen Days at *Rennes*, to reſt and prepare themſelves for Action, went before the Town, which they within having had notice of, put themſelves into a poſture to receive them, having Monſieur *John de Barres* for their Governor, beſides divers Valiant and experienc'd *French* Officers and Soldiers to join with them for the preſerving of the Place. But tho' the *Engliſh* lay before *Nantes* two Months and four Days, yet they never heard of the Duke, nor his Men; [5.] wherefore ſeeing it in vain to Beſiege the Town any longer, on the Morrow after *New-years-Day* they raiſed the Siege, and Marched towards *Vannes* where the Duke was, and there, and at ſeveral other Towns near upon the Coaſt of *Bretagne* the *Engliſh* were Quartered all Winter, the Earl's Intention being in the Spring to March into *France*, and therefore to that Purpoſe he ſent into *England* for more Forces. The King and his Council approved of his Deſign, and engaged to ſend another Army to Land at *Cherburgh* in due time to ſupport him; [6.] but it all came to nothing, for the Duke could not prevail with his Nobility to join Cordially with the *Engliſh*; wherefore ſeeing no other Remedy he was fain ſome time before to ſend certain Commiſſioners to *Paris* to make Peace with the *French* King; who, being then very much afraid of the *Engliſh* Army, eaſily yielded to it upon theſe Articles.

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[1.] *Froiſ.* Vol. 2. c. 51. The Duke of *Bretagne* again Sollicits the King for Aſſiſtance againſt *France*, who ſends an Army to his aſſiſtance under the Command of the Earl of *Buckingham*.

by commission under the great seal bearing date June 1. Rot: Pat: 3. R. 2 pt. 3. m. 22. RS. col: p. 256.

[2.] *Ib.* cap. 53, 54, 55.

[3.] *Ib.* cap. 59, 60.

[4.] The *Engliſh* Land and Beſiege the City of *Nants*, but not being aſſiſted by the Duke, are forced to raiſe the Siege.

[5.] C. 61, 62. The *Engliſh* March to *Vannes*, and are Quartred in *Bretagne* all Winter.

[6.] The Duke not being able to perſwade his Nobility to join with the *Engliſh*, makes Peace with the *French* King on certain Conditions.

Firſt, It was agreed that the Duke of *Bretagne* ſhould provide Ships to carry back the *Engliſh* into their own Country. Secondly, that the Gariſon of *Cherburgh*, which was with the Earl before *Nantes*, ſhould, if they would, return thither by Land, and have ſafe Conduct. Thirdly, That after the Departure of the *Engliſh*, the Duke ſhould go into *France*, and do his Homage and Fealty to the *French* King, as his Natural Lord.

Soon after this Agreement the Duke came to *Vannes*, and privately acquainted the Earl with it, excuſing himſelf by reaſon of the obſtinacy of the People, and that otherwiſe he muſt have loſt his Country; ſo on the Eleventh of *April*, the [7.] Earl with the *Engliſh* Army and Fleet ſet Sail from *Vannes*, and other ſmall Ports, and came for *England*, highly diſcontented with theſe Proceedings, as having loſt a

[7.] The Earl of *Buckingham* returns into *England* with his Forces, highly diſcontented.

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[1] *Ibm.*

great many Men, and almoſt all their Horſes, in this unfortunate Expedition; and here [1] *Walſingham* does, not without Cauſe, bewail how much both the *Engliſhmen*, and *Engliſh* Treaſure, were made Properties of, only to advance the Intereſt of a foreign Prince, who made uſe of them for no other end, but to make a ſeparate Peace for his own Advantage; and by that means the King loſt the faireſt Opportunity He ever had, of recovering what the King and his Grandfather had loſt in *France*.

[2] *Froiſ.* C. 58.

The Death of *Charles* V. K. of *France*, with his Character.

And the rather, ſince [2] on the ſixteenth of *September* (during this preſent Expedition) Died *Charles* the Fifth, King of *France*, called the *Wiſe*: On his Death-Bed he left the Regency to his youngeſt Brother the Duke of *Burgundy*, (his eldeſt Son *Charles* (now King) being then a Minor of about Eleven Years Old.) But to ſay ſomewhat further of this Deceaſed Prince; He was certainly very Cautious and Cunning, doing greater things againſt his Enemies by Policies and Delays, than his Anceſtors could ever obtain by open Force; tho' it cannot be denied, but that after the Conſtable *de Gueſclin* came to have his ſupreme Command in Military Affairs, it was owing to his Courage and Conduct, that *France* was reſtor'd to its former Power and Grandeur; but he deceaſing before the King his Maſter, [3] and the Duke of *Burgundy* being left Regent of the Kingdom, it begot that Hatred and Emulation between him and the Duke of *Anjou* his eldeſt Brother, which, had it not been for fear of the *Engliſh*, might have broke into an open War; to which may likewiſe be added, that preſently after the Coronation of the Young King, there aroſe a great Tumult and Sedition in *Paris*, againſt the new *Gabells*, or Taxes, that were then anew impos'd upon the People; which not being able at preſent to be either reſiſted or appeaſed, was one great Reaſon, that there was no Army ſet out to reſiſt the *Engliſh*; ſo that at laſt, all the Means the great Men of the Kingdom had tried to appeaſe the Fury of the People, proving in vain, the King, with his Counſellors, were forced to retire to Places of Strength; the People of *Paris* in the mean while taking Arms, broke into the Houſe of one of the principal Men of the City, and pulled it down to the Ground, as looking upon him to be the chief Author of all their late Oppreſſions; and then ranging about the City without Controul, they fell upon and murthered as many of the *Genoueze* Mariners as they could light on; for indeed, the late Taxes had been beſtowed to pay and maintain them, to infeſt the *Engliſh* Coaſts with Piracy and Invaſions.

[3] T. W. The Duke of *Burgundy* being left Regent, it highly provokes the Duke of *Anjou* his Elder Brother.

A great Sedition at *Paris*, preſently after the Coronation of the young K. upon the Account of the new Gabells, wherein the People do a great deal of Miſchief.

[4] *Rot. Parl.* 4. *Rich.* 2. *N.* 1. 2.

A Parliament holden at *Northampton*, where the A. Bp. and D. of *Lancaſter* declare the Cauſes of it, to be the great Expences the King had been at, in the late Expeditions into *France* and *Scotland*, with other great charges.

But to return to the Affairs of *England*: The King again wanting Money to maintain the War againſt *France*, [4] the next Day after the Feaſt of *All-Saints*, there was a Parliament holden at *Northampton*, which was adjourned until *Thurſday* following, at which time the Arch-Biſhop of *Canterbury*, then Chancellor, (though many Temporal Lords were abſent in the Marches of *Scotland*, with the Duke of *Lancaſter*) declared to all there preſent, the Cauſes of their Meeting; ſaying, that it could not be unknown to them, that the Earl of *Buckingham* had been ſent over into *France*, with an Army that had coſt the King more than was given Him laſt Parliament; beſides, the late Expedition into *Scotland*, the Defence of *Guienne*, and his Charge in *Ireland*, had put Him to ſo great Expences, that He had been forced to pawn his Jewels, the Subſidy of *Wools* coming to little, by reaſon of the preſent Diſturbances in *Flanders*, that the Soldiers in the Marches of *Calais*, at *Breſt*, and *Cherburgh*, were in Arrear more than Three Months, and they were afraid, that they might deſert for want of their Pay ; that they were to conſider the King was mightily in Debt ; that He was bound, by Covenant and Indenture, to pay the Earl of *Buckingham*, and Others in that Expedition, for another half Year, which was near ended ; and that the King was to be at a very great Charge for Guarding the Coaſts ; and laſtly, deſired them to adviſe the King, how this Charge might be born with the moſt Eaſe, and the Kingdom beſt defended againſt all its Enemies, both by Sea and Land, in as ſhort time as they could.

When [1] the Commons had treated one Day about their Charge, they returned to the Lords, and in the Preſence of the King, Prelates, and Peers, Sir *John Gildesburgh*, Knight, their Speaker, demanded a more clear Declaration of what had been ſaid to them, and eſpecially what Sum was demanded to ſupport the Charge, praying no more might be required than was neceſſary, for that the Commons were poor, and of ſmall Eſtate to bear ſo great a Charge any longer ; [2] whereupon, a Schedule was delivered in by the King's great Officers and Council, containing the Sums neceſſary, which amounted to One Hundred and Sixty Thouſand Pounds Sterling.

[1] *Ib. N.* 10. The *Commons* by their Speaker deſire a more clear Declaration, of what was expected from them.

[2] *Ib. N.* 11. The King's Council demand 160000*l.*

The [3] Commons further pray'd the King and Lords, ſince they thought the Sum demanded was too much, and indeed inſupportable, that they would uſe ſuch Moderation, as nothing might be demanded, but what was to be born, and was abſolutely for the Cauſes above ſet forth : And further they pray'd, That the Prelates and Lords would treat by themſelves about the Matter, and propound the Ways by which any ſuch Sum might be Levied and Collected.

[3] *Ib. N.*12. The *Commons* deſire a Mitigation of the Sum demanded.

After [4] the Lords had adviſed about the Matter, they cauſed the Commons to come before them, and told them what they had thought on : *Firſt*, That a certain Sum of ſo many Groats, might be paid by every Perſon of the Kingdom, both Males and Females, the more ſufficient to help the leſs ſufficient : *Secondly*, If that pleaſed not, to have an Impoſition upon all manner of Merchandizes bought and ſold throughout the Realm, for a certain Term, every time they ſhould be ſold, to be paid by the Vendor : And *Thirdly*, Their Advice was, to raiſe a certain Sum by *Tenths* and *Fifteenths* ; but becauſe the laſt was very grievous to the poor Commons, and that it could not be known to what Sum it would riſe, nor by what time the other ways could be expedited, therefore the Lords pitched upon the Groats, and propounded Four or Five to be Levied upon every Perſon as above, ſo as the moſt able might be conſtrained to aſſiſt the leſs able, this way of Tallage ſeeming to them the beſt and moſt eaſie.

[4] *Ib. N.*13. The Lords propoſe another Poll-Tax ; with an Impoſition upon all Merchandizes.

The [5] Commons, when they had a long time treated upon the manner of the Levy, came into full Parliament, and made Proteſtation, they came not to grant any thing that Day ; but they thought, if the Clergy would ſupport a third part of the Charge, they would grant One Hundred Thouſand Pounds, to be raiſed by a certain number of Groats, ſo as the Layety might pay One Hundred Thouſand Marks, and the Clergy Fifty Thouſand, for that they poſſeſſed a third part of the Kingdom, and pray'd the King and Temporal Lords to move it to them, ſpeedily to reſolve and take upon them the Charge.

[5] *Ib. N.*14. The *Commons* demand, that the Clergy ſhould contribute a third part of the Charge, ſince they poſſeſſed a third of the Revenues of the Kingdom.

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[1] *Ib. N.* 14. Which the Clergy refuſe to do, and give their Reaſons to the contrary.

To [1] which the Clergy replied, *That their Grants were never made in Parliament*, nor ought to be; and that the Laymen neither ought nor could conſtrain them in that Caſe, and claim'd the *Liberty of the Church*, which it had ever enjoy'd before that time; and deſired the Commons might be charged to do what they ought, and were bound to do, and they would do in the preſent Neceſſity, as they had done before.

[2] *Ib. N.* 15. The Lords and Commons agree to ſet 3 Groats upon every Head.

At [1] laſt the Lords and Commons agreed to give Three Groats of every Perſon in the Kingdom, Males and Females, of the Age of Fifteen Years, of what Condition and Eſtate ſoever, except very Beggars; the ſufficient People in every Town to contribute to the Aſſiſtance of the leſs able; ſo as none paid above Sixty Groats, including thoſe for himſelf and his Wife; the whole to be for the Support of the Earl of *Buckingham*, and the other Lords and People with him in *Bretagne*, and for Defence of the Kingdom, and Safe-guard of the Sea: Two Parts to be paid Fifteen Days after St. *Hillary*, and the other at *Whitſunday* next after. No Knight, Citizen, or Burgeſs of this Parliament, were to be Collectors of this Money, but that the King would order thro' the Kingdom, ſuch as ſhould equally Levy it, according to the Meaning of this Grant,

No Member of Parliament to be Collectors of this Money.

So ſenſible was the Parliament, even then, of the great Partiality of their own Members in Collecting of this Tax, that they would not truſt themſelves with it.

[3] T. W. The Duke of *Lancaſter* makes an inglorious Expedition into *Scotland*; and another Truce is made between the two Kingdoms.

I ſhall conclude this preſent Year, with the inglorious Expedition which the Duke [3] of *Lancaſter* made about *Michaelmas* laſt towards *Scotland*, when accompanied by the Earls of *Warwick*, *Stafford*, and other Great Lords and Soldiers, that made in all a great Army: Theſe Marching into the Northern Parts, to call the *Scots* to an Account for their late Depredations in *England*, they were ſo fright'ned at their great Preparations, that they preſently began to treat with the Duke, in order to conclude a ~~Truce for half a Year~~; but they were ſo far from making any Satisfactions ~~for the~~ Injuries they had Committed, that the poor Inhabitants of thoſe Parts ſuffer'd as much by the *Engliſh* Army, as they had done before from the *Scotiſh* Irruption; ſo that all which was gain'd for above Eleven Thouſand Mark's Expence, was no more but ſome Horſes which the Soldiers plunder'd from the *Scots*, and divided among themſelves.

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[4] *Id. ad hunc An.* The Biſhop of *Exeter* is diſmiſſed from being Treaſurer, and Sir *Robert Hales* put in his Place.

In the beginning of the Year, [4] preſently after *Chriſtmaſs*, there was a great Council held at *London*, in which *Thomas Brantingham*, Biſhop of *Exeter*, was diſmiſſed from being Treaſurer, and Sir *Robert Hales* (Maſter of the Knight's Hoſpitallers) was put in his Place, a Worthy and Valiant Perſon, who yet did not pleaſe the Commons, any more than the late Poll-Tax.

Several Inſurrections, in divers Parts of the Kingdom, and on what occaſion.

[5] *H. K. Col.* 2633.

For in the latter end of *May*, there happen'd ſeveral dangerous Inſurrections and Rebellions in divers Parts of the Kingdom, which ſome of our Monkiſh Writers, tho' falſely, attributed to the Doctrines and Followers of *Wickliff*, which now began to ſpread among the common People; whereas there is no ſuch thing to be found among thoſe Tenets of his, which we find to have been lately Condemned; [5] but others more truly attribute it to the over ſevere Collection of the late *Poll-Money*, which, ſome of the King's Officers complain'd, had not been duely Collected as it ought; whereupon, one *John Leg*, and

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Three of his Aſſociates, obtained a Commiſſion to inſpect and review the late Levy, bargaining to pay the King a great Sum of Money for the ſame: But indeed, on that pretence they committed horrible Oppreſſions, Exactions, and Inſolencies, in divers Parts, eſpecially in *Kent*, *Eſſex*, *Norfolk*, and the adjacent Counties; with which the common People, being at laſt highly Incenſed, and joining with the Villains or *Bondmen*, fell firſt into a Mutiny, and afterwards into open Rebellion; nor is it leſs Diſputable, where it firſt began, whether in *Kent* or *Eſſex*, tho' (as [1] *Walſingham* and *Knighton* relate) it was firſt in the former; who alſo mentions one *Thomas* a Baker, of *Fobbings*, that taking Courage, got together ſome of his own Town, and thoſe again drew in others of his Neighbours, to reſiſt the Poll-Tax Gatherers, ſome of whom had been ſo Inſolent, as to turn up certain young Girls, to ſee if they were of Age ſufficient to pay or not; which inſolent Carriage ſo provok'd one call'd (from his Trade) *Wat* a *Tyler* of *Deptford*, in *Kent*, whoſe Daughter had been ſerved in that manner, that he not only beat out the Collector's Brains with his Lathing-Hammer, but, to avoid Puniſhment, drew together the Rabble, and inſenced them (who were too ready of themſelves) into a moſt deſperate Rebellion. Then great Multitudes being got together, broke open the Goal of *Maidſtone*, where one *John Balle*, a factious Prieſt then a Priſoner, having gain'd his Liberty, marched along with them, and they growing ſtill more Numerous (ſome write near One Hundred Thouſand ſtrong) came to *Black-heath*, where he made a ſeditious Preachment to them, taking for his Text, or Theme, this common Proverb;

[1] *Id. ib.*

The Inſurrection in *Kent* begun by one *Thomas* a Baker and *Wat Tyler*.

The Mob, break open the Goal at *Maidſtone*, are excited by *John Balle* a Prieſt, who preaches to them againſt all difference of Quality or Degrees.

When Adam **Delv'd, and** Eve **Span,**
Who was then a Gentleman?

From [2] which Proverb, or Saying, he endeavour'd to prove, *That, by Deſcent from* Adam, *all Men were of one Condition; that Servitude was introduced by the unjuſt Oppreſſion of Wicked Men, contrary to the Will of* GOD, *who, if He had pleaſed to have created Slaves or Bondmen, would have appointed who ſhould have been Servants, and who Lords and Maſters; therefore they ſhould conſider, that now there was an Opportunity offer'd them by* GOD, *in which (caſting off the tedious Yoke of Servitude) they might enjoy their long deſired Liberty.*

[2] *Id. ib.*

This Doctrine was highly applauded by the Rabble, who thus animated by their Multitudes, and holding Correſpondence with others as Mad as themſeves, in *Eſſex* and other Counties, they take up Arms, and ſtopping all Paſſengers they met with, making them Swear to be true to King *Richard*, and to the Commons, and never to own any King that ſhould be called *John*, which they did out of ſpight to the Duke of *Lancaſter*, againſt whom they had an implacable Malice.

They take Arms, and force all Paſſengers to ſwear to be true to them.

Then [3] the *Eſſex* and *Kentiſh* Men being join'd, made up a vaſt Body of near One Hundred Thouſand, chiefly conſiſting of Villains, Bond-Tenants, Country Clowns, or ſuch as were in Debt, and knew not how to ſatisfie their Creditors, and Criminals, who were afraid of the ſeverity of the Law; and theſe being headed by *Wat Tyler*, on the twelfth of *June*, marched up as far as *Black-Heath*, and

[3.] *Ibid.*

The Clowns of *Eſſex* and *Kent* making about 100000 Men, march up to *Black-Heath*, and cut off the Heads of all the Lawyers they can light on.

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[1.] The King ſends to them to know the Reaſon of their Riſing, to which they ſend a ſawcy Anſwer.

[2.] They March into *Southwark*, and break open the Priſons, and then enter the City it ſelf.

there lay Excamped; their Pretences were Liberty, and the changing the Evil Laws and Cuſtoms of the Nation; for before they had come up, as well as after, they (being excited thereto by *Balle* their Preacher) cut off the Heads of all the Lawyers great and ſmall, and all that had any Offices in the Law, or relation to it, wherever they could find them; for that (as they ſaid) the People could not enjoy true Liberty until they were deſtroyed. [1.] Thereupon the King ſent to them to know the Reaſon of this Commotion, and the gathering together of ſuch Multitudes. They told the Meſſengers they were met to ſpeak with the King about certain Matters, and Order'd them to go back, and let Him know that He muſt come to them, and hear what they had to deſire. Some about the King perſwaded Him to go forthwith, but the Archbiſhop of *Canterbury*, and Sir *Robert Hales*, Prior of St. *Johns* of *Jeruſalem*, and then Lord Treaſurer, earneſtly diſſuaded Him from it, moving Him rather to think of ſuppreſſing, than going to ſpeak with ſuch an unruly Rabble. Of which theſe Rude People having notice, they threat'ned to cut off their Heads; and forthwith Marching towards *London*, came into [2.] *Southwark*, where they pulled down Houſes, broke open the King's Priſons, and let forth the Priſoners, who join'd with them. The Bridge-Gate was at firſt ſhut againſt them, but by the Aſſiſtance of their Friends of the meaner ſort in the City, and by their Menaces and Threatnings if they had not free paſſage into it, the Gates were opened, and they paſſed, backwards and forwards, into, and out of the City as they pleaſed, giving out they came only to ſearch for *Traytors to the Kingdom*, and at that time paid for what they call'd for, which got them Reputation with the Common People, inſomuch that a great many then join'd with them.

[3.] *Id ib.* H. K. *Col.* 2635. They go to the *Savoy*, and burn it to the ground, and deſtroy all the Rich Furniture, but will permit none to take any thing away.

[4.] *Id. ib.*

[3.] Next Day being the thirteenth of *June*, they Marched thro' the City to the *Savoy*, then the Duke of *Lancaſter*'s Palace (whom they called *Traytor*, and hated above all Men) this they burnt and beat down, and deſtroyed all the Rich Furniture, throwing his Gold and Jewels into the *Thames*, as likewiſe all his Plate; firſt breaking it into ſmall Pieces, and made it by Proclamation Capital for any one to retain any thing to his own uſe, that belonged to him; that ſo they might ſhew the People what they did was not out of Covetouſneſs. And as an Inſtance of this, [4.] when one of their Fellows was eſpy'd to thruſt a piece of Plate into his Boſom, they preſently flung both it and him into the Fire, ſaying, *They came not like Thieves, to enrich themſelves with Plunder.* But as to Good Liquor they were not ſo ſcrupulous; for two and thirty of them being got into the Duke's Wine-Cellar, they Tippled ſo long, 'till the Rafters of the Houſe being on Fire, fell down, and ſtopped up the Paſſage that they could not get out, but were heard to cry there ſeven days after, and ſo periſh'd unpitied. But to proceed with the Actions of theſe Rebels.

[5.] *Id. ib.* They return by the *Temple*, and deſtroy all the Lawyers Lodgings, with their Books, &c.

From [5.] the *Savoy* they came back to the *Temple*, which was (as now) the Abode of the Lawyers, and burnt their Lodgings, Books, Papers, and all Records that were there kept. From this Place they went to *Clerken-well*, where they deſtroy'd all the Goods in the Hoſpital of St. *John*, and ſet fire on that Magnificent Building. They then divided themſelves into Three Bodies, one of which being

Anno Dom. 1381.

Headed by another Captain, call'd *Jack Straw*, went to [1.] *Heybury-Mannor*, belonging to the Maſter of St. *John*'s Hoſpital near *London*, where they were buſied in deſtroying and plundering all the Goods belonging to it, and pulling down a Noble Houſe that ſtood there. A Second Body of them, who were moſt of *Eſſex*, and the Counties adjoining, lodg'd themſelves upon *Mile-End-Green*; and a third about St. *Katharines*, and *Tower Hill*.

[1.] They divide themſelves into three Bodies, one whereof goes and deſtroys *Heybury* Mannor, whilſt they poſſeſs themſelves of *Mile-End-Green*, & St. *Katherines*.

Next [2.] Day being *Friday*, *June* the fourteenth, the King, in hopes to appeaſe them, with ſeveral Noblemen went to *Mile-End-Green*, and there told them *He was their King*; and ask'd thoſe People (being about Sixty Thouſand) *what they would have?* they Anſwer'd, They deſir'd that He would make them Free, for themſelves, their Heirs, and Lands for ever, and that they might not be called or reputed Bondmen. The King Granted their Deſire, on Condition they would return home, and leave two or three of every Pariſh or Town, to ſtay and bring with them their Charters of Freedom, Sealed with the Great Seal, which were for the Manumiſſion and ſetting Free all his Liege Subjects from all Bondage, with a Pardon to them of all Treaſons, Felonies, Tranſgreſſions, *&c.* that had been done by any of them, with other things needleſs to be recited, for which I refer you to my [3.] Author, who hath expreſſed them *Verbatim*. Theſe Charters being diſpatched with all the ſpeed that might be, moſt of the *Eſſex* Men return'd home to their own Countries.

[2.] *Froiſ.* c. 86.

The King with ſeveral Noblemen goes to *Mile-End-Green* to appeaſe the People, and there grants them a Charter of Mannumiſſion.

[3.] *T. Wal.*

Yet [4.] all this did not ſatisfie *Wat Tyler*, with his *Kentiſh* Rabble, who had placed themſelves on *Tower-Hill*, and about St. *Katherines*, and in the mean while went into the *Tower*, where the Terror of this Rude Multitude was ſo great, that the Gates being open'd to them without Reſiſtance (tho' there were in it Six Hundred Archers, and as many Men at Arms) they durſt not take notice, or ſo much as ſtop any of thoſe People, who went in, and came out at their pleaſure; ſo that from thence they ſeized and hurried away the Archbiſhop of *Canterbury* Lord Chancellor, Sir *Robert Hales* Lord Treaſurer, *John Leg*, one of the King's Serjeants at Arms, and a *Franciſcan Fryar*, (only becauſe he was intimate with the Duke of *Lancaſter*) and upon *Tower-Hill* cut off their Heads. [5.] After this, they went into the City, and cut off the Heads of many *Engliſhmen*, to whom they had any averſion; and among the reſt, they diſpatch'd that Famous Merchant *Richard Lyons*, ſo often mention'd, whoſe Head they ſet upon a Lance; and their hatred to the *Flemings* was ſo great, that they drew out of the Church of the *Auguſtin Fryars* Thirteen of them, and out of other Churches Seventeen more, and cut off their Heads in the Streets (that being their only way of Murther) with mighty Shouts and Rejoycing.

[4.] *Wat Tyler* and his Men ſeize the *Tower*, and take the Arch Biſhop of *Canterbury*, and Sir *Rob. Hales*, &c. and cut off their Heads.

H. K. *ib.*

[5.] They cut off the Heads of ſeveral *Engliſhmen*, and Foreigners, and 13 Fryers.

The [6.] Fifteenth of *June* they did as they had done the day before, cut off ſeveral Heads, pull down and burn divers Houſes; wherefore the [7.] King, to put a ſtop to further Miſchiefs, ſent to them to let them know that their Companions at *Mile-end-Green*, upon their receiving Charters of Freedom, were ſeparated, and gone home to live quietly, with an offer to them of the like Charters, if they would accept them. Then *Wat Tyler* their Ringleader Replied, *He would embrace Peace, if he liked the Conditions*; thinking by this means to have delay'd the King and Council, ſo as that Night he might

[6.] They continue to cut off Heads, and pull down Houſes.

[7.] *Froiſ. ib.* T. W.

The King ſends to thoſe under *Wat Tyler*, to offer them the ſame Terms with the *Eſſex* Men.

Wat Tyler finds fault with ſeveral *Charters* of Pardon that are ſent them.

Anno Dom. 1381.

[1.] The King ſends to *Wat* to come and treat with him, and and at laſt meets him in *Smithfield*.

might have put his Deſign in Execution, which was to kill the King, and all the great Men that adhered to Him, to have pillaged, plundered, and burnt the City, (believing all the meaner ſort of People were with Him) ſo tho' there were three ſeveral Charters ſent, yet none pleaſed him. [1.] The King at laſt ſent a Knight to him, that he ſhould come and Treat with Him, about the Articles inſiſted upon to have inſerted in the Charter; and when the Meſſenger deſir'd him to make haſt, *he bid him, if he were ſo much in haſte, to go and tell the King his Maſter he would come when he ſaw his own time.* However, he follow'd on Horſeback, but ſlowly, for the greater State of the buſineſs.

[2.] H. K. *ib.* T. W. *ib.* He makes the Kings Meſſenger alight from his Horſe

[3.] H. K. *ib.*

[4.] The Inſolent Demands of *Wat Tyler*.

[5.] The King being encourag'd by *John Philpot*, Commands the Lord Mayor to Arreſt *Wat Tyler* at the Head of his Men, which he does, by ſtriking him with his Dagger.

[6.] T. W. He falls down dead from his Horſe, at which the Rabble are at firſt much incenſed, but ſoon pacified by the King's Wiſe and ſudden ſpeech to them.

And [2.] being come near the King, the ſame Knight was ſent again to Him, to receive and bring back Propoſals. *Tyler* was offended, becauſe this Meſſenger came to him mounted, and told him, it became him to alight from his Horſe in his preſence, and therewith drew out his Dagger to ſtrike him: [3.] Then the King coming up to pacifie him, made his Meſſenger alight. The [4.] Demands which *Tyler* made, beſides a General Enfranchizement of the Bond-Men, (which the King had already Granted) were, that all Warrens, Parks and Chaſes ſhould be made Free and Common to all, ſo that as well the Poor as Rich ſhould have Liberty to Fiſh, Fowl, and Hunt in all Places throughout the Kingdom, with ſeveral other the like extravagant Demands; at which the King making ſome demur, the *Tyler* behaved himſelf ſo inſolently, that thoſe who were about the King could not but repreſent to His Majeſty that it was inſufferable, and the before Celebrated [5.] *John Philpot*, (according to his uſual Courage) told the King that if His Majeſty would but Command His Lieutenant, *viz.* the Mayor, to Arreſt the Traytor, he would loſe his Life if it were not happily accompliſh'd. Whereupon the King was prevail'd with to give ſuch a Command to *William Walworth*, then Mayor of *London*, who waiting an Opportunity, and obſerving *Tyler* to play with his Dagger, ſhifting it from one hand to the other, as if he meant ſome miſchief, and that at laſt (to what intent is not known, whether out of rudeneſs or deſign) he laid one of his hands upon the King's Bridle, fearing the *Ruffian* might attempt His Royal Perſon, he inſtantly executed his Arreſt, by giving him a blow on the Head with his Dagger, which was ſeconded by *Philpot*'s Sword, and another Eſquire's into his Body, ſo that immediately he fell down dead from his Horſe to the ground. [6.] When the Rabble ſaw this, they began furiouſly to cry out, *Oh! our Captain is Slain, our Captain is Murthered, let's Revenge the Death of our Captain,* &c. But the King with a Courage and Ingenuity beyond His Years (for He was not yet above Fifteen) clapt Spurs to His Horſe, and rode to the Head of them, crying aloud, *What mean you, my Lieges? what would you do? Would you Shoot your King? Come, you ſhall have no Cauſe to grieve for the Death of this* Traytor, *I will be your Captain and Leader, follow me into the Field, and you ſhall have whatever you deſire.*

[7.] *Id. ib.* They follow the King towards St. *George's Fields*, till Sir *Robert Knolles* bringing a ſtrong Party of Armed Men, makes them fling down their Arms, and beg Pardon.

Upon [7.] which words being amazed, and not certain of one another's minds, nor indeed each Man of his own, they followed Him towards St. *George's-Fields*, 'till Sir *Robert Knolls* with a Thouſand Armed Men raiſed in the mean time by the Mayor, came upon them out of the City; at whoſe approach (being now Headleſs, and all in confuſion) they were ſo terrified, that they forthwith flung down what Arms they had, and beg'd for Mercy, which the King Granted, and withal gave them a Charter of Freedom in Form as before recited, but Proclaim'd that no Citizen ſhould have any Correſpondence with them, nor ſuffer them to come within the Liberties. Then the Military Men about the King asked his Permiſſion to ſerve the Rebels, as they had ſerved others, to cut off an hundred or two of their Heads, but [1.] He would not conſent to that, leaſt the Innocent might ſuffer with the Guilty, for many had been drawn in by Fear, and ſuch Fair pretences as they could not know to be falſe, and He did believe they might become Good and Loyal Subjects to Him, ſo He ſent them the like Charter He had Granted to thoſe of *Eſſex*, and other Counties.

[1.] Yet the King would not permit any of them to be kill'd.

At [2.] the very ſame time, the Townſmen of St. *Albans*, and Country Ruſticks, with the Villains belonging to that Abbey, and the Clowns of *Hertfordſhire*, and the Countries adjoining, met altogether at St. *Albans*, requiring of the Abbot and Convent to be Manumiſed, and made Free, to have the Liberties of the Town enlarged, and to have a certain Charter of Privileges and Liberties Granted by King *Henry* the Third to that Town, reſtored to them; which by the King's Order (not being then able to do otherwiſe) was Commanded to be deliver'd: But that not being to be found, they threatned to Burn the Abbey down to the ground, notwithſtanding they had received before from the Abbot and Convent Letters of Manumiſſion and Freedom, as dictated by themſelves. They were beſides ſo Wicked and Cruel, that they [3.] cut off the Heads of all ſuch as they thought were their Enemies, or would not joyn with them, and burnt or pulled down their Houſes, and deſtroyed their Goods, following and performing in all things the Dictates and Orders of their Great Ringleader *Wat Tyler*, which they had lately received from him, and ſeen practiſed in *London* on *Corpus-Chriſti-Day*, many of theſe Villains and Ruſticks, and St. *Alban*'s-Men, being then there; *William Gryndecobbe* a Servant to the Abbey, and *William Cadyndon*, a Chandler in the Town of St. *Albans* were the Chief Ringleaders in this Tumult, who had received their Inſtructions as above at *London*; there they made [4.] Proclamation for all of their own Condition to come into them, with ſuch Arms and Weapons as they had, under pain of loſing their Heads, and having their Houſes burnt (if they had any) beſides the Loſs of all their Goods: Theſe they cauſed to enter into an Oath, that they would adhere to King *Richard*, and the true *Commons* of *England*, wherever they came; than they broke open all the Priſons, and ſet the Priſoners at Liberty.

[2.] *Id. ib.* The Towns-Men of St. *Albans* join with the Clowns of *Hertfordſhire*, and demand their Freedom of the Abbot, and threaten to burn the Abbey.

[3.] They cut off the Heads of ſeveral whom they thought to be their Enemies, and burn their Houſes.

[4.] They make Proclamation for all of their Condition to come into them, or elſe to have their Houſes burnt. &c.

While [5.] they were in the heighth of theſe Villanous Practices, they received News of the Death of *Wat Tyler*, and that the Citizens of *London* had joined with the King againſt the *Kentiſh* and *Eſſex* Rebels; and upon this ſome Meſſengers were ſent from the King to make Proclamation, Commanding them upon forfeiture of Life and Member to be quiet, and return to their own Homes. At this they were ſomewhat humbled, which made them abſtain from other more Barbarous and Outrageous Actions; yet they ſtill kept together and wou'd not ſeparate, how much ſoever they were perſuaded to it, uſing their ordinary Practices againſt the ſaid Abbots and Monks, tho' they had then obtain'd the Kings Writ or

[5.] *Id. ib.* They receive the news of the Death of *Wat Tyler*, and that the City of *London* had declared for the King, which puts ſome ſtop to their Fury, yet they ſtill pretend the King's Authority for what they had done.

The King is forced to ſend his Writs to the Sheriffs, &c. to make Proclamation to the contrary.

Letters of Protection for their Perſons and Goods, but to little purpoſe, for theſe Rebels pretended they had the Kings Conſent, Order and Authority for whatever they did; which cauſed Him, to undeceive the People, to ſend his Writs to all Sheriffs, Mayors, Bailiffs, and others his Faithful Subjects, to make Proclamation to the contrary, with Orders to oppoſe them every where in their Tumultuous Riſings and Actings againſt the Peace, Commanding them to deſiſt from ſuch Aſſemblings and go home: This did bear Date at *London*, *June* the Seventeenth. To conclude, the Abbots and Monks were forc'd to Grant a Charter by their Common Seal to the Towns-Men of St. *Albans*, and the Villains belonging to the ſaid Abbey, before they would be quiet, or obey the King's Writ of Protection lately ſent down.

[1] *Id. ib.* The ſame ſort of People riſe in *Suffolk*, under *Jack Straw* and pulling down the Houſes of the Lawyers, cut off the Head of Sir *John Cavendiſh*, the Lord Chief Juſtice, and ſet it on the Pillory, at St. *Edmunds-bury*.

And to let you ſee that the like Rebellious Humours had alſo ſeized divers other Countries, [1] on the ſame Day, *viz*, the Thirteenth of *June*, the ſame ſort of People, to the number of about Fifty Thouſand, aroſe in *Suffolk*, under the Conduct of *John Straw*, a wicked Prieſt, who having received Inſtructions from *Wat Tyler* at *London*, acted the ſame Villanies, and committed the ſame Inſolencies, as in other Places: for they pulled down and deſtroyed the Houſes of the moſt conſiderable Lawyers, and killed the Owners, not ſparing Sir *John Cavendiſh*, Lord Chief Juſtice of *England*, whoſe Head they cut off, and ſet upon the Pillory of the Town of St. *Edmundsbury*, with thoſe of *John* of *Cambridge*, and *de Lankinheath*, Monks of that Abbey; and here they cauſed to be delivered into their Hands, the Charters of Liberties and Priviledges granted to that Abbey, to free the Townsmen from the Power and Juriſdiction of that Place, which, tho' done by the immediate Threatnings and Force of the Country People, yet under-hand proceeded from the Inſtigation of the Towns-men, who durſt not be ſeen in it themſelves.

[2.] *Id. ib.* The Rabble in *Norfolk* riſe under *John Litiſter*, a Dyer in *Norwich*, and compel the Lord *Scales*, and ſeveral other Knights, to joyn with 'em, which they are forced to do for their own Safety.

In [2] *Norfolk* alſo, much about the ſame time, a vaſt number of ſuch like People, under the Conduct of *John Littiſter*, a Dyer of *Norfolk*, took upon them the ſame Pretences, and followed them in all their Actions: Theſe compelled the Lord *Scales*, Sir *Will. Morley*, Sir *John Brewes*, Sir *Stephen Hales*, and Sir *Robert de Salle*, to remain with them, who were fain, for their own Security, to do and allow, whatever they did require or expect; but Sir *Robert de Salle*, who publickly condemned and abhorred their Actions, had his Brains knocked out, for his ill-timed Honeſty, by one of his own Villains; whereupon, the reſt ſeeing they muſt either loſe their Lives, or diſſemble, choſe rather to comply with the latter, and carried it ſo cunningly, that they became *Littiſter's* Favourites, who now ſtiled himſelf King of the Commons, and had (what were called) his Royal Officers, amongſt whom Sir *Stephen Hales* was his Carver. At length, theſe Rebels, whether they were tired out, or elſe repented of what they had ſo wickedly engaged in and done, or rather conſidered what they were like to ſuffer for it; they ſent two of the ſaid Knights, *viz.* Sir *William Morley*, and Sir *John Brewes*, with three of their own number, in whom they placed their greateſt Confidence, to the King, to obtain a Charter of Manumiſſion and Pardon, for what was paſſed; and that it might be more large than the Charters granted to other Counties; they alſo ſent by them a great Sum of Money, which had been received of the Citizens of *Norwich*, to preſerve their City from

The Rebels ſend 2 Knights to the King, to deſire a Charter of Manumiſſion and Pardon, for what they had done.

Burning, Slaughter, and Plundering, that they might thereby obtain what they deſired.

But [1] *Henry Spencer*, Biſhop of *Norwich*, who was then in *Rutlandſhire*, hearing of this Inſurrection in *Norfolk*, was coming thither, with Eight Lances only, and a few Archers; but at *Icklingham*, near *Barton*-Mills, he met with theſe Two Knights above-mentioned, and their Three Companions, going to the King; and watching his Opportunity, he laid hold on the Three Traytors, and preſently cauſed their Heads to be cut off, and ſet up at *New-market*; and then went forward into *Norfolk*, where many Knights and Gentlemen came in, and marched with him to *North-Walſham*; but there the Rebels lay ſtrongly intrenched, yet with thoſe few Forces he had with him, (tho' he was the firſt Man that charged the Enemy) he aſſaulted their Trenches, and won the Ditch: The Fight was very ſharp for a while; but the Rabble ſoon fled, and in their perſuit many of them were killed; but *Littiſter*, and the chief Promoters of this Rebellion, being taken, they were drawn and quartered, with many others, thro' the whole County, by which means it was again reduced into a peaceable Condition. *Knighton* ſays, this Martial Biſhop did the ſame thing in *Cambridge* and *Huntington-Shires*; and 'tis very probable, he alſo ſubjected thoſe of *Bury St. Edmunds*, and the whole Country of *Suffolk* (being part of his Dioceſs) into good Order.

[1] *ib. id.* The Biſhop of *Norwich* going towards *Norfolk*, meets the Meſſengers ſent by the Rebels, and cauſes them to loſe their Heads, and then marches againſt the reſt, and puts them to the Rout. He executes *Litiſter*, and the chief Promoters of the Rebellion.

Yet, [2] notwithſtanding the Defeat of theſe Rebels, and the King's Proclamation, for reſiſting them (as hath been already mention'd) the *Ruſtics* in *Eſſex* got together again from their Receſſes, though in leſs Numbers than before, at *Billeric*, a Village near *Hatfield*, where they reſolved either to enjoy their extorted Liberty, or to die fighting for it; ſo taking freſh Courage, they ſent certain Meſſengers of their own Body to the King, lying then at *Waltham*, to know if He would permit them to enjoy the Liberty already granted them; and farther required to be equal to their Lords as to that point; nor would they be compelled to appear at any Courts, except thoſe of *Frank-Pledge*, twice in the Year. The King, and his Council that was there with Him, were at firſt much ſurprized, at the freſh Inſolence of theſe Rebels; but after ſome Deliberation, the King gave them an Anſwer, with his own Mouth, That had not they come to Him as Meſſengers, they ſhould have been hanged; but ſeeing they did, He would ſpare them on that Account; but bad them return to their Companions, and let them know, that as they had been born *Villains*, ſo they ſhould remain in the ſame Servitude, or rather worſe; and that He would do his utmoſt, during his Life and Reign, ſo to keep them, that they may be an Example to Poſterity, and a warning to themſelves and others, not to offend in the like manner; and then He bid them go home, and live quietly in his Allegiance, or elſe upon their return to their Companions, if they did not like that Advice, they might do as they thought good.

[2.] *Id. ib.* The Ruſticks in *Eſſex* take Arms again, though in leſs Numbers, and ſend to the King to make new demands, which are refuſed.

Yet [3] for fear the Rebels might not diſperſe, but rather increaſe, the King forthwith ſent the Earl of *Buckingham*, and the Lord *Thomas Piercy*, Brother to the Earl of *Northumberland*, with ſome Forces to ſuppreſs them, who found them (like thoſe of *Norfolk*) entrenched within a Ditch, beſides their own Carriages, ſet in their Rear, as alſo with the ſtronger Defence of the adjoyning Woods; yet upon their being

[3] *Id. ib.* The King ſends the Earl of *Buckingham* and Lord *Piercy* againſt them, who aſſault them in their very Trenches, and put them to the Rout, and kill many of them.

being aſſaulted, they were diſperſed without any Difficulty, by no more than Ten Lances, that marched before thoſe Lords ; and when they ſaw them thus put to the Rout, they encompaſſed the Woods, that none of them might eſcape, and ſo there were killed about Five Hundred of them in divers Places, and the Soldiers took Eight Hundred of their Horſes ; yet thoſe that had eſcaped rallied again, and making haſt to *Colcheſter*, began by Threats and Promiſes, to allarm the Towns-men into the like Madneſs ; yet not being able much to prevail there, they went into *Sudbury* ; but the Lord *Fitz-Walter*, and Sir *John Harlſton*, hearing of their approach, followed them with ſome Forces, and killed abundance of them ; however, they let ſome eſcape, and committed the Ring-leaders to ſeveral Priſons.

The like is done by the Lord *Fitz Walter*, and Sir *John Harlſton*.

[1.] *Id. ib.* The King ſends the Lord Chief Juſtice *Treſilian* into *Eſſex*, to enquire into the Raiſers of this Rebellion, whereupon 500 of the Rebels caſt themſelves on the King's mercy, which is granted on Condition. [2.] The Ringleaders are Executed.

Then [1.] the King hearing of this Succeſs, remov'd to His *Bower* of *Havering*, and there appointed Sir *Robert Treſilian* His Chief Juſtice to ſit and enquire concerning thoſe Malefactors, and to Puniſh them according to Law. But when the *Eſſex* Boors ſaw there was no more ground of hopes, above five hundred of them came bare-headed, and with bare feet before the King, and caſting themſelves on their knees begged His Mercy, which was ſoon Granted them, but upon Condition that they ſhould diſcover and deliver up the Ring-leaders of theſe Commotions; by which means many, being Impriſoned, and found [2.] Guilty before the ſaid Juſtice by Verdict of the Jury, were Hanged (ſometimes nine or ten on a Gallows) for Beheading being then looked upon as not ſo baſe and remarkble a Puniſhment; the Chief of them were Executed, by Drawing, Hanging, and Quartering, and thus Matters ſtood in *Eſſex*.

[3.] *Id ib.* Commiſſions of *Oyer* and *Terminer* are iſſued for the Trying thoſe taken in *London*.

Then [3.] in other Counties where theſe Inſurrections and Tumults were ſuppreſs'd, Commiſſions of *Oyer* and *Terminer* were iſſued out for the Trials of the Chief Contrivers and Managers of them; firſt, thoſe of *London*, and ſuch of *Kent*, *Eſſex*, *Norfolk* and *Suffolk*, as were found within the Liberties of the City, were Tried before the Lord Mayor; of whom the Chief were *John Straw*, *John Kyrkeby*, *Alan Treder*, and *John Starling* of *Eſſex*, who gloried that he had murthered the Archbiſhop. Theſe had their Heads cut off, with ſeveral others not named.

[4.] *Id. ib.* The King comes in Perſon to St. *Albans*, with the Lord Chief Juſtice, who Tries and Condemns the Ringleaders in the late Inſurrection to be Hang'd, and Quartered.

At [4.] St. *Albans*, the King coming thither in Perſon, with Sir *Robert Treſilian*, he ſate in Judgment upon theſe Traytors; and then *William Gryndecobbe*, *William Cadyndon*, and *John* the Barber, with Fifteen others, were Condemn'd, Drawn, and Hanged: And of the Chief Men of the Town were Impriſoned, *Richard Walyngford*, *John Garlick*, *William Berewill*, *Thomas Putor*, and many more of the ordinary ſort of the Country People were Impriſoned, but afterwards by the King's Mercy they were ſet at Liberty.

[5.] *Ball* the Prieſt is Condemn'd to be Hanged, but is Repriev'd 'till he had made his Confeſſion.

And [5.] *John Ball* the Prieſt, being taken at *Coventry*, and brought to St. *Albans*, he was adjudged to be Drawn, Hang'd, and Quarter'd, and was Executed accordingly, on the Fifteenth of *July*, having been ſome days Repriev'd through the Mediation of the Biſhop of *London*. This Man had Preach'd up Doctrines to pleaſe the People above twenty Years, and for his Seditious Sermons was in Priſon when this Rebellion firſt broke out in *Kent*. He alſo made to them at *Black-Heath* the Speech already mention'd. His Chief Tenet was, That *Tythes* ought not to be paid, unleſs he that paid them were more able than

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the Curate that receiv'd; nor were they to be paid neither, unleſs he were alſo of better Life and Converſation than his Pariſhioners, with other Points related by my Author to be held by *John Wickliff*, needleſs to be here inſerted, tho' I find no grounds for that in his Writings. But to return to this *Ball*, he is further ſaid to have excited the Common People to Act reſolutely in killing all the Great Men of the Kingdom, with the Lawyers and Juſtices; and laſtly, to deſtroy all ſuch as they knew would be any ways injurious to them for the future.

The [1.] Speech which *Ball* made at his Execution, with the Confeſſion of *John Straw* a little before his Death, plainly diſcover the Deſigns of all theſe Tumults and Rebellions; for the latter being thereto allured by the fair Promiſes of the Lord Mayor of *London*, own'd, that when they Aſſembled at *Black-Heath*, and ſent to the King to come to them, their Purpoſe was to have ſlain all the Noble-Men, Knights and Gentlemen that attended Him, and to have carried the King with them from Place to Place, that the Rabble might with greater boldneſs come in to their Aſſiſtance when they ſhould ſee Him, as it were the Promoter of their Inſurrections; and that when there ſhould have been ſufficient Numbers got together in all Countries, they were to have killed ſuch Lords, Knights, and others, as were moſt likely and able to reſiſt them, eſpecially the *Hoſpitallers*; then at laſt they were to have killed the King, and all the Biſhops, Monks, Canons and Rectors of Churches, that were Endowed with any Lands and Poſſeſſions, ſparing only the *Friars Mendicants*, who they thought were ſufficient to Celebrate and Perform Divine Service thro' the whole Nation. Theſe things being perform'd, when there had been none Greater, more Potent, and Knowing than themſelves, they would have made ſuch Laws as they pleaſed, by which the People were to be Govern'd; and they intended to have made Kings, as *Wat Tyler* in *Kent*, and in every other County, One. On the Eve alſo of that Day, whereon *Wat Tyler* was killed, the City-Rabble being on their ſide, they intended to have burnt *London*, and divided all the Rich Goods found there, amongſt themſelves. This he affirm'd to have been their Deſign, as he deſired God would have Mercy on him, at his going out of the World; and then had he his Head ſtruck off.

[1.] *Id. ib.* This Dying Speech, and *Jack Straw*'s Confeſſion, diſcover the Wicked Deſigns of thoſe Rebels.

After this the [2.] King, for their good Service in deſtroying *Wat Tyler*, preſerving the City, and giving Him a ſpeedy Aſſiſtance againſt the Rebels, Knighted *William Walworth* Lord Mayor, *John Philpot*, *Nicholas Brembre*, and *Robert Laund*, Aldermen; and gave to Sir *William Walworth* a Hundred Pounds *per Ann.* Land, and to the other Three, Forty Pounds *per Ann.* to them and their Heirs for ever; and not long after He Knighted *Nicholas Twyford*, and *Adam Francis*, two other Aldermen.

[2.] The King Knights Sir *William Walworth* the Mayor, and ſeveral Aldermen, for their good Service againſt the Rebels.

It is alſo to be Noted, that theſe [3.] Rebels, tho' in ſeveral Shires, held a ſtrict Correſpondence, and their Leaders ſent abroad their Epiſtles of Advice and Encouragement; ſome of which (as they were taken) I ſhall inſert, for the Reader's Diverſion, that he may admire the Stile of theſe Popular Orators, and obſerve what ſtrength of Perſwaſion there was in *Nonſenſe* upon thoſe, who were capable of no better.

[3.] Theſe Rebels held Correſpondence with each other in ſeveral Counties.

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Copies of ſome of their Letters.

John Sheep, **Some time S.** Mary, **Prieſt of** York, **and now of** Colcheſter, **Greeteth well** John Nameleſs, **and** John **the** Miller, **and** John Carter, **and biddeth them beware of Guile in Borough, and ſtand together in God's Name, and biddeth** Piers **Plowman go to his Werk, and chaſtiſe well** Hob **the Robber, and take with you** John Trewman, **and all his Fellows, and no mo ;** John **the** Miller **hath yground ſmall, ſmall, ſmall : The King's Son of Heven ſhall pay for all : Beware, or yee be wo ; know your Frende fro your Foe, have ynough and ſay Ho, and do well and better, and flee Sinne, and ſeek Peace, and hold your therein and ſo biddeth** John Trewman, **and all his Fellows.**

Knighton hath ſet down more of the ſame ſort, which I paſs by ; I ſhall only from him give you another from a Lay Leader of that Gang, which is as followeth :

Jakk Mylner **asketh help to turn his Mylne aright ; he hath grounden ſmall, ſmall ; the King's Son of Heaven, he ſhall pay for all : Look thy Mylne go aright with the four Sails and the Poſt ſtand in Stedfaſtneſs, with Right and with Might, with Skill and with Will, let Might help Right, and Skill go before Will, and Right before Might, then goeth our Mylne aright ; and if Might go before Right and Will before Skill, then is our Mylne myſadyght.** There follow two more from *Jack Carter* and *Jack Trewman* ; but theſe are enough to ſhew the Stile, and way of Writing, of theſe illiterate Clowns.

[1] *Id. ib.*

The Kingdom being ſettled, the King revokes his former Charters of Mannumiſſion to the Villains.

+ vid. the Record 5 R. 2. p. 1 [illegible] col 317 m 33

The [1] Storm being thus happily over-blown, and a competent Force raiſed to ſecure the Peace of the Kingdom, and the Delinquents being now brought to ſpeedy Juſtice, the King (ſo ſoon as He could do it with Safety) revoked all his former Charters of Manumiſſion and Pardon, by a Proclamation under his great Seal, wherein, after He had recited the ſaid Charters, He declared, That for that they did Iſſue, without mature Deliberation, or that He had well weighed the Purport of them ; and that the Grant of the ſaid Letters did manifeſtly tend to the great prejudice of Him and his Crown, and to the Diſinheriſon as well of Himſelf, as of the Prelates and Nobility of the Kingdom, as alſo of the Holy Church of *England* ; and alſo to the Damage of the Common-wealth : He therefore, by the Advice of his Council, thereby revokes the ſaid Letters Patents, and alſo Commands it to be Proclaimed in all Towns, Cities, &c. whereby He ſtrictly enjoins all and ſingular, as well Free as Bondmen, that without any Contradiction, Murmuring or Reſiſtance, they do and perform all Works, Cuſtoms and Services, which they owed either to Himſelf, or any other their Lords, before the late Diſturbance, without any withdrawing or diminiſhing of the ſame ; and that all ſuch Charters of Manumiſſion as had been already made, ſhould be forthwith given up to be Cancel'd, nor preſume to claim any Liberties or Priviledges thereby, with other Clauſes not of Moment enough to be here ſet down. This bears Date at *Chelmsford*, the Second of *July*, this Fifth Year of his Reign.

During [1] theſe Convulſions, the Duke of *Lancaſter* (very happily for the Preſervation of his Perſon) to whom the common People bore ſo great a ſpight, was gone into the North againſt the *Scots*; but having Tidings of theſe Inſurrections, thought fit to clap up a Truce for two Years, which he got Ratified upon Oath, ſome Days before the *Scots* had any Notice of the Troubles in *England*; but conceiving himſelf yet in Danger, for the general (tho' falſe) Report was, that the King, to pacify the Rebels, had conſented to abandon him to their Pleaſure, whenever they could ſeize him; and [2] having alſo received divers Slights and Affronts in that Diſtreſs from the Earl of *Northumberland*, (needleſs to be here recited) he deſired of the *Scotiſh* King, and his Nobility, a ſafe Conduct, and to reſide for a time amongſt them, who honourably entertains him at *Edinburgh*, till he was ſent for by the King; and then a new Cauſe of Quarrel happen'd between him and the Earl of *Northumberland*; for in his Return, he was denied paſſage thro' the Town of *Berwick*, by a Captain, Sir *Matthew Redman*, by vertue of a Command from the ſaid Earl, Lord *Warden* of the *Marches*, not to ſuffer any from *Scotland* to enter the ſame; which indeed the King had ſpecially ordered, forgetting the Duke's being then in that Kingdom; however, this bred ſuch an Animoſity in the Duke againſt the Earl, that when he came home, he charged him with ſeveral things, before the King, at *Berkhamſtead*, which the Earl as ſtoutly anſwered: and great numbers of Armed Men followed each of them, ſo that it cauſed mighty Factions and Diviſions in the Kingdom.

[1] *Id. ib.* The Duke of *Lancaſter* being in the North, is forced to clap up a Truce with the *Scots*.

[2] H. K. *Col.* 2642. He receives a ſafe Conduct from the K. of *Scots*, and retires for a time to *Edinburgh*. The D. in his Return, being kept out of *Berwick* by the Earl of *Northumberland*'s Order, That with other Affronts received, highly incenſes the Duke againſt him, ſo that he complains to the King.

When [3] all things were grown quiet, on the ſixteenth of *July* Writs were ſent forth for a Parliament to meet at *Weſtminſter*, on *Monday* after the Exaltation of the Holy Croſs, or fourteenth of *September*, which was afterwards Prorogued to the Morrow of *All-Souls*, being *Monday*, when it was further Adjourned to the next Day, many Lords and Prelates being abſent; and ſo unto *Wedneſday*, and then too by reaſon of the Quarrel between the Duke of *Lancaſter* and the Earl of *Northumberland*, who came to the Parliament with great Retinues of armed Men and Archers, the King cauſed the Parliament to be Adjourned unto *Saturday* following, within which time He compoſed the Differences between them, and ended the Quarrel, by making the Earl crave the Duke's Pardon.

[3] *Rot. Clauſ.* 5. *Rich.* 2. M. 40 *dorſ.* A Parliament ſummoned at *Weſtminſter*, to which the D. of *Lancaſter*, and Earl of *Northumberland*, came up with great Retinues of armed Men, till the King compoſed the Differences between 'em.

Then [4] the Cauſe of Summons was declared to be, that they might conſider how to procure the Quiet and Peace of the Nation, and ſettle it after the late Tumults and Inſurrections, and to confirm or repeal the Grants the King had made of Liberty and Manumiſſion, obtain'd by Force by the Bond-Tenants and Villains; and laſtly, that the King was much indebted, and in great Neceſſity for Money to maintain his Court, and the Wars.

[4] *Rot. Parl.* 5 *Rich.* 2. *N.* 8. The cauſe of the Summons declared, to ſettle the Peace of the Nation.

Whereupon, [5] the whole Parliament, Lords and Commons, declared, *The Grants of Liberties and Manumiſſion to the ſaid Villains and Bond-Tenants, to be obtain'd by Force, and was in Diſheriſon of them the Nobles and Commons, and Deſtruction of the Realm; and therefore to be null, and repealed by Authority of Parliament.*

[5] *Ib. N.* 13. The late Charters of Manumiſſion declared void.

The [6] Commons alſo pray'd the King, that they might have certain Prelates and Lords to commune with them about their Charge, for that the Matters very highly concerned the State of the Realm, and it was much to the purpoſe to have their Advice.

[6] *Ibm.* The Commons pray, that certain Prelates and Lords might treat with them about their Charge.

[1] *Ib. N.* 14. Which is granted upon giving in their Names in Writing.

The [1] Anſwer was, They ſhould give in the Names to the King in Writing, of ſuch as they deſired, that He might adviſe about it; which was done, and the King granted their Deſire.

[2.] *Ib. N.* 16. The *Commons* alſo deſire, that all the Eſtates of the Kingdom ſhould treat apart concerning their Charge, and they Report their Reſolutions to the Commons, which Method is refus'd by the King.

And [2] the Commons further pray'd the King, That the Prelates by themſelves, the great Lords Temporal by themſelves, the Knights by themſelves, the Juſtices by themſelves, and all other Eſtates ſingly, might be charged to treat and commune about their Charge; and that their Advice might be reported to the Commons: To which it was Anſwered, That the King had charged the Lords, and other Sages, to commune and Treat diligently upon the ſaid Matters; but the antient Cuſtom and Form of Parliament had always been, that the Commons ſhould firſt report their Advice, upon the Matters given them in charge to the King and Lords of Parliament, and not on the contrary; and therefore the King would, that the antient and good Cuſtoms and Form of Parliament ſhould be kept and obſerved.

[3] *Ib. N.* 17. The *Commons* complain of the ill Government of the Realm, and diſorders of the Court; with the abuſes in the Law.

After [3] the Commons had conferred with the Lords, they return'd into the Parliament, and made great Complaint of the ill Government of the Realm, which, if not amended, the Kingdom would be in ſhort time ruined: They complained alſo of the Government about the King's Perſon, his Court, the over great number of his Servants, of the Abuſes in the *Chancery*, *King's-Bench*, *Common-Pleas*, *Exchequer*, and of grievous Oppreſſions in the Country, by the great Multitude of *Embracers* (in the *French* Record *Braceurs*) and *Maintainers* of Quarrels, who behaved themſelves like Kings in the Country; ſo as there was very little Law or Right, and of other things, which they ſaid were the Cauſe of the late Commotions, and Miſchiefs of the Land, and requeſted they might be amended.

[4] *Ib. N.* 18. The King conſents that certain Prelates and Lords ſhould be appointed to examine into thoſe Abuſes.

Then [4.] the King by Advice of the Lords and His Council, Granted, that certain Prelates, Lords, and Others, ſhould Survey and Examine the Government of His Perſon, and Court, and to think of ſufficient Remedies. The Perſons choſen to make this Enquiry were, the Duke of *Lancaſter*, the Archbiſhop Elect of *Canterbury*, the Archbiſhop of *York*, the Biſhops of *Wincheſter*, *Ely*, *Exeter*, and *Rocheſter*; the Earls of *Arundel*, *Warwick*, *Stafford*, *Suffolk*, and *Saliſbury*; the Lords *Zouch*, *Nevil*, *Grey* of *Ruthin*, and *Fitz-Walter*; Sir *Richard le Scrope*, Sir *Guy de Brian*, and others. The King's Confeſſor was charg'd to abſtain from coming to, or remaining at Court, at the Requeſt of the Commons, and Aſſent of the Lords, being one (as was ſuppos'd) that gave the King ill Advice.

[5.] *Ib. N.* 19, 20, 21, 22, 23. Certain Petitions of the Commons, without any Anſwers to them.

Then [5.] follow certain Petitions of the *Commons*, tho' their Anſwers are not ſet down.

Firſt, They Petition the Duke of *Lancaſter*, and others, Aſſign'd by the King for that Purpoſe, to place the moſt diſcreet and valuable Officers about the King's Perſon, and His Court, to appoint a Chancellor, Barons and Officers in the Exchequer, Judges of one Bench and the other, that they might know their Names, and what they were to do, and the Method they were to take in the Regulation of the Realm, after theſe things were done.

[6.] *Ib. N.* 25, 26.

They [6.] alſo Petition that an end might be made of the War, which was in great part maintain'd by the Goods that the Enemies of the Nation took by Sea and Land, from the *Engliſh*, to the great Diſhonour of the Government, and Nation, and Deſtruction of the whole Realm.

They [1.] likewiſe Petition, That certain of the Chief Clerks in *Chancery*, certain *Juſtices*, *Barons* of the Exchequer, and others Learned in the Law(not there named) might Conſult of the Grievances above; and that certain Merchants (not named neither) might declare the Cauſes of the Low Prizes of our Commodities, the carrying over our Money, Waſhing and Clipping thereof; but I find no Report made of this Matter, or Remedy Order'd, tho' there is ſomething in the Statutes at Large this Year, about Exportation of Money, and the Exchequer, *vid Cap.* 2. & 9, 10, 11, 12, 13.

[1] *Ib. N.* 28.

Then the[2.] *Commons* brought into Parliament a Schedule or Draught containing 3 Articles for as many ſorts of Pardons, if the King would pleaſe to Grant them. The Firſt was for the Lords, Gentlemen, and others, that in Reſiſtance of the Rioters and Traytors cauſed ſome of them to be Slain, without due Proceſs of Law; for which ſee the Statutes at large of this Year, *Cap.* 5. which Statute exactly agrees with the Record.

[2.] *Ib. N.* 30. The Commons bring in a Draught for three ſorts of Pardons.

The [3.] Second, To appeaſe and quiet the Minds of the Common People, concerning all Treaſons and Felonies committed in the late Riots and Tumults. Which Pardon was Granted to all and ſingular Perſons, [4.] except ſuch as were of the Towns of *Canterbury*, St. *Edmonds-Bury*, *Beverly*, *Scarburgh*, *Bridgewater*, and *Cambridge*; except alſo the Perſons whoſe Names were after written, and were brought into Parliament, as the Chief and Principal Exciters and Movers of theſe Inſurrections in the ſeveral Countries; and thoſe that killed the Archbiſhop of *Canterbury*, Lord Chancellor, the Prior of St. *John's*, Lord Treaſurer, and Sir *John Cavendiſh*, Lord Chief Juſtice; and except ſuch as had eſcaped out of Priſon, and had not then rendred themſelves; provided that ſuch as received Damages and Loſſes by theſe Inſurrections, ſhould not by this Pardon be fore-cloſed from recovering any Recompence by due Courſe of Law.

[3.] *Ib.*

[4] *Ib. N.* 32. A Pardon granted to all Offenders in the late Tumults, except ſuch Places and Perſons as are particularly excluded.

The [5.] Third was, for the good People that kept themſelves in Peace, and were no ways conſenting to the ſaid Tumults and Inſurrections, yet were ſome ways concern'd by favouring or receiving the Rebels. The Forms of theſe Pardons were now agreed on, and read, tho' the King had not yet paſſed them.

[5.] *Ib.*

Afterwards, upon the [6.] Petition of the Commons, that the Towns above-named might, with other Towns, receive the Benefit of the Pardon (except thoſe Perſons that were ſpecially excepted) the King granted, except for the Inhabitants of the Town of St. *Edmonds-Bury*, who for their ſo long continued Wickedneſs, He would not have Comprized in his Grace; and except alſo the Perſons whoſe Names were deliver'd into Parliament, as the Chief and Principal Ring-Leaders, Abettors and Procurers of the late outrageous Treaſon, which was put off for that time.

[6.] *Ib. N.* 35. The Commons Petition that the Towns already excepted might alſo partake of the General Pardon.

After the [7.] Buſineſs of the Pardons was over, the Commons made a Rehearſal of their Requeſts and Grievances, which they would have amended, and deſired to have a view of what was done in that Matter, which the King then did not immediately Anſwer, but [8.] told them He had been at great Expence in quieting the Nation of the late Tumults, and otherwiſe, as was declared to them before by His Officers; and that He was to be at further great Expences, by reaſon of the Queen's coming over, her Marriage, and Corona-

[7.] *Ib. N.* 34. The Commons deſire a Redreſs of their Grievances, which is demurr'd to by the King, 'till they granted Him a further Supply.

[8.] *Ib. N.* 35.

tion, which were ſuddenly to be Celebrated: Alſo in Guarding the Seas, and keeping His Fortreſſes Abroad, and for Defence of the Realm at Home; for the diſcharge of which Debts, and the ſupply of His Expences, He had nothing in His Treaſury, or otherwiſe.

[1.] *Ib. N.*36. Which is refuſed by the Commons, and for what Reaſon.

To [1.] which the Commons Anſwer'd; That conſidering the Evil Hearts and Rancour of the People thro' the whole Realm, they neither durſt nor would grant any manner of Talliage.

[2.] *Ib.N.*37. They alſo deſire to know the extent of his Pardons.

They [2.] alſo deſired the Parliament may be Adjourned 'till after *Chriſtmaſs*, which was granted; and then they alſo deſired again, to know the extent of His Grace and Favour in Pardoning.

[3.] *Ib.N.*39. The King demurs to grant a Pardon, 'till they would agree to a Supply.

The [3] King Replied, It was not the Cuſtom of Parliament to have a General Pardon, and ſuch Favour from the King, when the *Commons* would not grant Him any thing; and told them, He would adviſe further of His Grace and Pardon, until they ſhould do what belonged to them: And ſaid moreover, it was Cuſtomary to grant Pardons the laſt day of the Parliament, when He anſwer'd their Supplications and Petitions in Writing.

[4] *Ib. N.*40. The *Commons* continue the Cuſtoms upon Wool and Woolfels.

Whereupon [4.] the Commons came into full Parliament before the Lords, ſaying, They had adviſed and conſider'd the great Charge of the King, as well here, as beyond Sea; and then the Prelates, Lords and Commons, continued the Subſidy of Wool, Leather, and Woolfels, until *Candlemaſs* next enſuing, as it was laſt Granted; which was read in Parliament, as alſo the Declaration of the King's Grace and Pardon; at which the Commons were much Joyed, and thanked the King moſt humbly for the ſame.

[5.] *Ib.N.* 54. Great Complaints made in Parliament againſt the Mayor, Bayliffs, and People of the Town of *Cambridge*, for their Actions againſt the Univerſity in the late Tumults.

I find [5] alſo in this Parliament, that there were great Complaints made againſt the Mayor, Bayliffs, and Commonalty of the Town of *Cambridge*, for their evil Practices, as well out of the Town in the Country, as in it, againſt the Univerſity, in the time of the late Tumults, as by the Bill exhibited againſt them may appear; wherein is ſet forth, that they went to *Corpus Chriſti*, or St. *Benedict-Colledge*, where they ſeized the Charters, Writings, Books and Records, broke down the Scholar's Chambers, and took and carried away Goods and Chattels to a great value: Alſo that they compelled the Maſters and Scholars, under pain of Death, and Deſtruction of their Habitations, to renounce all manner of Franchiſes and Priviledges granted to them by any King whatſoever, and ſubmit to the Government of the Town for ever: Alſo by threatning Death, they cauſed the Maſters and Scholars to enter into Bonds to pay them great Sums of Money, and forced them to give a general Acquittance and Releaſe, of all Actions Real and Perſonal: And by the ſame threatning, they compelled the Maſters and Scholars to deliver them their Charters and Priviledges, which they burnt in the Market-place, contrary to the King's Proclamation and Prohibition.

[6] *Ib. N.*46.
[7] *Ib. N.* 48. The ſaid Officers are ſummoned to appear before the King and his Council in Parliament.

Whereupon, [6] the King Iſſued his Writs, to *John Maſterman*, the preſent Mayor, (who was then one of the Burgeſſes for the Town in this [7.] Parliament) and Bayliffs, and to *Edward Lyſtere*, the late Mayor, and Bayliffs, when the Riot and Tumult was made, to appear in Parliament, to acquit themſelves, if they could, before Him and his Council; there reciting in his Writs moſt of what they had done in prejudice of the Chancellor, Maſters and Scholars of the *Univerſity*; they appear'd, and were order'd to deliver up the Renunciationciation-Bond, and Releaſe above-mentioned under the Univerſity Seals, which were Cancell'd in Parliament, and are entred upon the Roll: Then the Bill againſt them being Read in their preſence in Parliament, they were asked what they had to ſay, why their Franchiſes and Privileges ſhould not be taken into the King's hands as Forfeited. At that time they were not Charged with any Crime, but, as they were told, were only to Anſwer concerning their Franchiſe, [1.] which they did by their Councel, and denied the Matter of Fact, and further ſaid, if any ſuch things were done, they were done by the Traytors and Malefactors of the Counties of *Eſſex*, *Hertfordſhire*, and *Kent*, who came to their Town in great Numbers; but it appearing that they were always preſent at their wicked Practices, and that the Renunciation, Bond and Releaſes of the *Univerſity*, were in their keeping, and that upon the King's Precept they would not deliver them, it was thought Evidence enough to find them guilty of the whole; whereupon they ſubmitted themſelves entirely to the Kings Grace, to do what He pleaſed with their [2.] Franchiſes; ſome part whereof, by Advice and Aſſent of the Prelates and Lords, the King gave to the *Univerſity*, and the Reſidue He granted to the *Town*.

Anno Dom. 1381.

[1.] *Ib.N.*57. They appear and deny the Matters of Fact, which being prov'd, they ſubmit themſelves to the King's Grace.

[2.] Whereupon their Franchiſes being given up, ſome are granted to the *Univerſity*.

On [3.] the Thirteenth of *December*, becauſe *Chriſtmaſs* was near, and the time of the Queen's coming into *England* alſo approach'd, and her Marriage and Coronation were to be Solemniz'd, the King Adjourned the Parliament, by the Aſſent of the Prelates, Lords, and Commons, unto the Friday next before the Converſion of St. *Paul*; and did Will and Command that the Pleas, Cauſes, and other Matters moved in that Parliament, and remain'd undetermined, and all other things, with their Dependencies, ſhould continue as they were, in the ſame Condition, untill the Friday abovesaid.

[3.] *Id.N.*64. The Parliament is Adjourned till after *Chriſtmaſs*.

Therefore I ſhall ~~begin~~ this Year with the King's Marriage; in order to which [4.] *Pileas* Cardinal of St. *Praxedes*, with the Duke of *Tarſilia*, and many other Noblemen, had in the beginning of the preceding Year, come over into *England*, to ~~conclude~~ a Treaty of Marriage, between the King, and *Anne*, Siſter to *Wenceſlaus*, then Emperor, and King of *Bohemia*; ~~at laſt~~ the Articles ~~being~~ agreed between them, [5] ~~She~~ about the latter end of *December* arrived at *Dover*, and was receiv'd with great Solemnity, by thoſe Noblemen that went to meet Her; and was Married to the King on the Fourteenth of *January*, in the Chappel-Royal at *Weſtminſter*; and the Wedding being Celebrated with great Magnificence, She is crowned Queen. She was a Princeſs of great Vertue and Goodneſs, which was all the King had with Her; for inſtead of a great Portion in Money, which He was then offered with the Lord of *Milan*'s Daughter, the King gave the Emperor no leſs than Ten Thouſand Marks for his Alliance; and He was alſo at the whole Charge of Her Journey, and coming over: But this Match proved of no Advantage at all to *England*; for Her Brother the Emperor being a few Years after depoſed by the Princes of the Empire, becauſe of his Tyranical and Arbitrary Temper, He was forced to reſt contented with the bare Kingdom of *Bohemia*, which lay ſo remote and encompaſſed with the Territories of other Princes, that He could do *England* neither good nor hurt.

~~*Anno Dom.* 1382.~~

[4] T. W. *Ad An.* 1382. a propose

The Emperor's Siſter arrives in *England*, and is married to King *Richard*.

[5] *Froiſ.* 2. Vol. She being preſently after crowned Queen, by *Will.Courtney*, lately promoted to be A.B. of *Canterbury*.

The Diſadvantages of this Alliance.

it was at last concluded between the their Commissioners [illegible] into the Emperor and the King upon several ~~certain~~ Articles which you may find in [illegible] 4 [illegible] 6 & in RS Col. p. 290 293. bearing date May 2d. 1381. and then that Princess about the end latter end.

Marks vid. Rot. Franc 4 Ric. 2. m 8. 9. RS. Col. p. 302. 303.

Anno Dom. 1382.

[1] *Id. ad hunc An.* The Duke of *Lancaſter* prevails with the King, to ſend ſome Forces to the Aſſiſtance of the K. of *Portugal*, under the Conduct of the Earl of *Cambridge*, who arrive at *Liſbon*, with what was done there by them.

Before I proceed further, I cannot but take notice, that in the beginning of this Year, [1] the Duke of *Lancaſter*, Titular King of *Caſtile*, had ſo far prevailed with the King and Council, as to ſend a ſmall Army to the Aſſiſtance of the King of *Portugal*, who being then hard put to it by King *Henry* the Baſtard, the *Portugueze* Prince offer'd very advantageous Conditions; and among others, that by the Power of his Fleet, He would hinder the *French* and *Spaniards* from going in or out of the Streights of *Gibraltar*; and therefore *Edmund* of *Langley*, Earl of *Cambridge*, as General, the Lord *William Beuchamp*, and other Noblemen, as chief Commanders, ſet Sail for *Portugal*, and arriving at *Liſbon*, were there joyfully received by the King; but though theſe Forces were too few to make an Invaſion into *Caſtile*, yet they ſerved very well to act defenſively for the Security of *Liſbon*, which was not long after Beſieged by the *Spaniards*, and had been taken, had it not been defended by the *Engliſh*, who making a brisk Sally upon the Enemy, forced them to raiſe the Siege from before that City, from whence they carried nothing but Blows and Wounds. This deſerves our Notice, becauſe it gives us Light to what was tranſacted in the next Seſſion of Parliament.

The Parliament ſits again after *Chriſtmaſs*. [2] *Rot. Parl.* 5. *Rich.* 2. *N.* 66. The Duke of *Lancaſter* offers to go into *Portugal*, if the Kingdom would provide Money to pay the Army.

And that began in the latter end of *January*, according to the late Prorogation: where the firſt thing that I find to have been propoſed was, [2] the Duke of *Lancaſter*'s Offer, to make another Expedition into *Portugal*, if *England* would provide him with Sixty Thouſand Pounds, to pay the Wages of Two Thouſand Men at Arms, and Two Thouſand Archers, for half a Year: The Reaſons for this Voyage were, for the ſaving of ſuch *Engliſh* as were then there, and that he might recover his Right there in thoſe Parts, and alſo for the Safeguard of the Sea, and the Realm of *England*, and (if GOD pleaſed) for the greater Deſtruction of her Enemies; offering alſo to repay this Sum in Three Years, either in Money, or acceptable Service. Upon this Offer and Voyage the Lords had a long Debate; ſome approved his Reaſons, others not, ſo as he could not then obtain what he deſired.

[3] *Ib.* N. 67. The Lords and Commons continue the Subſidy upon Wool, &c. for 4 Years, to come, for the defence of the Kingdom.

Yet they will not be thereby engaged to make War with *Spain*.

Then [3] the Lords and Commons, on the Five and Twentieth of *February*, conſidering the Neceſſities of the King, and the Multitude of his Enemies by Sea and Land, with the great Expences He muſt be at for the Defence of the Kingdom, and Reſiſtance of ſuch Enemies, granted of their Free-Will to the King, the Subſidy of Wool, Woolfels, and Leather, as He received it upon the laſt Grant, from that Day until the Feaſt of St. *John Baptiſt* next coming, and from thence for Four Years; whether ſuch Defence or Reſiſtance ſhould be by the Voyage of the Lord of *Lancaſter* into *Spain*, or any other manner whatever, with this expreſs Proteſtation of the Commons, *That it was not their Intention to be obliged by any Words in this Grant to Quarrel*, or have any War with *Spain*; but only for the Defence of the Kingdom, and Reſiſtance of its Enemies, by the Advice of the Lords, as it ſhould ſeem beſt to them All to ordain.

[4] T. W. *Vid. Stat.* 5. *Rich.* 2. cap. 1. An Act for Merchant Strangers to come into *England*, and ſell their Goods, with ſome other Acts, not obſerved.

In [4] this Parliament alſo were made ſeveral Statutes concerning Strangers being admitted to buy and ſell Commodities in their own Names, without any hindrance of the Merchants of *England*; and alſo for the forbidding of Furs, and regulating the exceſs of Apparel among inferior People; to ſettle the Price of Wines, and many other Matters: *But what (ſaith* Walſingham) *do ſuch Acts of Parliament ſig-*

nify ? When after they are made, they take no effect, or are nothing regarded; for the King, with his Privy Council, took upon them to alter, or wholly ſet aſide all thoſe things, that by general Conſent had been ordained in Parliament. Of ſuch ill Conſequence was the exerciſe of the King's Prerogative, for the diſpenſing with Laws for the Publick Good; of the truth whereof, there were too many unhappy Inſtances.

Anno Dom. 1382.

[1.] *Id. ib.* *Richard L'Eſcrope* made Chancellor, but is within a few Months diſmiſſed from his Office, by a Court-Faction, and for what cauſe.

Amongſt [1] other Tranſactions in this Parliament, upon the Requeſt of the Lords and Commons, Sir *Richard L'Eſcrope* was by the King appointed Lord Chancellor, as being a Perſon of known Judgment, Learning, and inflexible Integrity; but within a few Months he was by a Court-Faction, turn'd out of that Office, which he had prudently and laudably adminiſter'd, meerly becauſe to do the King faithful Service, he had diſpleaſed ſome of his unworthy Favourites; the Relation of which, I ſhall ſet down in *Walſingham*'s own Words: '*Edmund Mortimer*, Earl of *Marche*, and ſeveral other Lords, being 'lately Dead, certain greedy and ambitious Knights and Eſquires, and 'others of inferior Rank, that were Servants to the King, had begged 'of Him Grants of divers Lands and Lordſhips, lately belonging to the 'Deceaſed, that they might have the Profits thereof, for ſo long time, 'as the King, by the Cuſtom of the Realm, was to hold them in his 'Hands; which, the King not minding the value, nor conſidering 'any Reaſon they had to deſire, or merit to deſerve, ſuch Revenues, 'preſently conſented to, ordering them to the Chancellor, to have 'their Grants paſſed under the Great Seal; but the prudent and honeſt 'Chancellor, who zealouſly deſired the Proſperity of the Kingdom, 'and juſt Profit of the King, abſolutely refuſed to do it; telling them 'the King was much in Debt, and 'twas moſt neceſſary He ſhould reſerve 'ſuch Contingencies to Himſelf, therewith in part to ſatisfy his Creditors; 'and that ſince they well knew the King's urgent Occaſions, they 'could be no good Subjects to his Majeſty, who conſulting their own 'Advantages more than his Service, and preferring private Lucre be'fore publick Neceſſities, ſhould go about to circumvent, and further 'impoveriſh Him, by ſuch prejudical Requeſts, from which they ſhould 'do well to deſiſt, and be content with his Majeſty's former Largeſſes, 'which were ſufficient for them.

'Nettled with this Repulſe, theſe Courtiers reſort to the King, 'grievouſly complaining of the Chancellor's Obſtinacy, that he con'temned his Majeſty's Command; and that it concerned Him preſently, 'and with due Severity, to chaſtiſe ſuch an affronted Diſobedience; 'for otherwiſe, the Royal Authority would become contemptible to 'all his People, and his Commands be accounted of no value, *&c.* 'Whereupon, the young King, more regarding the falſe Suggeſtions of 'theſe ſelf-deſigning Flatterers, than the faithful Allegations and Ad'vice of his Chancellor, ſends him a haſty Meſſage, to demand the 'Seal of him; but the Chancellor would deliver it to no other Hands 'than the King's; to whom having ſurrendered it, He was pleaſed to 'retain it for ſome Days in his own Cuſtody, ſealing divers Grants 'therewith Himſelf, till at length the keeping of it was conferr'd on '*Robert Braibrook*, Biſhop of *London*, on the Twentieth Day of *Septem'ber*; by which Action, the King very much diſcontented the Great 'Men, and Others, of the Kingdom; and gave the firſt occaſion of 'diſlike to his Government, or rather to his chief Miniſters, who then 'managed

The Chancellor delivers the great Seal into the Kings own Hands, who ſeals Grants with it himſelf.

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' managed Affairs, and prevail'd upon the King's Youth, and eaſineſs ' of his Nature.

A great Council at *London*, where *Wickliff* ſends up the chief Articles of his Doctrine.

Walſingham alſo mentions another Parliament, or great Council, to be held at *London* in the beginning of *May*, when *John Wickliff*, growing more bold by reaſon of the Schiſm at *Rome*, ſent up to the Lords and great Men there aſſembled, certain Articles, to the number of Seven, containing the Sum and Subſtance of his Doctrines, thereby hoping to ſpread them, and draw the Nobility to take his part. My Author hath ſet down theſe Articles at large, which I have alſo given you among the Eccleſiaſtical Affairs at the end of this Reign.

[1.] *Id. ib.* Another Council, at which, ſeveral of the chief Perſons of *Flanders* offer to put themſelves under the Subjection of the King; but are ſent home again.

About [1] *Michaelmaſs* following, the ſame Author mentions another Council to have met at *London*, at which were preſent many of the chief Perſons of *Flanders*; who having again lately expelled their Earl out of the Country, came now to offer to put themſelves under the Subjection of the King of *England*: But that Ambaſſy not ſeeming ſufficient, they were ſent back again, to bring along with them ſome Delegates, from the chief Towns of *Flanders*, who were of greater Note and Reputation, by whom it might evidently appear, that they had full Powers to enter into ſuch a Treaty, and confirm what ſhould be agreed on; of whoſe Return, and what was further done, I ſhall ſpeak in due place.

[2.] *Id. ib.* The Fiſhmongers, by the Lord-Mayor's Suggeſtions, are forbid to ſell Proviſions.

In [2] this Council alſo, the Mayor of *London* (as my Author ſays) having made a falſe Suggeſtion to the King and Council, concerning the Frauds and Deceits which the *Fiſhmongers* uſed in ſelling of Victuals, obtained an Ordinance, that none of them for the future ſhould vend any Proviſions, as Fleſh, Wine, and the like, by Retail; ~~of~~ nor that any *Apothecary* ſhould be choſen Mayor. *

* The King was ~~[illegible]~~ pleased to [illegible] Letters by way of a Declaration to his Justices of the Peace, & oyer & terminer in several Counties to declare the substance of the Pardon [illegible] in ye last Parliament of all ~~Traytors~~ Persons concerned in the late Rebellion except three of the City of London, then named who had joyned with those Rebels and brought ym into the sd City, as also all Persons of ye towne of St. Edmunds Bury. he therefore hereby pardons all other Persons all treasons & Felonies committed in the sd Insurrection, between ye first of [illegible], and the Feast of St. John the Baptist, in as full and ample [illegible] as if [illegible] had taken out a Charter of Pardon for the same: Rot. Cl. [illegible] pt. 1. m. 20. Rs. Col. 370. 371. this a matter ~~of a matter~~ of great [illegible] for ~~the~~ the former Pardons, ~~[illegible]~~ for these crimes ~~[illegible]~~ the Persons [illegible] were obliged each of them to take out a particular Charter, [illegible] a great many of the poorer sort were not able [illegible] happiness.

[3.] *Id ib.* The Earl of *Cambridge*, having ſuffered many Loſſes by Land, and Perils at Sea, returns home with thoſe Forces he had left. A ſhort Account of the chief Actions performed by the Earl of *Cambridge* in *Portugal*.

I find nothing elſe to have happened worth noting, [3] but that about the beginning of Winter, *Edmund* Earl of *Cambridge*, having ſuffer'd great Perils by Sea, and loſt much of his Equipage in a Storm, return'd into *England* out of *Portugal*, with thoſe few Forces he had left, having been very unworthily dealt with by that King; who having made uſe of the *Engliſh* for the defence of his Capital City (as you have already heard) marched out with them the laſt Summer into the Field, in order to give Battel to the King of *Caſtile*: But He fearing the Courage of the *Engliſh*, enter'd into a Treaty with the King of *Portugal*; and being quickly agreed upon the Terms, they ſoon ſtruck up a Peace, very much for the Advantage of the *Portugueze*: Of which one of the chief Articles was, That the *Engliſh* ſhould be immediately ſent home; and leaſt they might pretend that they wanted Shipping for their Tranſportation, the King of *Caſtile* Himſelf provided it, whilſt the *Portugueze* furniſhed all other Neceſſaries; and ſo the Earl of *Cambridge* with the *Engliſh* Forces, were forced to quit that Kingdom, whether they would or not. All the Advantage he gain'd by this Voyage was, that he betrothed his Son (whom he had gotten divers Years before, by one of the Daughters of *Peter* King of *Caſtile*) to the Daughter of the King of *Portugal*: But becauſe the Earl miſtruſted the uncertain Temper and Faith of that Nation, he brought over his Son along with him; and the King of *Portugal* upon a like Miſtruſt, would not let his Daughter go over into *England*, and ſo this Match ſome time after upon his Death broke off, without ever being Conſummated.

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If we [1] look into other foreign Parts, we ſhall find a great Revolution to have happened this Year in *Italy*, where *Charles* of *Durazzo* (whom our Author calls *Carolus de Pace*) having been the laſt Year Crowned King of *Naples* by Pope *Urban*, in Oppoſition to *Joan* I. Queen of that Kingdom, marched into it with a great Army, and routed that commanded by the Queen's General: He thereupon took *Capua* and *Cajeta*, with divers other Cities, and cloſely beſieged *Naples* it ſelf; where, notwithſtanding all the Attempts of *Otto* Duke of *Brunſwick*, Husband to that Queen, to raiſe the Siege, his Army was Repulſed, and himſelf ſorely Wounded, and taken Priſoner, whom his Adverſary threatning to ſhoot into the Caſtle *del Ovo*, by a battering Engine, the Queen (being retired thither) was thereupon forced to ſurrender both it, her ſelf, and all her Treaſure, only on Condition to have her Life ſpared; and (as our Author relates) She then took upon her the Vail of a Nun: But the *Italian* and *French* Writers with greater certainty report, that ſome time after, She was privately ſtrangled by *Charles*, her Kinſman and Adverſary, to Revenge the Death of *Andrew*, King of *Hungary*, her firſt Husband, whom She was ſuppoſed to have Murthered ſeveral Years before.

[1] *Id. ib.* *Charles* of *Durazzo* is made King of *Naples*, by Pope *Urban*, and makes War againſt Q. *Joan*.

Whom he takes Priſoner and after puts to Death.

But this Affair did not end here; [2] for the Duke of *Anjou*, younger Brother to the late King of *France*, having been, upon the firſt beginning of the Quarrel between the Queen and Count *Charles*, adopted by Her for her Son and Succeſſor, upon the News of the danger She was in, made all the haſt he could to aſſiſt Her with a powerful Army; and before he went for *Italy*, he was ſolemnly inveſted with the Kingdom of *Sicily* at *Avignon*, by *Clement*, Antipope to *Urban* above-mention'd; then this new King having reduced *Provence* to his Obedience, his proceeded on Journey for *Italy*, and had at firſt good Succeſs againſt his Competitor, by taking divers Towns and ſtrong Places in *Apulia* and *Calabria*, and was thereupon own'd by divers of the great Men of thoſe Parts; But King *Charles* making up in Subtilty, what he wanted in down-right Force, about the end of this Year, amuſed his Adverſary with a Challenge, to end the Difference by ſingle Combat, which was afterwards altered to Ten Combatants of a ſide: And by this means he gained ſo much time, that having new fortified his ſtrong Places, and recruited his Forces, he broke off the Agreement of Fighting, and openly defying the *French* Prince, kept himſelf on the Throne, in ſpight of all he could do againſt him.

[2] *Mezeray. Ad hunc An.*

As to Eccleſiaſtical Affairs, [3] this Year *William de Courtney*, Biſhop of *London*, being Conſecrated Arch Biſhop of *Canterbury*, in the room of *Simon Sudbury* lately Murthered, preſently after condemned the Doctrines of *John Wickliff*, in about Twenty Articles (as you will find at large at the end of this Reign) which were ſent to the Chancellor of the Univerſity of *Oxon*, to be promulged, tho' they did not find that ready Obedience he expected. ✗

Rot. Pat. 6 Ric. 2 p. 2 m. 22 - [illegible]

[3] *Chron. de Lamb.* MS. *ad hunc An.* T. W.

✗ and the King himself not long after by his letters under his great seal directed to the Chancellor and Proctors of the University of Oxon strictly charging and commanding them to inquire diligently concerning all persons suspected to believe or favour any heresy or [illegible] particular certain [illegible] lately condemned by the Arch B. of Canterbury with the consent of his Clergy &c. or whoever keep or received the said John Wicliff, Nicholas Hereford, Philip Repyngdon or John [illegible] into their houses, or anyone guilty of the same heresy, or keep them [illegible] should within the [illegible] of Oxford &c. [illegible] taught &c. but that upon one week the same they should [illegible] Space of 7 days banish the University [illegible]

Alſo *Clement* the Antipope, in Revenge of King *Richard*'s oppoſing Him, now granted a Cruſado againſt Him, and all his Adherents; but to make amends for this, [4] Pope *Urban* ſent over his Bulls to *Henry Spencer*, Biſhop of *Norwich*, (a Martial Prelate) as his Legate, to raiſe *Croiſado*, which was to be in the nature of that for the Holy War, to fight with and ſubdue his Enemy *Clement* the Antipope, and all his Followers and Favourers, whom He thereby *Excommunicated* and

[4.] *Id. ib.* Pope *Urban* grants a Cruſado to the Biſhop of *Norwich* againſt *Clement* the Antipope, with the Effects of that Bull.

Anno Dom. 1382.

and Depoſed from all Honours, and forbid any Converſation with them living, and ſo much as Burial of their Bodies when Dead, *&c.* in which Bull (amongſt other things belonging to the Spiritual Power) he, as the Popes Legate, exerciſed here. There was likewiſe granted a Diſpenſation to all Beneficed Clergymen, that would undertake this Expedition to be abſent from their Cures, during that War, and to recieve the entire Profits of them, as if they had been perſonally preſent; and there was further granted to all that croſſed the Seas in this Quarrel, either at their own Expence, or of any others, full Remiſſion of all their Sins; and beſides, the like Priviledges to others that paid any Money for this purpoſe, as to thoſe who went to recover the Holy Land; and there was further granted alike Remiſſion and Indulgence, to all ſuch as ſhould give any conſiderable part of their own Goods, towards the Payment of ſuch Soldiers, as ſhould be raiſed by the ſaid Biſhop, or his Deputies; and if any ſhould happen to die or be killed in this Expedition, they were alſo to recieve the like Grace; and becauſe the Form of this *Abſolution* may be a Novelty to thoſe that never ſaw it, I ſhall here ſet it down at large, as I find it in my Author.

[1] *Id. ad hunc An.*

By [1] *Apoſtolick Authority to me committed, I do abſolve thee* A. B. *from all thy Sins, which thou doſt with thy Mouth, and with a contrite Heart, confeſs, or would confeſs, if thou couldſt remember them, and give thee a full Remiſſion of them; and promiſe thee, with the Retribution of the* Juſt, *the increaſe of Eternal Salvation: And I do alſo grant to thee, the ſame Priviledges that are granted to ſuch as go to the Defence of the* Holy Land, *and do impart to thee the Benefit of the Prayers and Suffrages of the* Holy Catholick Church.

[2.] *Id. ib.* The Biſhop, by vertue of theſe Bulls, and Abſolutions, raiſes a great Sum of Money, where with he raiſes an Army.

By [2] vertue of theſe Bulls and Abſolutions, the Biſhop collected a great Sum of Money, beſides Jewels, Necklaces, Rings, Diſhes, Spoons, and other Silver Implements, eſpecially from Ladies and Gentlewomen; and indeed, many gave beyond their Ability (as ſome thought) to obtain the Benefit of this Abſolution and Pardon for their Sins. ^* Upon this, divers People found Men at Arms, others Archers, and ſeveral others went in their own Perſons; ſo fooliſhly Superſtitious were People, even of the beſt Quality, in thoſe Times, to venture their Lives, and ſpend their Eſtates, in the Pope's particular Quarrel, without the leaſt Benefit or Advantage to Religion or themſelves thereby. But the Undertakers were, not long after, ſo much convinced of the Raſhneſs and Folly of this Expedition, that I do not find any Pope, ſince that time, to have ventur'd upon the like Project, of making *Cruſadoes* againſt his Enemies, or thoſe of the Catholick Church, as He is pleaſed to ſtile them: Only I muſt here further remark, That to publiſh this Abſolution, there was a ſufficient number of Preachers ſent all *England* over, and alſo beyond Sea. Beſides this, the *Mendicant Friars* were to vend it; and to ſtir up the People to contribute, went up and down with a Clerk, to take the Names, and recieve Money of their Contributors, not omitting the very Labourers; but we ſhall ſpeak more of this Biſhop's Actions by and by, and in the mean while return to Civil Affairs.

Rot. Franc. 6 Ric. II m. 17

* And further the King now granted a License under his great Seal, where in reciting the Pope's Bulls above mentioned, he gave leave to all Persons as well of the Clergy as Laity, who were disposed to go with the sd. Bp. [illegible] agst. the [illegible] Pope and his Adherents to pass the Seas in order to subdue them by force of Arms. this bears date Decem. 6. vid: Rt. Col: p. 372.

Rot. Franc. ib.

And also ~~about~~ at this time, the King himself resolved to go over in Person to make war ~~with~~ agst. his Adversary of France, as appears by his command to the Ld. Fitzwalter then Admiral, to take up and press all Ship vessels of 20 Tuns and above, to be ready at Sandwich by the Feast of St. Hilary, to serve for the transport of himself and those his subjects who shall go over with him vid: Rt. Col: p. 373. but soon changed his mind and never went at all.

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Whilſt [1] this Martial Prelate was making theſe warlike Preparations, a Parliament, or rather great Council of Peers, was ſummoned in the beginning of *Lent*, in which it was for ſome time debated, Whether it was fit to hazard ſuch conſiderable Forces upon ſo ſlight a Quarrel, as the proſecuting of Schiſmaticks againſt the Pope; thoſe who were for it, urg'd apparent Reaſons of State, that now was the time for the King to recover his Right in *France*, and weaken the *French* King, who then lay under Pope *Urban*'s Excommunication, for ſiding with *Clement*; during which, He could expect no Succeſs on his Arms: It remained, I ſay, very doubtful which way the great Men would incline; but at laſt, upon hearing that *Antiphone* ſung, *Ecce Crucem Domini, fugite, partes Adverſæ, i. e.* Behold the Croſs of our Lord, fly ye Adverſaries; they were thereby, as with a Charm, brought over to Vote in favour of the Expedition; and upon this they aſſigned the *Fifteenth*, given in the laſt Parliament to be imployed herein; and now the Project went on more vigorouſly than ever, inſomuch (ſaith my Author) *That in all this ſpacious Kingdom, there was ſcarce one Perſon to be found, that did not either offer his Perſon, or beſtow part of his Goods, for promoting the ſame.*

[1] *Id. ib.* A great Council Summon'd in *Lent*, where it was Debated whether it was fit to hazard ſuch great Forces on ſo ſlight a Quarrel.

But at laſt they agree in the Affirmative, and appoint the 15*th* given in the laſt Parliament, for this purpoſe.

The [2.] Biſhop's Deſign in this Enterprize, was to paſs over into *Flanders* with the Army that was to be rais'd with this Money, there to aſſiſt the *Flemmings*, then in Rebellion againſt their Earl, and the *French* King, whoſe Confederate he was; but before this could be put in Execution, the [3.] ill News came over of the routing of the *Gauntois* by King *Charles*; for they having upon his entrance into *Flanders* raiſed a numerous Train, were by means of their Countrymen of *Bruges*, and the Parts adjacent (who joined with the *French* againſt them) utterly put to flight, and the Siege of *Oudenard* being thereby raiſed, they were forced to retreat to their City of *Gaunt*, with the loſs of above Twenty Thouſand Men of their own, and Confederate Forces: But for all this, the Citizens of *Bruges* had little cauſe to brag of their Victory, for the *French* immediately put Gariſons into that, and all other Places that had aſſiſted them, and (according to their uſual Cuſtom) treated both their Friends and Enemies with equal Rigour, and eſpecially the *Engliſh* Merchants of [4.] *Bruges*, whom they Plundered of all they had; this put off the Biſhop's intended Expedition into *Flanders* for ſome time; but in the mean while the King returned in Triumph to *Paris*, and upon His Entry diſarmed the Citizens, and put a great many of them, as well as others to death, who had oppoſed His raiſing of ſome freſh Impoſitions; but having now perfectly ſubdued them, He laid new and greater Taxes upon them than they had ever paid before: But to return again to *England*.

[2.] The Biſhops deſign to paſs over into *Flanders*, to aſſiſt the *Flemmings* againſt their Earl, &c.

[3.] *T. W. ad hunc An.* The *Gauntois* are routed by thoſe of *Bruges*, aſſiſted by the *French*.

[4.] The Engliſh Merchants at *Bruges*, are Plundred by them.

[5.] All things being thus concluded for the Biſhop's Tranſportation, about the middle of *May*, he with his Army was ready to put to Sea, the Fleet lying then in *Kent* waiting for a Wind; but the King (whether He reſolved quite to forbid him the Voyage, or elſe thought that Prelate had got too much Money, and ſo was willing to ſhare with him in it, or for what other Reaſon I know not) ſent him a Writ to come back to know his further pleaſure; but the proud Biſhop miſtruſting the worſt, was ſo intent upon the Affair of his Lord and Maſter the Pope, that he had no leiſure to obey his King;

[5.] *Id ib.* The Biſhop being to go to Sea with his Army, the King Summons him to come to him, but the Biſhop refuſes to obey it, and paſſes over to *Calais*

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[1] *The Biſhop* takes *Graveling*, *Dunkirk*, and ſeveral other Places, without any oppoſition.

and therefore to avoid any more delays, he preſently haſtened over to *Calais*, from whence, after a few Day's ſtay there, he marched forward under the Standard of the *Croſs*, and beſieged [1.] *Graveling*, and took it by Aſſault, where his Men uſed great Cruelties; then *Dunkirk* was yielded without much trouble; but ſome *Flemmings* joining with the *French* and *Bretons*, to the number of about Thirty Thouſand, came toward the Town, againſt whom the Biſhop (tho' with a very ſmall Number in reſpect to theirs) marched out of *Dunkirk*, and gave them Battel, the very Clergymen and Monks who had undertook the *Cruſado* Fighting in Perſon, becauſe they look ed upon it as the Cauſe of God; and tho' ſome of them were ſlain, yet at laſt he took in *Caſſel*, *Dixmuyde*, *Burburgh*, *Newport*, and *Popering*, without ſtriking a ſtroke. Fluſhed with this Succeſs, he then beſieged the Town of [2.] *Ypres* a long time, and aſſaulted it often, and yet was always repulſed and beaten off, ſo that at length, whether he would or no, the Army Mutinyed, and raiſed the Siege, for the major part of it revolted from him, leaving the great Cannon behind them, with one vaſt one, called the *Canterbury-Gun*; yet after this, the Biſhop obtain'd a Victory againſt the *French*, which was chiefly owing to the Valour and Bravery of the *Engliſh* Archers. In this Fight they took a great many Priſoners, and killed about Three (tho' *Walſingham* ſays Twelve) Thouſand; thoſe that remain'd with the Biſhop went to *Dunkirk*, and Sir *Hugh Calverly* along with him, and from thence to *Graveling*, whilſt Sir *Thomas Trivet*, Sir *William Elinham*, and others marched to *Burburgh* with another Detachment, and Fortified that Place. Some time after the King of *France* came pouring upon them with a mighty Force, and Beſieged and Aſſaulted the Town, but was beaten off with great loſs of Men; yet within a few Days after that, the Gariſon ſeeing there was no hopes of Relief, yielded up the Place to the Arms of *France*, upon Condition that they might march away with Horſe and Arms, and all their Goods, and ſo they did, to *Calais*.

[2.] He Beſieges *Ypres*, but is forced to quit it, by reaſon of a mutiny in his Army.

Burburgh tho' new Fortified, is ſurrender'd to the *French* King upon Conditions.

[3.] *Id ib.* The *French* come before *Graveling*, and Summon the Biſhop to ſurrender it, which he refuſes, yet at laſt demoliſhes it, and goes for *England*.

After [3.] *Burburgh* was taken, the *French* Army marched before *Graveling*, and Summon'd the Biſhop to yield the Town, and the *French* offer'd him Fifteen Thouſand Marks to quit it, giving him liberty firſt to Demoliſh it, and then to depart and go whither he would, and all his Men, with their Goods; but the Prelate deſired a ſhort Truce to conſider of theſe Terms, and appointed a Day to give his Anſwer, and in the mean time ſent to *England* for Relief; which not coming at or before the Day, he accepted the Terms, levelled the ground, and came for *England* after *Michaelmaſs*; and thus ended this *Cruſado*, or the Pontifical War.

[4.] *Id ib.* The Biſhop wrote to King *Richard* to ſend over ſome more Forces to give the *French* Battle, who is very hot upon it at firſt, but preſently cools

[4.] But I cannot here omit what *Walſingham* further relates, that during the ſaid Truce, the Biſhop of *Norwich* wrote a Letter to King *Richard* to deſire Him that he ſhould ſend over ſome more Forces to give the *French* King Battel, and compel Him to raiſe the Siege. The King was then at *Daintry* in *Northamptonſhire*, but on the receipt of this News, being at Supper, He inſtantly aroſe from Table, and in a great heat took Horſe, and rid Poſt with ſuch ſpeed, that He came to St. *Albans* at Midnight, and there having borrow'd the Abbot's Guelding, He haſtned to *Weſtminſter*, making ſhew as if He would never reſt 'till He had gone in Perſon, and Routed the *French*

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King, and all his Army. But being ſomewhat weary with Riding, He went to Bed, and having taken Advice on His Pillow, was nothing ſo Fierce the next Morning, but wholly laid aſide the thoughts of going Himſelf, and reſolved to ſend ſome body in His Room, for which purpoſe the [1.] Duke of *Lancaſter* was Nominated; but he was ſo tedious in making Preparations, that the Biſhop in the mean while was glad to quit *Graveling*, having firſt diſmantled it, and ſo returned home to *England*, after a vaſt Treaſure ſpent, and many thouſand Lives loſt, with as little Glory as he ſet forth with mighty expectation, the Succeſs of his Arms being ſuitable to the Ridiculous Occaſion of them.

[1.] The Duke of *Lancaſter* is nominated to go in the King's ſtead, but before he can go, *Graveling* was diſmantled.

We [2.] ſhall now return to the Affairs of *England*, where in the mean while the King and His young Queen ſpent the Summer in Jollity and Youthful Recreations, going on Progreſs to the Great Abbies about the Kingdom, with an exceſſive Retinue of *Bohemians*; and lying at the Abbey of St. *Edmunds-Bury* no leſs than ten Days, it proved too great a Burthen, being both of them preſented there, as well as at all the other Monaſteries in thoſe Parts, with great Gifts which the Queen beſtowed upon her Countrymen. And this, as it was a ſign of exceſſive Eaſineſs, and Prodigality in the King, ſo it much leſſen'd the Eſteem His Subjects hitherto had of Him; but to come to Matters of greater Importance.

[2.] *Id. ib.* The King and Queen go on Progreſs, and are very Burthenſom to the Abbeys.

Some time before the Return of the Biſhop of *Norwich*, there were [3] Writs Iſſued out, for a Parliament to meet on *Monday* before the Feaſt of *All-Saints*, or firſt of *November*; in which Writs it was ſet forth, *That by Advice and Aſſent of the Council, a Parliament was called for their Mediation and Aſſiſtance, in a Treaty of Peace, to be had then between the King, his Kingdom and Subjects, on the one part; and* Robert *King of* Scotland, *his Lands, Dominions and Subjects, on the other part*; and for other difficult and urgent Buſineſs, which concerned Him, the State and Defence of the Kingdom, and Church of *England*.

[3.] *Rot. Clauſ* 7 *Ric.* 2. *M.* 37 A Parliament ſummon'd, and for what end.

Then Sir [4.] *Michael de la Pole*, Lord Chancellor, ſhewed the Cauſes of this Parliament to be, for that the Truce with the *Scots* was to end at *Candlemas* next. And whereas the Duke of *Lancaſter* had been ſent to renew it, he was return'd, and brought back word, That the *Scots* would ſend Commiſſioners to *London* to Manage the Treaty. [5.] Another Cauſe was, To provide againſt Three Powerful Enemies, *Spain*, *France*, and *Flanders*. And here he offer'd ſeveral Reaſons, to prove it was better for us to begin and make War upon them, than they upon us, or to ſuffer them to Invade us. [6.] Further ſhewing, that theſe Wars were not to be imputed to the King, ſeeing they had deſcended to Him with the Crown; and the laſt Clauſe was, for the maintenance of good Laws, and ſecurity of the Peace; then he put them in mind of [7.] giving an Aid to ſupport theſe great Charges.

[4.] *Rot. Parl.* 7 *Rich.* 2. *N.* 3. The Lord Chancellor *De la Pole* ſhews the Cauſes of this Parliament, to adviſe concerning a Truce with *Scotland*, and carrying on the War agrainſt *France* and *Spain*.

[5.] *Ib. N.* 45.

[6.] *Ib. N.* 6.

[7.] An Aid demanded to ſupport theſe Charges.

Then [8] the Chancellor ſpoke to the Lords ſeparately, and told them the King Commanded them to have due Conſideration of the neceſſary Matters that had been declared to them, and of the apparent inſupportable Miſchiefs, and the great neceſſity He had for Money to prevent them; and that they ſhould Treat by themſelves diligently upon theſe things, and with as much ſpeed as might be, laying aſide the Debate of any other Matter, and to Report their Advice from time

[8.] *Ib. N.* 11. He commands the Lords from the firſt, to conſult upon theſe Points, without falling into any new Matter.

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time to time to Him; and ſaid further, the King Commanded them to Treat from Day to Day, and to diſpatch what they came for, and not to depart from Parliament without His ſpecial Licenſe, under the Peril that might thereupon enſue.

[1] *Ib. N.* 12. The Lords & Commons grant the K. two half fifteenths, on a certain condition.

And [1.] the then Lords and Commons conſidering the Extraordinary Charge the King was to be at, by reaſon of the War then open on every ſide, Granted two half *Fifteenths*, upon Condition the Clergy would Contribute and Grant as became them, which they alſo did.

[2] *Ib. N.* 18. The Biſhop of *Norwich* is accuſed, for his Miſcarriages in the late Expedition.

[3] *Ib. N.* 23. And not being able to clear himſelf, is condemn'd to be Fined, and Ranſomed at the King's pleaſure.

In [2] this Parliament the Biſhop of *Norwich* was accuſed by the Chancellor in ſeveral Articles for his Miſcarriages in his late Expedition. The firſt was, That he had promiſed to ſerve the King with ſuch a number of Men for a whole Year, and ſerved but half a Year, and then returned with his Army quite broken; of which Article he could not [3.] clear himſelf, and therefore was adjudged to make Fine and Ranſom at the Kings Pleaſure, and the Temporalities of his Biſhoprick to be ſeiz'd for that purpoſe.

[4] *Ib. N.* 24. Sir *William Ellinham*, and divers other Commanders in the late Expedition, are queſtioned in Parliament, & impriſon'd, for delivering up ſeveral Places to the *French* for Money.

[4.] Sir *William Ellinham*, Sir *Thomas Trivet*, Sir *Henry de Ferrers*, and Sir *William de Harrendon*, were all likewiſe accuſed in Parliament before the Lords, for receiving Money for the delivery of ſeveral Fortreſſes to the *French*; the Sums in the whole amounting to Twenty Thouſand *Franks* in Gold. They all made pitiful Excuſes, and craved the King's Mercy; ſo Judgment was pronounced by the Chancellor, That they ſhould refund what they had received to the King, and remain in Priſon until they had made Fine and Ranſom to Him.

x of Parliament

[5] T. W. The Duke of *Lancaſter* renews the Truce with *Scocland*, upon very unequal Conditions.

[6] Which are not at firſt obſerved by the *Scots*; but being at laſt afraid, they ſend Commiſſioners to this Parliament.

x vid the Scottish Kings Ratification of the Treaty whereby they were to be sent over. Rl: Col: p. 406.

It is alſo to be Noted, as to the Affairs of *Scotland*, (mention'd in the Record)x [5.] that the Duke of *Lancaſter* had been ſent ſome time before to renew the Truce with that King; and therein it was agreed, That for the future eaſe of both Nations, and to ſave Charges, Commiſſioners of both Kingdoms ſhould be ſent to every Parliament, who ſhould repreſent the Injuries done to each other upon the Borders, and receive full ſatisfaction, according to the Judgment of the Lords. Yet notwithſtanding, the *Scots* ſent not any Commiſſioners to this Parliament, but did much [6.] Injury upon the Borders, and received Forces from *France*, to join with them againſt the *Engliſh*; but ~~they~~ hearing there were great Preparations making againſt them, towards the end of this Parliament they ſent their Commiſſioners thither, but they were rejected, and ſent Home, without coming to any Treaty at all, ſince they did not offer any ſufficient Satisfaction for the Miſchiefs they had done. x

A. D. ~~1384~~.

[1.] *Id ib.*; The Duke of *Lancaſter* returns from his Ambaſſie in *France*.

The King having kept his *Chriſtmaſs* with his Queen at *Eltham*, ſome time after the Holy-Days were over, the x Duke of *Lancaſter* return'd from his Ambaſſie in *France*, whither he had been ſent not long before, to Treat of a Final Peace; but that proving too difficult to be effected, he could only conclude a Truce until *Midſummer* next enſuing; and then returned after the expence of 50000 marks ~~at which time he engaged to return again, and Treat of an Absolute Peace.~~ x2 to little purpose. x2.

x2 And in the ~~fifteenth or~~ ~~[illegible]~~ this year the King finding his Adversary of France not willing to enter into any fair [illegible] about the terms of a Peace, and being not able to constrain him to it by force, directed his Letters to ~~the Duke~~ Father King of Castile, i.e. the Duke of [illegible] being then in France to propose terms of agreement between them, ~~which~~ but were not accepted, nor any good Peace to be otherwise obtained, the Duke [illegible] to offer to end all disputes either by single Combat between both the K[illegible] in their proper persons, between himself ~~three~~ and his three uncles and his [illegible] and [illegible] as many as should be joined with him at any time and place [illegible] appointed; or if that were not accepted, then to do it by one pitched Battle of all the forces of both nations. What answer the [illegible] I know not but you will see what issue this treaty had by and by here [illegible] follow[illegible]

vid: Rl: Col: p. 407.

Rl: Col: Fran: m. 22.

But I can find done further in order to a Peace with France, is that both appointed their Commissioners to treat again about it. those for the King Richard [illegible] Duke of Lancaster, the Earl of Derby, the Bishop of Hereford with other Ds [illegible] who be particularly recited. those for the French King were the Dukes of Berry [illegible] the Earl of [illegible] [illegible] and [illegible] with several other Bps. and noblemen [illegible] lawyers, these being met at Leulinghem a Place [illegible] Calais and Boulogne after divers proposals and debates, by either Party, could come to no agreement as to a Peace, and concluded to renew the late Truce which was now expiring on divers days in Feb. and March according to the distance of the several Places that were included within the same until [illegible] of October next ensuing the date thereof, viz. [illegible] 1383. as appears by the Articles [illegible] selves agreed to by both [illegible] Rot. Franc. 7 R. 2. m. 9. vid. Rot. Co. [illegible] 421. ~~[illegible]~~

A. D. 1384

~~[illegible]~~ had by this [illegible] 29th ~~[illegible]~~ ~~[illegible]~~ ~~[illegible] wil greater [illegible]~~ ~~[illegible]~~ ~~[illegible]~~

In [1] the beginning of *February*, one *John* of *Northampton*, alias, *Comberton*, who had been Mayor the Year before, ſtirred up Sedition in the City of *London*, and went often up and down the Streets with great numbers of People following him; and when the preſent Mayor, Sir *Nicholas Brembre*, prepared to oppoſe him, a Shoemaker, one of his Followers, moved the Rabble to ſtand by him: But this Man, by the Advice of Sir *Robert Knolles*, was taken out of his Houſe, and had his Head cut off, which ſtayed the Commotion and Inſurrection of the People at that time, who (as it was then ſaid) conſpired to Murther the Mayor, and many other worthy Men of the City.

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[1.] *Id. ib.* *John* of *Northampton* ſtirs up Sedition in the City, and is aſſiſted by one *Conſtantine* a Shoemaker, who was taken and Executed.

This Shoemaker's Name was *John Conſtantine*, who was the Cauſe of divers great Diſturbances and Inſurrections in the City: But there is a miſtake in our Hiſtorians, concerning the Circumſtances of this Action; for it appears [2] from the Record, that he was not drawn out of his Houſe, and preſently Beheaded, by the Advice of Sir *Robert Knolles*, tho' 'tis very probable, he might be the Perſon that did ſeize, or order him to be ſeized; but he was taken on the Eleventh of *February*, at the Head of the Rabble, and carried preſently to the *Guild-hall*, and Arraigned as one of the firſt Movers of Sedition, by Witneſſes Sworn, and Examined; and upon his own Confeſſion, was adjudged to Death, and had his Head cut off, which Judgment was preſently [3] Recorded, and was afterwards confirmed by the King. As for *John Northampton*, he was ſent to *Corſ*-Caſtle, there to be kept Priſoner, until the King, by Advice of his Council, ſhould otherwiſe diſpoſe of him.

A miſtake in the Circumſtances of this Action.

[2] *Rot. Parl.* 7. *Rich.* 2. *M.* 16.

[3] *Rot. Clauſ.* *eod. An. M.* 9.

In [4] *Lent* the Duke of *Lancaſter*, and his Brother the Earl of *Buckingham*, with a very great Force of Knights, Eſquires and Archers, advanced towards *Scotland*; but ſtayed ſo long upon the Borders, till all their *Victuals* were conſum'd, whereby the Inhabitants receiv'd more Injury from the *Engliſh* Army, than by the Invaſion of the *Scots*; yet, toward *Eaſter*, he enter'd *Scotland*, but, by his Delays, the *Scots* had time enough to ſecure their Goods and Perſons; ſo finding nothing but Hunger and Cold, they returned with no good Reputation, having loſt divers Men and Horſes: After their Departure, the *Scots* Invaded the North-Parts, plunder'd the Country, and burnt many Towns, as the *Engliſh* had done in *Scotland*.

[4] T. W. The Duke of *Lancaſter* and his Brother, make an unfortunate Expedition into *Scotland*.

After [5] this, there was another Parliament, or rather Great Council of Lords, holden at *Salisbury* on the *Friday* after St. *Mark*, or Five and Twentieth of *April*, in which (as *Walſingham* relates) a *Carmelite* Friar and Batchelor of Divinity, made a Diſcovery in Writing to the King, of a Deſign the Duke of *Lancaſter* had to deſtroy his Majeſty, and uſurp the Crown; but the King adviſing about the ſame only with certain of his Chaplains, and the Duke coming in upon them on the ſudden, they thereupon Counſelled the King to communicate to him the Articles of the Accuſation; upon the ſight of which, he boldly denied them, and ſo well cleared, or ſeem'd to clear himſelf, to the King's Satiſfaction, that the Friar was committed to the Cuſtody of the Lord *John Holland*, and then on the Evening before the Hearing ſhould have been, he was found moſt cruelly Murthered; and that by ſo horrid a Death, that it is better omitted than related: The next Morning the Friar's Body was dragged about the Streets, as a Traytor's, at a Horſe's Tail, thereby to take off all Suſpicion of his being made away; and

[5] *Rot. Clauſ.* 7. *Rich.* 2. *M.* 10.

A Council held at *Saliſbury*, where a *Carmelite* Friar accuſed the Duke of *Lancaſter* of Treaſon.

He clears himſelf for the preſent, and the Friar being committed to Cuſtody, is found cruelly Murthered.

Anno Dom. 1384.

The Lord *Zouch* being likewiſe accuſed of the ſame Fact, clears himſelf.

and ſo this Buſineſs was all huddled up: But that which tended very much to the Duke's Innocency was, That the Lord *Zouch* was likewiſe accuſed by the ſame Friar, as Guilty of being privy to, and promoting the ſaid Treaſon; and being Sick, was fain to be brought thither in a Litter, and examined before the Lords, where he utterly denied, and that upon Oath, all that he was accuſed of; and that he had never heard, or ſo much as thought of any of thoſe things whereof he ſtood accuſed; whereupon, he was acquitted, and permitted to return home, which he did, and therefore became an utter Enemy to all Friars of that Order.

[1] *Id. ad An.* 1385. The Duke of *Lancaſter* being informed of a deſign againſt his Life, ſtands upon his Guard.

But however, this Information (if true) ſhews, that ſometimes it proves even more dangerous to diſcover Treaſons, than to act them; tho' poſſibly, this whole Accuſation might be a Contrivance of this malicious Friar, ſet on by the Duke's Enemies, to render him ſuſpected by the King, and odious to the People; for it is certain, they entred, not many Months after, into a formal Deſign againſt his Life; [1] the occaſion whereof I do not find mentioned by our Writers; but only that the King, by the Inſtigation of his Young Cabinet Councellors, had conceived ſome Diſpleaſure againſt him; and that they had conſpired to take away the ſaid Duke's Life; in order whereunto, certain Crimes were ſuggeſted, Appellors prepared, and 'twas agreed that he ſhould be ſuddenly Arreſted, and brought before Juſtice *Treſilian*, who had boldly undertaken to pronounce Sentence upon him, according to the quality of the Matters that were to be objected againſt him, tho' by Law he could not be tryed but by his Peers, and ſo Execution ſhould immediately have followed: But the Duke being forewarned of theſe Contrivances, haſtned to his Caſtle of *Pomfret*, and there ſtood upon his Guard: But the Princeſs, the King's Mother, conſidering the Dangers that would enſue upon ſuch a Rupture, took great pains by Riding (notwithſtanding her Years and Corpulency) to and fro, between the King and him, to pacify and reconcile them; and at laſt brought them to ſuch Terms, that all appearance of Diſpleaſure on the one part, and Diſtruſt on the other, was for that time removed.

But is again reconciled to the King, by the means of the Princeſs his Mother.

[2] *Id. ib.* The Duke of *Lancaſter* goes over again into *France*, but can only make another *Truce*.

[illegible]
vard [3] *Id ib.* *John* of *Northampton* being found Guilty of many Miſdemeanors, is condemned to perpetual Impriſonment.

To intermix some ~~few~~ that of Forreign Affairs; about the beginning of August the Duke of Lancaster went over to Bologne with a great train of ~~noblemen~~, being again commissiond by the King to treat with his Adversary of France about a further continuation of the Truce; the commissioners for the latter were the Dukes of Berry and Burgundy, ~~where~~ and there also ~~met~~ came thither Commissioners from the Kings of ~~Portugal~~ Castile and Scotland, who desired to be included in this intended Truce, which was now continued for the Countries of Picardy and Flanders from the ~~sixteenth~~ 19th day of October, but for Normandy and other Places in different days in the same month, and ~~for~~ for this South eastern part of France on the 19th of November, but continued till the first of May next ensueing, as appears by the several powers or Commissions granted by each of these ~~se~~ Princes as also by the French King's ~~commissi~~ firma ~~[illegible]~~ thereof dated at Paris the 19 of October ~~[illegible]~~ and that of King Richard on the same day, and by which he order the sd Truce to be solemnly proclaimed. See Rec: Col: p. 438 Rec: Col: p. 438 to 444. Rot. Fran. 8 R. 2 ps. 2 m. 19.

so that

Anno Dom. 1384.

On [1] the Morrow of St. *Martin*, or Twelfth of *November*, a Parliament was aſſembled at *Weſtminſter*; where the Chancellor ſhew'd the King's great Care of the Church, *Commons*, and Laws of *England*; and further ſhewed, how the Nation was inviron'd with Enemies, the *French*, *Spaniards*, *Scots*, and *Flemmings*; and that the chief Cauſe of calling the Parliament, was to provide for the Safety and Defence of the Kingdom, and to conſider how this Proviſion might beſt and moſt ſpeedily be raiſed, ſo as the poor People might be leaſt burthened; and withal he let them know, that he would go in his own Perſon, for the defence of the Kingdom, againſt any Enemy, by the Advice of his Council.

[1] *Rot. Parl.* 8. *Rich.* 2. *N.* 1. 2. 3. A Parliament ſummon'd, the cauſes of *which* are declared by the Chancellor.

Theſe [2] things being maturely conſidered, the *Lords* and *Commons* granted the King, for the Defence of the Realm, the Safe-guard of the Sea, and Marches of *Scotland*, two *Fifteenths*; one to be paid at *Lady-day* next coming, the other at *Midſummer*; upon condition, that the laſt half *Fifteenth* granted at *Saliſbury*, might not be paid; and in caſe the King went not in his own Perſon againſt his Enemies, or that Peace or Truce ſhould be made with them, then the latter of theſe two *Fifteenths* ſhould not be levied.

[2] *Ib. N.* 10. The Lords & Commons grant the K. two *Fifteenths for the* defence of the Realm, and guard of the Seas, *&c.*

In [3] this Parliament Dame *Alice Perrers*, or *Peirce*, now the Wife of Sir *William Windſor*, Petitioned to have the Sentence and Order given againſt her, in the Fiftieth Year of *Edward* the *Third*, and the Judgment and Statute made in perſuance thereof in the firſt of this King, to be repealed; and that ſhe might be reſtored to all her Lands and Tenements, which was granted by Advice and Aſſent of the *Lords* and *Commons*, ſo as the Gifts and Grants already made by the King of any of their Lands, Tenements and Houſes, may remain in Force.

[3] *Ib. N.* 13. *Alice Perrers* petitioned to have the former Sentence given againſt her in Parliament, reverſed, which is granted.

I find nothing elſe conſiderable to have been tranſacted in this Parliament; [4] but that during the Seſſion of it, News came of the ſurprize of the Caſtle of *Berwick* by the *Scots*, it being ſold for a Sum of Money by the Deputy-Governor to the Earl of *Northumberland*; for which he, tho' Abſent, was Accuſed; and, by the procurement of the Duke of *Lancaſter* his Enemy, found Guilty of Treaſon which was very hard; indeed he had been ſummoned to this Parliament, but did not appear, becauſe he choſe to ſtay in the *North* for the defence of his Country, therefore he was not long after pardoned by the King, tho' much to the Duke of *Lancaſter*'s Diſpleaſure, which alſo was the occaſion of a freſh Quarrel between thoſe two Noblemen; but ſo ſoon as the Earl was pardoned, and reſtored to his Eſtate, he raiſed a conſiderable Army, and therewith marched to the Siege of that Caſtle; which he not being able to take by open Force (it being now the depth of Winter) recover'd the ſame way it was loſt, making Articles with the Officers that were beſieged in it, that upon the ſurrender of the Place, they ſhould not only have their Lives and Goods ſaved, but receive Two Thouſands Marks of *Engliſh* Money pay'd them by the Earl, which was done accordingly; and thereby he learn'd (tho' by dear bought Experience) to take more care of that conſiderable Fortreſs for the future.

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The Earl not being able to take the Caſtle by Force, bribes the Defendants to ſurrender it.

What happened moſt worth our Noting in foreign Parts, is, That [5] *Lewis*, Duke of *Anjou*, Brother to the King of *France*, who had been not long before made King of *Sicily*, by *Clement* the Antipope, after the ſeeing himſelf again defeated by his Adverſary *Charles*, and having ſpent in this fruitleſs Expedition a vaſt Sum of Money, beſides the

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~~sadlet~~ but to ~~come to~~ make some observations on this transaction, it seems, as that the ~~small~~ short time that this truce was to continue, was not worth the great trouble and ~~charge~~ expence that of so many Persons of ~~the~~ the high quality bestowed to procure it; the Duke of Lancaster alone having spent in this and the former treaty no less then 50 thousand marks a vast sum in those times. so that all the advantage I can find that ~~the~~ two Princes ~~the~~ more concerned in it had, thereby was only to gain time to make ~~their~~ preparations to ~~carry on~~ renew the war the year following with greater violence and animosity. I have been the more particular in the account of this transaction since it is not the Historians ~~but Because~~ who were [illegible] of Lancaster was thus imployed

little purpoſe.

Remove [illegible] back ward

[3] *Id ib.* *John* of *Northampton* being found Guilty of many Miſdemeanors, is condemned to perpetual Impriſonment.

While [3] the Duke of [illegible] was in *France*, the King called many of his Noblemen together at *Reading*, where *John* of *Northampton* was tried for his late evil Practices in *London*, and Convicted by the Teſtimony of his Houſhold-Clerk; and Sentence being to be given upon him in the King's Preſence, he ſaid ſuch Judgment ought not to paſs upon him in the Abſence of his *Lord the Duke*, viz. of *Lancaſter*, which rendred him alſo ſuſpected; but the Judge told the Criminal, that he was to acquit himſelf by Duel, of the Crimes laid againſt him, or elſe by the Laws of the Land, to be Drawn, Hang'd and Quarter'd; to which making no Anſwer, he was Condemned to perpetual Priſon, above One Hundred Miles from *London*, and ſent to *Tintagel*-Caſtle in *Cornwal*, and his Goods to be ſeized to the King's Uſe.

Anno Dom. 1384.

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Anno Dom. 1385.

the loſs of innumerable Lives, being diſappointed of his Deſign, in conquering the Kingdom of *Naples*, Died in *Italy* with great Grief and Diſcontent of Mind, in Autumn following.

[1] *Id. ad hunc An. Chron de Lambeth.*
The *Bohemians* become a great Burthen to the King.

This Year [1] the King kept his *Chriſtmaſs* at *Windſor*, with his Queen, of whom He was ſo fond, that He would ſcarce endure her out of his Sight; but her Countrymen, the *Bohemians*, that came with Her, having taſted the Sweetneſs and Riches of *England*, had no mind to return home, but continued here, to the great Grievance and Burthen of the Kingdom.

[2.] *Id. ib.* dom.
The Lord *Le Bourſer* is ſent over to command the *Gauntois*, who under his Conduct rout an Army of *Frenchmen*.

In [2] the beginning of the Spring, the Lord ~~Edward le Bourſer~~ John Bourgcher was ſent over to *Gaunt*, at the deſire of the Citizens there, to command the Forces of that Place (which was then in Rebellion againſt their Earl) where this Lord, upon the People's Swearing Fidelity to King *Richard*, marched out againſt the *French*, and routing a ſmall Army of theirs, behaved himſelf with great Generoſity; hindred the *Gauntois* from maiming their Priſoners, as being againſt the Laws of War, tho' the *French* had uſed the *Flemmings* in the like manner not long before.

[3] H. K. *Col.* 2674.
News of a formidable Invaſion from *France*, by the way of *Scotland*.
[4] *Id. Col.* 2675.
Whereupon King *Richard* Muſters a great Army, to invade that Kingdom.
[5] *T. W. ib.*
Sir *Ralph de Stafford*, being killed by the Lord *John Holland*, the King is ſo diſpleaſed, that he commands his Perſon to be ſeized.
The King's Mother ſues for his Pardon, but being denied, it proves her Death.

After this time I find nothing conſiderable to have happened (the time paſſing away at Court in great Jollity and Security) till the beginning of *June*, when [3] News came of a formidable Invaſion from *France*; and that *John de Vienne*, their Admiral, was ſailed from thence with a large Fleet, and had tranſported great Forces into *Scotland*, to join with the *Scots*, to invade *England*: Whereupon, [4] the King forthwith prepared an Army to march into *Scotland*, and ſent the Duke of *Lancaſter* with a good Force before, to ſecure the Borders. Then, on the Seventh of *July*, the King came in Perſon to *Leiceſter*, and the Queen with Him, where He was attended by the Flower of the *Engliſh Militia*, as Earls, Barons, Knights, and others, to a vaſt Number, who made noble Preparations for them, at which the King was extremely pleaſed; but when He arrived at *York*, that Satisfaction was very much abated, by reaſon of an unhappy Accident which then fell out; for [5] a Quarrel ariſing between the Lord *John Holland*, the King's half Brother, and Sir *Ralph de Stafford*, eldeſt Son to the Earl of that Name; the former meeting the latter upon the Road, as he was going to the Queen (whoſe menial Servant he was) killed him on the ſpot, and that not very fairly; at which the King (with whom the Deceaſed had been bred up) was ſo highly incenſed, that He commanded his Brother to be ſeized, and his Goods to be Confiſcated; but this Young Lord, finding the Tide run ſo high againſt him, avoided the Storm, by taking Sanctuary at *Beverly*: When the Princeſs (Mother to the King, as She was alſo to this Nobleman) heard this ill News, She preſently ſent Meſſengers to his Majeſty, to intercede all they could for her Son, and to beg his Pardon; but the King was ſtill ſo angry at him, that He abſolutely denied her Requeſt; this Anſwer which the Meſſengers brought her to *Wallingford*, She took ſo much to Heart, that it caſt her into a fit of Sickneſs, of which, within Four or Five Days, She Deceaſed. Her Body, after it was Embalmed, was Preſerved till the King's Return from *Scotland*, when it was ſolemnly Buried in the Church of the *Friars Minors* at *Stanford*: But after this, the King's Fury againſt his Brother, leſſen'd by Degrees. I will now return to the King's Expedition.

Anno Dom. 1385.

The [1.] King enter'd *Scotland* about the beginning of *Auguſt*,x though to little purpoſe, for either He could not find the *Scots* at all, or at leaſt could not follow them into their Woods, Bogs, and Faſtneſſes in the *High-lands*, whither they were gone, and had driven their great Cattle with them. But finding nothing in the Country; He burnt *Edinburgh*, and ſeveral other Towns, cut down much of the Woods, and burnt them. But when the Duke of [2.] *Lancaſter* would have perſwaded the King to have imitated His Grandfather King *Edward*, in carrying His Arms beyond the *Scottiſh* Sea, or *Frithe*, and in totally reducing that Kingdom, the King was ſo far from hearkning to him, that ſuſpecting the Duke gave Him this Advice only to ruin Him, and His Army, for want of Victuals (the Proviſions and Forage being all deſtroyed on that ſide,) return'd the Duke very ſharp and upbraiding Language upon that Subject; whoſe Anſwers, notwithſtanding they were temper'd with great Duty, and Modeſty, yet had ſo little effect, that the Lords there preſent had a difficult Task to [3.] reconcile the King to him, tho' they compaſſed it at laſt. But there being no more to be done this Campaign, the King return'd home into *England*; and indeed it was high time for Him to do ſo, for while theſe things were Tranſacting in [4.] *Scotland*, the *Scottiſh* and *French* Forces ſlipping by the *Engliſh*, entred the *Weſt Marches*, burnt *Penrith*, Plunder'd the Country, took many Priſoners, and made an attempt upon *Carliſle*. But hearing of the coming of the *Engliſh* Army, they got again into their own Country; but carried more out of *England*, than the King with His Royal Army could do out of *Scotland*, tho' they had the Plunder of the Capital City of the Kingdom into the Bargain. *Upon ſuch unequal Terms muſt a Richer Nation make War upon a Poorer, as War-like as themſelves.*

[1.] *Id ib.* The King enters *Scotland*, where finding the Country deſerted, he burns *Edinburg*, and deſtroys the Country.

[2.] The Duke of *Lancaſter* adviſing the King to proſecute the War in *Scotland*; He looks upon it as a deſign to ruine him, and falls out with the Duke.

[3.] The K. is reconciled to him, and returns into *England*.

[4.] The *Scots* Invade the Weſtern Marſhes, burn *Penrith*, and carry away many Priſoners; but upon the King's approach, retire home.

x with a great Army conſiſting of the [illegible] [illegible] Clergy and other Tenants in Capite see the Kings summons to ye Rot. Claus. [illegible] R. 2. m. 3. d. p.3 col. 473. to 475.

[5.] While the *Engliſh* Army was thus in *Scotland*, the King of *France* was providing a mighty Fleet and Army at *Sluis* in *Flanders*, to Invade *England*, and had certainly done it, whilſt the King was abſent, had He not been hinder'd by the Wars of *Flanders*; for the *Flemmings* were now weary of the *French-Yoke*, (of which Nation, my Author makes this Obſervation,) *That wherever they have Power, they Treat their Subjects with the higheſt Inſolence, and Oppreſſion.* And this ſo provok'd the *Gauntois*, that taking up Arms on the ſuddain, they ſurpriz'd the ſtrong Town of *Dam*, the Inhabitants betraying it to them, wherein they found a great Magazine of Wine, and other Proviſions, and placed in it a ſtrong Gariſon. At which the King of *France* was ſo incenſed, that quitting for a time his Deſign againſt *England*, He immediately marched to Reduce that Place; and tho' he received divers Repulſes, yet the *Flemings* finding they could not long maintain it againſt ſo great a Force, took the opportunity of Marching away in the Night, and returning to *Gaunt*, after they had ſpoiled the Wines and Proviſions they left behind: And tho' the *French* King thus recover'd the Place, yet *England* received that Advantage by this delay, that Winter being now pretty well advanced, the *French* King was forced to defer his intended Invaſion to the next Year, when He again reaſſumed it, tho' with no better Succeſs, of which we ſhall ſay more hereafter.

[5.] *Id ib.* The *French* were like to Invade *England*, during the King's Abſence, had not a ſuddain Inſurrection of the *Flemmings* prevented him.

Anno Dom. 1385.

[1.] *Rot. Clauſ.* 9. *Rich.* 2. M. 45. *dorſ.* A Parliament Summon'd. *Rot. Parl.* 9. *Rich.* 2. *N.* 10. wherein the Lords and Commons granted the K. a *Tenth*, and a *Fifteenth*, &c and for what Uſes.

In the mean while the King [1.] held a Parliament at *Weſtminſter* on *Friday* next after St. *Luke*'s Day, in which the *Lords*, *Great Men*, and *Commons* of Counties, Cities, and Burghs, Granted to the King, for the Voyage of *John*, King of *Caſtile* and *Leon*, and Duke of *Lancaſter*, into *Spain*, and ſafe keeping of the Sea, and Marces of *Scotland*, a *Tenth*, and a *Fifteenth*, and *half* a *Tenth* and *Fifteenth*: the former to be paid at *Midſummer*, for the Receipt and Expending whereof, there were ſpecial Treaſurers appointed in Parliament, and Superviſors to ſee it done; and this Voyage into *Spain* was declared to be agreed upon by the King, Prelates, Noblemen, and Commons aforeſaid, in full Parliament.

[2.] *Ib. N.* 14. The Earl of *Cambridge* is declar'd D. of *York*, and the E. of *Buckingham* Duke of *Glouceſter*.

[illegible] p. 481. 482

In which alſo the King's Uncle, [2.] *Edmond* Earl of *Cambridge*, ~~being~~ Created Duke of *York*, was Confirm'd in that Title, and had a Grant from the King of a Thouſand Pound a Year to ſupport his Dignity, to be paid out of the Exchequer to him, and his Heirs Male, until the King could ſettle Lands upon him, and his Heirs, &c. of the like value. Then alſo *Thomas* Earl of *Buckingham* and *Eſſex*, the King's other Uncle, ~~being~~ Created Duke of *Glouceſter*, was Confirmed in that Title, and had a like Gift and Settlement to ſupport his Dig- as his Elder Brother.

[3.] *Ib. N.* 16. *Michael de la Pole* is alſo confirm'd in the Earldom of *Suffolk*.

[4] *Ib. N.* 17. *Robert de Vere* Earl of *Oxford*, is created Marqueſs of *Dublin*.

[3.] *Michael de la Pole*, being before Created Earl of *Suffolk*, was alſo Confirm'd in that Dignity; and for the ſupport of his Honour, had a Grant of Twenty Pounds a Year out of the Farm of the County, and Fifty Pounds a Year out of the Eſtate of the former Earl (which had eſcheated to the King for want of Heirs,) after the deceaſe of the Queen, and [4.] *Iſabelle* Counteſs of *Suffolk*. And laſtly, *Robert de Vere*, Earl of *Oxford*, the King's Favourite, was now by an unuſual Title, Created Marqueſs of *Dublin*, and was Confirm'd in that Title, together with the Grant of all the Revenues of *Ireland*, &c. except ſome Royalties reſerv'd to the Crown, paying Five Thouſand Marks Yearly into the Exchequer.

[5.] Which raiſes a great deal of Envy and Diſcontent among the Nobility.

The [5.] Advancement of this Nobleman to ſo high a degree of Honour, created a great deal of Envy and Diſcontent among the Nobility, as being a Young Man, no ways remarkable either for Prudence or Valour, and had no great matter to recommend him to the King's Favour, but a Noble Extraction, and a handſom out ſide; and this extraordinary fondneſs upon that Account, was the occaſion of a great deal of Scandal, both upon the King, and this His Minion.

[6.] The making of Noblemen in Parliament, rather a confirmation than creation, of them.

But I cannot here omit that (if what *Knyghton* relates be true) all theſe Noblemen above-mentioned, were before Advanced to thoſe new Titles and Dignities, when the King was in *Tividale*, upon His laſt Expedition into *Scotland*; which plainly ſhews, that what was done afterwards in [6.] Parliament, was rather a Confirmation than a new Creation of them; and that this was then look'd upon, not only as the moſt unqueſtionable, but alſo the moſt honourable way of being confirm'd in any great Dignities, or Titles of Honour.

[7.] *Ib. N.* 32. The Commons Petition the King that the State of His Houſhold might be reviewed, by His Great Officers.

[7.] In this Parliament alſo the Commons Petition'd the King, That the State of His Houſhold might be viewed, and looked into every Year by the Chancellor, Treaſurer, and Clerk of the Privy-Seal, and what was amiſs, to be amended at their Diſcretion: And alſo that the Statutes of Antient time made concerning the Houſhold, might be kept, and duly examined in all their Points.

Anno Dom. 1385.

[1.] *Ib.* The King's Anſwers to theſe Petitions, and what was further enacted in this Years Parliament.

As [1.] to the firſt Article of the Petition, this Anſwer was, That the *King would do it when He pleaſed.* As to the Second, the King grants, and it was alſo at the ſame time Enacted, That all Lords, and other Perſons, having any Lands on the Marces beyond *Tine*, do dwell thereupon, ſaving that the King may ſhew Favour to whom He pleaſes. The Commons further deſire to know who ſhould be the King's Chief Officers, and Governors of the State of the Kingdom; The Anſwer was, The King had Officers enough at preſent, and would change them at his Pleaſure: After which, this Parliament was Diſſolved.

[2.] The Biſhop of *Canterbury* falls into the Kings diſpleaſure; who is alſo angry with the Chancellor, and Sir *John Devereux*, for interceding for him.

In Eccleſiaſtical Affairs we find nothing Conſiderable, only that *William de Courtney*, Archbiſhop of *Canterbury*, having about the beginning of this Year [2.] fallen under the King's Diſpleaſure, He Commanded his Temporalities to be ſeized into His hands, which had been done, if the Lord *de la Pole*, then Chancellor, had not oppoſed it; at which the King was for a time much diſpleaſed. He alſo gave Sir *John Devereux* very contumelious Language, for offering to intercede for him; wherefore the Archbiſhop prudently retired from Court, and lived privately at home, 'till he had made his Peace with the King. This I take notice of, that the Reader may hence obſerve, of how Wilful and Arbitrary a Temper this young Prince was, and which afterwards increaſed, and ſhewed it ſelf in many other Inſtances, as you will find in the ſequel of this Hiſtory.

[3.] *Id. ib.* The Deceaſe of *John Wickliffe* of a Palſie, which is made a Judgment by the Monkiſh Writers.

[4.] [*Foxes* Acts and Monuments, Vol. 1. *P.* 606. Edit. 1641. His Bones are afterwards taken up and burnt.

[3.] As for other Church-Matters, nothing happened worth our Remark, but that about the beginning of this Year, *John Wickliff* deceaſed of a Palſie, to the great joy of the Monkiſh Writers of thoſe Times; who (as they never fail'd to do towards their Enemies) aſcribed his Death to the Judgment of God, and that as a Puniſhment for his *Heretical* Preachments, the uſe of his Tongue was taken from him. [4.] He was Buried at his own Pariſh-Church at *Lutterworth* in *Leiceſterſhire*, where his Bones reſted in Peace until Forty one Years after; and then by a Decree of the Council of *Conſtance*, they were dug up, and burnt, as thoſe of a Heretick.

[5.] T. W. *Froiſ.* 3. Vol. C. 15. 27. The King of *Portugal* having obtain'd a great Victory againſt the King of *Caſtile*, by the Aſſiſtance of the *Engliſh*, ſend an Ambaſſador to K. *Richard*, for more Forces.

As [5.] to Foreign Affairs, I have little elſe to obſerve, only that the King of *Portugal* having lately obtain'd a great Victory with a handful of Men, (part of which were *Engliſh* Auxiliaries) againſt the vaſt Army of *John* King of *Caſtile*, in the Plain of *Juberoth*; and having afterwards Summon'd an Aſſembly of the Eſtates to meet at *Lisbon*; they finding themſelves too weak alone to encounter the Forces of *Caſtile*, reſolved to ſend over Ambaſſadors into *England*, to Sollicite the King to ſend them a ſpeedy Aſſiſtance againſt their Common Enemy. Theſe Ambaſſadors were kindly received, and a Powerful Aid was promiſed to be ſent them, under the Command of the Duke of *Lancaſter*, who was reſolv'd to lay hold of this Opportunity to renew his Claim to the Kingdom of *Caſtile*, in Right of his Wife, Eldeſt Daughter to *Peter* late King thereof. But this Expedition was not undertaken 'till the Summer following.

Anno Dom. 1386.

[6.] *Ad huc An.*

The [6.] King having kept His *Chriſtmas* at *Eltham* with His Queen, there came thither to Him *Leo* King of *Armenia*, who had been driven out of his Kingdom by the *Tartars*. His Pretence was

Anno Dom. 1386.

× Rot: Parl: 9 R. 2. pa. 2 m 31. f. 5: col: 494

Leo King of *Armenia* comes into *England* for Aid to recover his Kingdom from the *Tartars*, and is nobly preſented.

to Mediate a Peace between the Kings of *England*, and *France*, but his real Buſineſs was to get Money; in which he ſucceeded ſo well, that he obtain'd from the King a Penſion of a Thouſand Pounds a Year, during his Life. But when he would have returned again toward the latter end of this Year upon the ſame Errand, the Peers of the Kingdom being then Aſſembled in Parliament, looking upon him only as a Deceiver, told the King plainly, they would not Treat with him, and ſo his coming over was ſtop'd.

[1.] H. K. *Col.* 2676. The Duke of *Lancaſter* with his Wife, as King and Queen of *Caſtile*, take their leaves of the King, who preſents them with golden Crowns.

× See the names [illegible] who [illegible] selves to attend him in this expedition [illegible]

Then [1.] on *Eaſter Day* next enſuing, the Duke of *Lancaſter*, as King of *Caſtile*, with the Princeſs *Conſtance* his Wife, came to take leave of the King, on whom He beſtowed a Crown of Gold, and the Queen gave another to the Dutcheſs his Wife, as Queen: And the King Commanded all about Him, to Stile and Honour him as a King. Then on the Ninth of *July*, all things being prepar'd for the Expedition, he ſet Sail with near Twenty Thouſand Men for *Spain*; whereof in the Marſhal's Rolls, Two Thouſand were Men at Arms, and Eight Thouſand Archers; × in which Army ſeveral Great Noble-men were the Chief Officers. He took with him his Queen, Eldeſt Daughter and Heir of the late *Peter* King of *Caſtile*, (of whom you have heard ſo much in the laſt Reign) and both his Daughters, the one by his former Wife, the other by this.

[2.] T. W. The Duke further obtains a *Cruſado* from the Pope againſt the King of *Caſtile*.

Rot: Franc: 9 R. 2. m. 21

And [2.] this Titular King, or Duke, now obtain'd ſo much from Pope *Urban*, that out of hatred he bore to *Henry* the Baſtard King of *Caſtile*, who denied his Authority, by ſiding with his Rival, He further granted to the Duke a like Indulgence, or Remiſſion of Sins for all ſuch as would aſſiſt or accompany Him in this Expedition, as had been granted before by the Biſhop of *Norwich*, when he went over to make War againſt the *French* King.

[3.] The Indulgence for it is Publiſh'd in St. *Paul*'s Church, but doth little ſervice to the Duke.

× as also all over England. vid: the Letters [illegible] for y purpose to al Sheriffs, Majors &c. Rot: Pat: 9 R. 2. m 18

[3.] But this Indulgence, tho' Solemnly Publiſh'd at St. *Paul*'s Church, × did the Duke little or no Service, for the frequent Diſpenſations and Abuſes of theſe Indulgences, had rendred them ſo contemptible, that few would contribute any thing to this pretended *Cruſado*. From whence we may obſerve, that ſome Pious Frauds are ſo groſs, that when too often repeated, they cloy and diſguſt even the moſt Superſtitious *Votaries*. ×

[4.] *Id ib.* The Duke Lands in *Bretagne*, and relieves *Breſt*.

[5.] *Froiſ.* 3 Vol. *c.* 32. The Duke Sails from thence for *Spain*, Lands at the *Groine*, and there diſmiſſes his Fleet.

[6.] He marches from thence to *Compoſtella*, which being ſurrender'd to him, he there makes his Reſidence with his Dutcheſs.

× But I must not here omit [illegible] the Dukes departure [illegible] he engaged him [illegible] in performance of et in Article [illegible]

~~But~~ tho not directly belonging [illegible] To ſay ſomewhat of this Expedition; [4.] the Duke with his Army firſt Sail'd into *France*, and Landing his Forces in *Bretagne*, reliev'd *Breſt*, which was then Beſieg'd by the Duke of that Country; tho' in taking a Wooden Fort, which commanded the Caſtle, ſome Men of Quality, with other Soldiers, were loſt by the fall of a Tower. From [5.] hence the Duke Sail'd forward for the Coaſt of *Spain*, and Landing at the *Groyne*, in *Galitia*, the Citizens thereof ſubmitted themſelves unto him; but the Caſtle, being Man'd by a Gariſon of *Frenchmen*, who were in the Service of the King of *Caſtile*, could not be taken. Then the Duke having Paid off his Fleet that Tranſported him, and his Army, diſmiſs'd it; and when he had reſted, and well refreſhed his Men from the fatigue of ſo long a Voyage, [6.] He marched from the *Groyne* with his Army, to the City of *Compoſtella*, commonly called St. *James* of *Gallicia*, from that Saint's Body, which is ſuppos'd to be there enſhrin'd. This City having no Gariſon in it, was ſurrender'd upon Summons to the Duke and his Dutcheſs, as Right Heirs of *Caſtile*, and here they took up their Quarters, and

continued

between them the first by way of Indenture [illegible] the other consisting of a great many Articles is very long, and wh[illegible] see copies of both of them publish'd from [illegible] as also what he had promised on his part, together with the Dukes further [illegible] the large Articles of Confederacy. ibid: p 525. 526.

continued for the greateſt part of the time they were in *Spain*,[1.] and he ſpent the reſt of this Summer, and the Winter following, in taking the Towns of *Villeclope*, and ſeveral other Places in that Province, moſt of which were deliver'd by Compoſition, on Articles, for want of Men to defend them; and ſome few were taken by Storm, and the Gariſons put to the Sword.

[1.] *Id ib.* C. 38. 40. He takes ſeveral other Towns in *Gallicia*.

[2.] Whilſt the Duke continued at *Compoſtella*, he ſent certain Envoys to King *John* of *Portugal*, to let him know, that being arrived in *Spain* with a ſufficient Army to aſſiſt Him againſt the Uſurper of *Caſtile*, He deſired to have a Perſonal Interview with him in a ſhort time; which being eaſily agreed to by that King, they met preſently after at a Bridge called *Ponte de Moro*, on the Frontiers of *Portugal*; where they Treated, and Converſed for two or three days under a Pavilion erected for that purpoſe; and it was then agreed between them, that the King of *Portugal* ſhould Marry *Philippe* Eldeſt Daughter to the Duke by his former Lady, and that the Armies ſhould lie ſtill until the beginning of *March*, when they were to join their Forces, and making up about Thirty Thouſand Men, ſhould march out to Fight the King of *Caſtile*; and then theſe two Princes having treated each other very magnificently, took their leaves, the King of *Portugal* going to *O-porto*, and the Duke returning to *Compoſtella*.

[2.] *Id.* C. 38, 39. He ſends Envoys to *Portugal*, to deſire an Interview with him, which is perform'd; with what is agreed at it.

But [3.] notwithſtanding, this Treaty did not take effect till the Year following, for the *French* King having promiſed the King of *Caſtile* a great Aſſiſtance againſt the Duke of *Lancaſter*, yet defer'd the ſending of it this Summer, becauſe He was engaged in making mighty Preparations to Invade *England* with a vaſt Army, as you will find anon; and that being Conquer'd (as they made ſure of it) they ſhould then eaſily drive the Duke and his Forces out of *Spain*. So that the Fame of this terrible Invaſion being heard in *Portugal*, the wary Prince would not conclude this Alliance with the Duke, 'till he heard the Succeſs of the *French* Expedition againſt *England*; which being diſappointed, and that Fear over, [4.] the King of *Portugal* ſent his Ambaſſadors to *Compoſtella*, one of whom was betrothed to the Lady *Philippe*, as Proxy for the King his Maſter, who when ſhe was brought to *O-porto*, Married her with great Solemnity in the Cathedral Church of that City.

[3.] *Id.* C. 40, 41. This Treaty did not take any effect 'till the year following, and why.

[4.] *Id.* C. 54, 55. The King of *Portugal* ſends Ambaſſadors to *Compoſtella*, where he is by Proxy betrothed to the Lady *Philippe*, Daughter to the Duke.

After which, tho' the Duke of *Lancaſter* ſubdued the greateſt part of *Galicia*, partly by his own Forces, and partly by thoſe of *Portugal*, and that without any conſiderable Reſiſtance made by the King of *Caſtile*, who was adviſed by his *French* Commanders not to act any thing 'till the arrival of an Army of their Country-Men, who were daily expected; yet for all this, before the end of the next year, the *Engliſh* Army under the Command of the Duke of *Lancaſter* was ſo waſted by the diſeaſes of that Country, that not being able to act any thing further conſiderable, he was fain to enter into a Treaty with *John* King of *Caſtile*, Son to *Henry* the Baſtard, and to quit all his Right to that Kingdom, upon certain Conditions, as you will find hereafter. But thus much I thought fit to relate concerning this Expedition into *Spain*, which was of more Honour than Advantage to *England*, that certainly was very much weakned, by being deprived of ſo many gallant Men, at a time when the Nation had ſo much need of them againſt their Enemies the *French*, to whoſe Affairs we ſhall now return, as well as thoſe of *England*.

Anno Dom. 1386.

T. W. *Ad hunc An.* The Lord *Piercy* is ſent Governor to *Calais*, and makes ſeveral fortunate Incurſions into *Picardy*.

King *Richard* having this Summer heard a Report, that the *French* had a deſign to beſiege *Calais*, for the Security of that Important Place, immediately ſent *Henry* Lord *Piercy*, Son to the Earl of *Northumberland* (whom my Author calls the Pattern of all Vertue and Martial Proweſs) Governor thither, who ſoon after his Arrival, made divers fortunate Incurſions into *Picardy*, carrying away a great deal of Booty without any Reſiſtance. But ſoon after, this Lord made haſt to return and defend his Native Country, which, he heard, this Summer was under great Conſternation, and frequent Allarms, by reaſon of a terrible Invaſion threatned by the *French* King, who had prepared a vaſt Navy, and a mighty Army, on that Deſign; which being got ready at *Sluis*, lay waiting an Opportunity to paſs the Channel; and the better to ſecure their Men at their firſt Landing in *England*, they had framed a wonderful Wooden Wall, Three Miles in compaſs, being no leſs than Twenty Foot high, and of a proportionable thickneſs, in which they were to have incloſed their Camp. But it happened luckily, that the Lord *Beauchamp*, Captain of *Calais*, took three of their Ships, laden with part of the ſaid Incloſure, which the King cauſed to be ſet up round about *Winchelſea*, for Security of that Town; and alſo, he took another Ship full of great Guns, and other Inſtruments of War: This, tho' it ſomewhat diſcourag'd the *French* King's Deſign, yet did it not make Him wholly lay aſide the Proſecution of it all the reſt of this Summer, had He not been kept back by contrary Winds, as you will find anon. x

The *French* King provides a great Fleet and Army to invade *England*.

A vaſt wooden Fortification made by the *French*, is taken at Sea, and ſet up at *Winchelſea*.

x during which time the King made the best preparations he could to [illegible] the landing [illegible] ~~and [illegible]~~ this wanting mo[illegible] [illegible] in the war [illegible]

[1] *Id. ib.* The Chancellor, on the News of this Invaſion, cauſes great part of the Militia to be brought up towards *London*, who living on free Quarter, became a great Burthen to the People.

Some [1] time after this, and whilſt the Fears of a *French* Invaſion were continued, *Michael de la Pole*, now created Earl of *Suffolk*, and Chancellor, (whom the King too much confided in) cauſed a great part of the *Militia* of the Kingdom, to be ſent for up towards *London*, to repel the *French*, if they ſhould Land: Theſe Forces conſiſting of Men at Arms and Archers, were quartered within Twenty Miles round the City, where they did almoſt as much Miſchief as an Enemy, for having no Money to pay for their Quarters, they lived at Diſcretion, to the great Burthen and Impoveriſhment of the Neighbouring Counties, till at laſt they were fain to return home, many of them being forced to ſell their Horſes and Arms, and others to rob for Subſiſtence, to carry them back; yet the great Men of the Kingdom continued ſtill at *London*, attending the Motions of the *French*, and expecting the Meeting of the Parliament.

[illegible] the most ~~conſiderable~~ opulent to Cities and Towns of ~~England~~ England several sums considerable from 200 [illegible] pounds to [illegible]

[2] *id. ib.*

[3] *Rot. Parl.* 10 *Rich.* 2. *M.* 12.

The Marqueſs of *Dublin* is created Duke of *Ireland*.

Some time before which, [2] *Robert de Vere*, who had been in the laſt Parliament, [3] created Marqueſs of *Dublin*, was now advanced to the unheard-of Honour of Duke of *Ireland*, with a Grant of the Profits and Government of the whole Kingdom, *Saving* only to the King the Superior Dominion thereof: This gave the People occaſion to talk, as if ſome obſcene deſire was the occaſion of ſo great an Affection to a Perſon, more remarkable for his handſome Mein and outward Appearance, than his Vertue; whilſt the Nobility murmur'd, and were highly incenſed, to ſee a Man ſo much below them in other Endowments, advanced ſo much above them. But this new Honour did not laſt long, as you will find hereafter.

[illegible] also of [illegible] lent the King [illegible] p. 3. m. 20. Rt. Col: p. 54[illegible]

And also [illegible] during [illegible] Septem: 18. he recites that he had allowed [illegible] all Earls Barons, and other [illegible] to attend him at London by the [illegible] Michael with such Horsemen, Archers and other [illegible] bring along [illegible] vid Rt. Col: p. 545

Anno Dom. 1386.

[1] Vol. III. Cap. 17.

Froiſart alſo relates, [1] That after the danger of the *French* Invaſion was over, there were not only great diſcontents and murmurings among the common People, againſt the new Favourites, but alſo great Animoſities among the Nobility, by reaſon that the King's Uncles were not conſulted with, in the publick Affairs of the Kingdom; and the Arch Biſhops of *Canterbury* and *York* hated each other, becauſe the latter had got the ſtart of the other in the King's Favour; ſo that when the next Parliament was aſſembled, they would give the King no Money, unleſs his Officers, that had had the Management of the Publick Revenues, were called to an Account, with which Party the King's Uncles alſo joyned, out of hatred to the Favourites; but what was done in this Parliament, may be better learn'd from our own Hiſtorians and Records.

According to the [2] Writs of Summons iſſued out on the Eighth of *Auguſt*, a Parliament met at *Weſtminſter*, on the firſt of *October*; but before I come to give you an account of the Proceedings of it from the Records, I ſhall ſet down ſome remarkable Tranſactions relating to it, as they are in my Author; [3] for though the King appeared in Perſon at the opening of this Parliament, yet finding the *Commons* reſolv'd to impeach the Earl of *Suffolk*, then Chancellor, of divers Crimes, his Majeſty retired from it, leaſt he might ſeem to Countenance their Proceedings, and therefore trifled away his time at *Eltham*, during great part of the Seſſions; whereupon, the Nobles of the Realm, and the *Commons* with Joint Aſſent, diſpatched a Meſſage to Him, *That the Chancellor and Treaſurer ought to be removed from their Offices, becauſe they were not for the Advantage of Himſelf and Kingdom*; and becauſe alſo they had ſuch Matters to treat of, concerning the Lord *Michael de la Pole*, as could not be ſafely treated of, whilſt he remain'd in the Office of Chancellor; the King being hereat highly offended, commanded them not to make mention of any ſuch Matter, but forthwith proceed to the Buſineſs, for which they were ſummoned, and haſten to a Concluſion; adding, *That He would not for Them, or at their Inſtance remove the meaneſt Scullion-Boy in his Kitchin.* But that which moſt of all anger'd them againſt the Chancellor was, That he, in the Name of the King, had deſired of the *Commons* Four *Fifteenths*, to be paid in one Year, and as many *Tenths* from the Clergy; alledging, That the King was ſo much in Debt, that He could not otherwiſe be freed from them, and other Burthens lying upon Him, as well upon the Account of War, as of his Houſhold, and other Charges; but they, by joint Aſſent of *Lords* and *Commons*, returned this Anſwer to the King, *That they neither could, nor by any means would proceed in any Buſineſs of Parliament, or diſpatch ſo much as the leaſt Article, till the King ſhould come and ſhew himſelf in Perſon amongſt them, and remove the ſaid* Michael de la Pole *from his Office*; upon which the King ſent this Anſwer, That they ſhould order Forty Knights of the moſt ſubſtantial and wiſeſt of the *Commons* to come unto Him, and declare the Opinions of all the reſt. But then were they more afraid, every Man for his own Safety; for a ſecret Rumour had privately come to their Ears, That the Death of theſe Forty was deſigned by Treachery; for it was ſaid (and it appeared afterwards ſo unto them) that as theſe were going to ſpeak with the King, a Multitude of Armed Men ſhould ſet upon, and Murther them: Or elſe that being invited to a Feaſt, ſome Armed Ruffians ſhould ruſh in

[2.] *Rot. Clauſ* 10 *Rich.* 2. *M.* 42. *dorſ.*

A Parliament ſummoned, with an Account of the Proceedings in it.

[3] H. K. *Col.* 2681.

The King not coming to the Parliament, receives a ſharp Meſſage from them.

He returns them as high an Anſwer.

The Chancellor demands a great Tax on the King's behalf, which they refuſe to grant, till He ſhould appear there in Perſon.

The K. ſends for 40 of the Commons, who are afraid to go to Him, for fear of being Murthered.

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upon them, and kill them; or that they ſhould be murthered in an Inſtant in their Lodgings in *London*: But *Richard de Exton*, Mayor of the City, refuſing to conſent to ſo great a piece of Villany, it was deferred, and this curſed Contrivance by degrees brought to light; when the whole Parliament, by common Conſent, deputed the Lord *Thomas* of *Woodſtock*, Duke of *Gloceſter*, and *Thomas de Arundel*, Biſhop of *Ely*, to go to the King ſtill at *Eltham*; and that they ſhould, on the behalf of the *Lords* and *Commons* in Parliament, humbly ſalute Him, and deliver their joint Deſires to Him, under this, or ſuch like Form of Words:

The Parliament agree to ſend a Duke and Biſhop to the King with a very bold Meſſage.

[1] *Id. ib.* The Meſſage it ſelf.

'Sir, [1] the Prelates, Lords and Commons, in Parliament aſſembled, with moſt humble Submiſſion recommend themſelves to Your moſt Excellent [*Here is a Chaſme in the Author, but the Word is,*] Your *Royal Dignity*, wiſhing You Succeſsful in the Courſe of Honour, and Invincible againſt the Power of Your Enemies; together with the moſt firm Band of Peace and hearty Love towards Your Subjects, as well for the increaſe of Your own Intereſt and Advantage, in reſpect of GOD, and the Salvation of Your Soul, as for the unſpeakable Comfort of all the People You Govern, on whoſe Behalf we are to intimate theſe Things unto You:

N. B.

'That we have it ſettled and confirmed by antient Conſtitution, from a laudable and approved Cuſtom, which none can Gain-ſay, That the King ought to aſſemble the Lords, Nobles, and Commons of the Kingdom, once a Year, unto his Parliament, as the higheſt Court of the Realm, in which all Equity ought to ſhine bright without any Spot, clear as the Sun, and wherein as well Poor as Rich may find a never-failing Shelter for their Refreſhment, by reſtoring Tranquility and Peace, and removing all kind of Injuries, where all publick Grievances, or Errors, are to be redreſs'd, and wherein with the moſt prudent Council, the State and good Government of the Kingdom is to be treated of; and conſidering that the King and Nation's Foes at home, and their Enemies abroad, may be diſcovered, and repulſed, by ſuch means as moſt conveniently and honourably may be done; and alſo with wholſome Deliberation therein to foreſee and order, how the neceſſary Burthens of the King and Kingdom may with moſt eaſe (the publick Wants conſider'd) be ſupplied: They conceive alſo, That ſince they are to ſupport all publick Charges incumbent, they ſhould have the Superviſal how, and by whom their Goods and Fortunes are to be expended: They ſay moreover, that this is their Priviledge by antient Conſtitution, *That if the King will fully eſtrange Himſelf from his Parliament (no Infirmity or neceſſary Cauſe diſabling Him) but obſtinately by his ungovernable Will, ſhall withdraw Himſelf, and be abſent from them for the ſpace of Forty Days, not regarding the Vexation of his People, nor their grievous Expences*; That then from that time it ſhall be lawful for all, and every of them, without any Damage from the King to go home, and return into their own Countries, And now, You for a longer time have abſented Your ſelf, and for what Cauſe they know not, have refuſed to come among them. To which the King anſwered to this effect.

The King's Anſwer, threatning to call in the French King.

Now do We plainly diſcover, that our People and the Commons *intend to Reſiſt, and are endeavouring to make Inſurrections againſt Us; and in ſuch Caſe nothing ſeems better for Us, than to call in our Couſin the King* of France, *and from Him to ask Advice and Aid, nay even to ſubmit Our Self to Him, rather than to truckle to our own Subjects.* To which they thus replied:

The Lords Reply.

'Sir, this Council is not ſafe for You, but rather tends to Your inevitable Deſtruction; for the King of *France* is Your Capital Enemy, and the greateſt Adverſary to Your Kingdom; and if He ſhould once get Footing on Your Land, would ſooner endeavour to deſpoil You of it, to invade Your Kingdom, and to drive You from Your Throne, than in the leaſt to lend You his aſſiſting Hand, if at any time (which GOD forbid) You ſhould ſtand in need thereof; rather therefore recall to Your Memory, how Your Noble Grand-father King *Edward* the *Third*, and in like manner Your Father, a Prince of the ſame Name and Renown, with great Labour and Hazards, during their whole Lives, indefatigably contended for the Conqueſt of that Kingdom, which by *Hereditary Right* appertained to them, and after them to You by Succeſſion: You may alſo be pleaſed to call to mind, how many of the Nobles, what innumerable Troops of the *Commons* of *England*, loſt their Lives in that Quarrel: Remember alſo, the ineſtimable Treaſures the People of *England* freely parted with, for the Maintenance of that War.

'And yet, what is more to be lamented, they have in Your time ſuſtained ſo many Taxes for the ſupport of Your Wars, as that now they are reduced to ſuch incredible Poverty, that they can neither pay their Rents for their Livings, nor aſſiſt their King, nor afford themſelves even the Neceſſaries of Life: Thus the Royal Power is Impoveriſh'd, and an unhappy Condition brought upon all the great Men and Nobles of the Kingdom, who, as well as the Commons, are weakened and undone; for a King cannot be Poor that has a Rich People, nor that King be Rich, whoſe Subjects are Beggars: Nor do theſe Ills redound alone to You the King, but to all the Nobility and great Men, every one in his Rank and Degree. And all this is brought to paſs by Your evil Miniſters, who have ill Governed both King and Kingdom to this Day; and unleſs we do quickly ſet to our helping Hands, the Kingdom will in leſs time than we think of, be miſerably ſubverted.

'But there is yet one part more of our Meſſage remaining, on the behalf of Your People, to be imparted to You, *That we have an Antient Conſtitution,* [1] *and it was not many Ages ſince experimented, it grieves us that we muſt mention it, that if the King, through any evil Council, or a weak Obſtinacy or Contempt of his People, or out of a perverſe and froward Wilfulneſs, or by any other irregular Courſes, ſhall alienate Himſelf from his People, and refuſe to govern by the Laws and Statutes of the Realm, according to the laudable Ordinances, and their faithful Advice; but will throw Himſelf headlong into wild Deſigns, and ſtubbornly exerciſe his own ſingular arbitrary Will; that from that time it ſhall be Lawful for his People, by their full and free Aſſent and Conſent, to* depoſe *that King from his Throne, and in his ſtead to eſtabliſh ſome other of the Royal Race upon the ſame:* Therefore, that ſuch a grievous and unhappy Diſſention may never ſpring up amongſt Your People; that they may never, thro' ſuch lamentable Diviſions (pleaſing only to Your Enemies) be by Your evil Counſellors ſubverted; and that this Kingdom ſo honourable, and from Your Father's Days hitherto moſt

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[1] This Paſſage reflects on the Depoſition of *Edward* II.

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' famous in War, may not now in Your time (thro' the Diſtractions ' of evil Government) be miſerably laid waſt ; or that the Title of ' theſe Miſeries may never be fixed as a ſcandalous Mark upon Your ' Reign ; recall, we beſeech You, Your Royal Mind from ſuch fooliſh and pernicious Councils ; and whoſoever they are that ſuggeſt ' ſuch Matters to You, do not only refuſe to hearken to them, but ' totally remove them from Your Preſence ; for in a time of Danger it ' will be found, that they can no ways prove effectual to ſerve You, ' when You ſhall ſtand moſt in need of them.

Dr. *Brady* confuted, who will not allow this Speech for Genuine.

I have here given you the exact Relation of this Diſcourſe, between the King and the Duke and Biſhop above-mentioned ; whereby it appears, what Sentiments theſe great Men then had, concerning the Authority of Parliaments, in thoſe Days. And tho' Dr. *Brady* (who hath given us a lame and partial Relation of this Tranſaction, upon a Suppoſition, that no Subjects did ever accoſt a Prince in that manner) will not allow this Speech to be Genuine, but to have been wholly made and invented by the Author, the better to ſet off his Hiſtory, according to the Humour of the Writers of thoſe Times, that abound in long and feigned Orations ; yet for all this, I cannot come over to his Opinion in this point ; for as to the firſt Objection, it ſignifies little, if we conſider the high Quality of the Perſons that brought this Meſſage, the One being the King's Uncle, and the Other a Prelate of a noble Family, and One over whom ſecular Princes in thoſe days had no coercive Power ; and likewiſe the great Authority of the Two Houſes of Parliament, who then ſent them ; and it is not likely, that they went to Him without any Inſtructions what to ſay : But as for his other Objection, however it may be ſaid of other Writers, yet I am ſure it cannot againſt this (whom we now cite) ſince he is very ſeldom guilty of making ſet Speeches ; and I ſhall leave it to the Reader's Judgment, whether this Author, who was a Man at this very time, and wrote his Hiſtory in the ſucceeding King's Reign, ſhould preſume to forge a Speech of ſo dangerous a Conſequence, when the ſame Biſhop who ſpoke it (or at leaſt had a ſhare in it) was then alive, and being then tranſlated to the See of *Canterbury*, could eaſily have contradicted ſo notorious a piece of Forgery. But to return to the Hiſtory.

[1.] H. K. Col. 2683. The King is pacified, comes to the Parliament, and there makes the Biſhop of *Ely* Chancellor. [2] *Rot. Clauſ.* 10 *Rich.* 2. M. 35. *Ib. M.* 16. [3.] The Earl of *Suffolk* late Chancellor, is Impeached.

[1.] By theſe, or ſuch kind of Speeches, the King laying aſide His Paſſion, was reduced to a better Temper, and being pacified, promiſed, that after Three days He would come to the Parliament, and with mature Advice willingly acquieſce in their Petitions. The King came as He had promiſed, [2.] and on the four and twentieth of *October* next following, *Thomas Arundell*, Biſhop of *Ely*, was made Chancellor, in the Place of *Michael de la Pole*, Earl of *Suffolk*, and [3.] on the ſame day, *Gilbert* Biſhop of *Hereford* was made Treaſurer, inſtead of *John de Fordham*, Biſhop of *Durham*. *John de Waltham* was alſo made Keeper of the Privy-Seal; and immediately after, the ſaid *Michael de la Pole* was Impeached of ſeveral High Crimes, and Miſdemeanors, by the Commons, as follows. The Title in the Record is thus.

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Rot. Parl. 10 Rich. 2. *part. N.* 1.

The Impeachment or ARTICLES *Exhibited by the* Commons *in full Parliament, againſt* Michael de la Pole, *Earl of* Suffolk, *late Chancellor of* England, *in the Term of* St. Michael, *in the Tenth Year of the King, and the Judgment upon them.*

The Articles of Impeachment.

Firſt, That the ſaid Earl being Chancellor, and Sworn to Act for the juſt profit of the King, hath Purchaſed of our Lord the King, Lands, Tenements and Rents to a great Value, as appears by the Record in the Rolls of the Chancery, and that againſt his Oath, not regarding the great Neceſſity of the King, and Realm; being Chancellor at the time of ſuch Purchaſe made, did cauſe the ſaid Lands and Tenements to be ſet at a much ſmaller Value than really they were worth by the Year, in deceit of the King.

Ib. N. 7. His Anſwer to this Article.

To the Firſt Article, the Earl Anſwer'd to this effect; That while he was Chancellor, he neither Purchaſed any Lands of the King, nor did He give any to him, unleſs when He made him an Earl, he had Four Hundred Marks *per Ann.* from the King by way of Exchange, for ſo much as he had by Inheritance out of the Cuſtoms of *Kingſton* upon *Hull*, whereof ſome part was aſſigned to him by one *Tydeman* of *Limburgh*, and others, before he was Chancellor, and ſome part ſince that time, which exchange was for the King's Annual advantage, as alſo becauſe of the Sum of One Thouſand Marks paid by the Earl on that Conſideration. And he further endeavour'd to prove, That the Oath he had taken, when he was made Chancellor, had another Intent than what they (the *Commons*) would put upon't; and yet notwithſtanding that Oath, he might lawfully take, or purchaſe from the King.

But the *Commons* not being ſatisfied with this Anſwer, made their Reply thereunto; and this firſt Article being of the greateſt Moment, I ſhall here ſet down in *Engliſh* all that relates to it, Tranſlated from the ſame Roll.

[1.] *Ib. N.* 8. Then the Commons Reply to it.

Then [1.] the Commons, in Reply to the ſaid Anſwer, ſhew'd the Lords the Copy of his (the Chancellors) Oath, when he took the Great Seal into his Cuſtody, being in manner following, *Viz.*

> *You ſhall Swear that you will well and truly ſerve our Lord the King, and His People, in the Office of Chancellor, and will do Right to all Perſons, both Poor, and Rich, according to the Laws and Cuſtoms of the Realm, and ſhall faithfully Adviſe the King, and Conceal His Councils; and you ſhall not know of, nor permit any Damage or Diſheriſon to the King, nor that the Rights of His Crown ſhall by any ways be deſtroy'd, if you can hinder it; and if you cannot hinder it, you ſhall then clearly and expreſly make it known to the King, together with your faithful Advice and Council thereupon, and you ſhall always act for, and procure the Profit of the King in all things where you may reaſonably do it: So Help you God, and the Holy Goſpels.*

Wherefore the *Commons* Prayed, that this being read, and well underſtood, and the Circumſtances of his ſaid Anſwer Conſider'd, to wit, that he had not denied to have receiv'd of the Gift of the King, ſince he was made an Earl, and being then in the Office of Chancellor,

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cellor, divers Lands and Tenements, as is contain'd in the Impeachment; and it is openly known that he had received from the King other Lands and Tenements, that are certain and ſure, to the value of Four Hundred Marks *per Annum*, in Exchange for Four Hundred Mark Yearly, which he had upon the Cuſtoms of *Kingſton* upon *Hull*, that are caſual, and not ſo ſure, without informing the King of His Damage in that Particular. And whereas he the ſaid Chancellor has alledged, that he received part of the ſaid Lands and Tenements ſo taken in exchange, before he was Chancellor. The *Commons* Reply, That he was then Sworn of the King's Privy-Council, and that afterwards, at his being made Chancellor, was again obliged by Oath; and that being in the ſaid Office, he had agreed to the Exchanges by him before deſired, and had received from the King the Remainder of the ſaid Lands and Tenements in full performance of the ſaid Exchanges; and therefore they [1.] demand Judgment of the Parliament upon his aforeſaid Anſwer; which being thought inſufficient by the Lords, the following Judgment was given, being to this effect. That ſince the ſaid Earl had not alledged in his Anſwer, that he had obſerv'd his Oath, *when he Swore that he would not know of, nor ſuffer any Damage or Diſinheriſon of the King, nor that the Rights of His Crown ſhould any ways be deſtroyed, if he could hinder it*; with the reſt of the Clauſe in the ſaid Oath, as is above recited; yet that he being the Principal Miniſter of the King, and knowing his Eſtate, and the Neceſſity of the Realm, had taken ſuch Lands and Tenements as are laid in the ſaid Impeachment, and are recited in the firſt Article; and tho' he hath alledged in his Anſwer, [2.] That the Gifts ſo beſtowed upon him, were Confirm'd in full Parliament, yet ſince he had produced no ſuch Record Enroll'd in Parliament; therefore it was adjudged, that all Mannors, Lands, Tenements, and their Appurtenances ſo received by him from the King, ſhould be ſeized, and taken into His hands, to have and to hold them to Him, and His Heirs, as fully as ever they had been before the Gift ſo made of them to the ſaid Earl, with the Iſſues and Meſne Profits of the ſame, from the time of the ſaid Grant, and which were to be Levied out of the reſt of the ſaid Earl's Lands elſewhere; yet that it was not the Intention of the King, nor of the Lords, that this Judgment ſo given ſhould make him loſe the Title of Earl, nor yet the Twenty Marks Yearly which he was to Receive out of the Iſſues and Profits of the County of *Suffolk*, by reaſon of the ſaid Title.

[1.] The Commons demand Judgment upon the Earl's Anſwer.

[2] *Ib. N.*13. The Judgment given againſt him.

II. *Id. ib.* The Second Article is, [2.] That whereas Nine Lords were Aſſigned by the laſt Parliament, to View and Examine the State of the King, and Realm, and to deliver their Advice how the ſame might be Improved, Amended, and put into better Order and Governance; and thereupon ſuch Examination to be deliver'd to the King, as well by word of Mouth, as in Writing; and altho' the ſaid late Chancellor did ſay in full Parliament, that the ſaid Advice and Ordinances ſhould be put in due Execution, yet it was not done, and that by the Default of him who was the Principal Officer, or Miniſter. But the Earl's Anſwer to this being not very Material, I omit.

III. *Ib.* *Item*, Whereas a Tax was Granted by the *Commons* in the laſt Parliament, to be Expended according to a certain Form demanded by the ſaid Commons, and aſſented to by the King, and Lords, and not otherwiſe, yet the Moneys thence ariſing, were expended in another manner, ſo that the Sea was not guarded as it was order'd to have been, whence many Miſchiefs have already happen'd, and more are like to enſue to the Realm, and all this by the default of the ſaid Lord Chancellor. *This Article the Earl denied, and I do not find it was proved.*

IV. *Ib.*

Item, Whereas one *Tideman* of *Limbergh* having had Granted to him, and his Heirs a Gift of Fifty Pounds *per Annum* by the King's Grandfather, out of the Cuſtoms of *Kingſton* upon *Hull*, which the ſaid *Tideman* had Forfeited to the King, ſo that the Payment of the ſaid Fifty Pounds *per Annum* was diſcontinued for Five and Thirty Years, and upwards, yet the ſaid Chancellor knowing the Premiſſes, Purchaſed to him and his Heirs of the ſaid *Tideman*, the ſaid Fifty Pounds *per Annum*, and prevailed with the King to Confirm the ſaid Purchaſe, whereas the King ought to have had the whole Profit.

[1.] For this Purchaſe, the ſaid Earl was adjudged to make Fine, and Ranſom, and the ſaid Fifty Pounds were to go to the King, and his Heirs, with the Mannor of *Flaxflete*, and Ten Marks of Rent, which were exchanged for the Fifty Pounds *per Annum* out of the Cuſtom or Profits, with the Iſſues aforeſaid.

[1.] *Rot. Parl. N.* 14, 15. The Judgment againſt the Earl on this Article.

V.

And whereas the Maſter of St. *Anthony* is a Schiſmatick, and for that Cauſe the King ought to have the Revenues (being to the Value of Four Hundred Marks Yearly) which appertain to him in *England*; the ſaid late Chancellor, who ought to advance and procure the Profit of the King, took to Farm the ſaid Profits at Twenty Marks *per Annum*, and ſo got to his own Uſe above Three Hundred Marks; and afterwards when the true Maſter Nominated by the Pope, ought to have had the Poſſeſſion, and Livery of the ſaid Profits, he could not obtain the ſame, 'till he, and two Perſons with him became bound by Recognizance in Chancery, of Three Thouſand Pounds to pay Yearly to the ſaid Chancellor, and his Son *John* One Hundred Pounds *per Annum*, for the term of their two Lives.

As [2.] to this, it is adjudged, that the King ſhall have all the Profits belonging to the ſaid Maſter of St. *Anthony's* at the time of the Purchaſe; and that for the Recognizance ſo made, the ſaid Earl ſhall be Awarded to Priſon, and Fined and Ranſomed at the Pleaſure of the King.

[2] *Ib. N.* 16. The Judgment on the 5th Article.

VI.

Item, That in the time of the late Chancellor, there were granted and made divers Charters, and Patents of Pardon, for Murthers, Treaſons, Felonies, &c. againſt the Laws of the Land; and that before the commencement of this preſent Parliament, there was made and Sealed a Charter of certain Franchiſes granted to the Caſtle of *Dover*, in Diſinheriſon of the Crown, and to the Subverſion of the Pleas and Courts of the King, and of His Laws.

To [3.] this the Judgment was, The King Awards that thoſe Charters be Repealed.

[3] *Ib. N.* 17.

VII.

Item, [4.] Whereas by an Ordinance made in the laſt Parliament, that Ten Thouſand Marks ſhould be raiſed for the Relief of the City of *Gaunt*, yet by the Default of the ſaid late Chancellor, the ſaid City of *Gaunt* was loſt, and alſo a Thouſand Marks of the ſaid Money.

[1] *Ib. N.* 14, 15, 16.

The Sum of the Earl's Anſwers to the reſt of theſe Articles, were either by denying ſome of them, or confeſſing and excuſing others.

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[1] The ſaid Earl is not only turned out of his Office of Chancellor, but is alſo Impriſoned.

But for all that, he had the like Judgment as before, upon every Article wherein he was Charged with deceit of the King. And for all theſe Offences, the ſaid Earl was not only [1.] Diſcharged from his Office of Chancellor, but being Arreſted, was Committed to the Cuſtody of the Conſtable, and after the Parliament was up, he was ſent Cloſe Priſoner to *Windſor-Caſtle*; but he did not continue there long, for Reaſons you will find by and by.

[2.] *Ad hunc An.* According to *Walſingham*, all theſe Articles were fully prov'd.

[3] *Rot. Parl. Ib. N.* 18. The Commons upon the Kings compliance with them, give the King a great Tax, which is to be depoſited in the hands of certain of the Nobility.

[4] T. W. *Ib.*

Note, He was Created to that unheard of Title the 13th of *Octob.* foregoing. The Duke of *Ireland* is to have 30000 Marks, provided he will go over into *Ireland*.

But [2.] *Walſingham* relates that all theſe Articles above-mentioned, were ſo fully prov'd, that the Earl could not deny them; inſomuch that when he ſtood upon his Defence, he had nothing to ſay for himſelf. Whereupon the King bluſhing for him, ſhook his head, and ſaid, *Alas, alas,* Michael, *ſee what thou haſt done?* And further, when His Majeſty deſired a Supply, the Commons Anſwer'd, *That He did not need any Talliage of His Subjects, when He might ſo eaſily furniſh Himſelf with a Sum of Money from him who was His juſt Debtor.* [3.] Yet at laſt, upon His Majeſtie's yielding to have him turn'd out of the Chancellorſhip, and admitting the Articles to be proved (which at firſt He was very unwilling to ſuffer) they freely Granted Him half a *Tenth*, and half a *Fifteenth*; they likewiſe gave Him of every Tun of Wine coming in, or going out of the Realm, Three Shillings, and Twelve Pence upon every Pound of Merchandize, except of ſuch Staple Commodities as *Wooll*, and *Woolfells*, only provided, that it might well and duly be expended; to which purpoſe, it was to be depoſited into the hands of certain of the Nobility appointed for that Purpoſe: And not long after, all, or the greateſt part of it was Received by the Earl of *Arundel*, who was then going to Sea with a [4.] great Fleet, to Secure the Coaſts againſt the *French*, and *Spaniards*. And the Parliament alſo, at the King's Inſtance, granted, That *Robert de Vere*, newly made Duke of *Ireland*, (the King's Chief Favourite) ſhould have the Sum of Thirty Thouſand Marks (which was to be received of the Heirs of Count *Charles* of *Blois*) wholly to his own uſe, provided he would be gone before next *Eaſter* into *Ireland*, and there make uſe of it, to recover the Dominions that the King had given him in that Kingdom; ſo paſſionately did both Lords and Commons deſire his Abſence, that they would rather want ſo much Treaſure, than endure him here any longer, to influence the King.

[5] *Rot. Parl.* 10 *Rich.* 2.

[6] The Parliament name eleven Lords, Commiſſioners to Regulate all Abuſes.

Furthermore, [5] the Parliament obſerving, that by the great Corruption of the King's Officers, the publick Revenue was vainly conſumed, the King inſufferably defrauded and abuſed, the common People of the Realm, by continual and grievous Burthens, miſerably impoveriſh'd, the Rents and Profits of the Nobles and Great Men much impair'd, and their Poor Tenants in many Places forced to abandon their Husbandry, and leave their Farms empty and deſolate; and yet that by all theſe things the King's Officers became unmeaſurably Rich; they therefore choſe [6.] Eleven Lords of the Realm, and gave them Leave and Power to Enquire into, Treat of, and Determine all Affairs, Cauſes, and Complaints ariſing ſince the Death of King *Edward* the *Third*, to that preſent time; as alſo of the King's Expences, and His Miniſters, and all other Matters whatſoever, happening within that time to them Aſſigned; and they cauſed the ſaid Lords ſo Choſen, to be Sworn on the *Holy Evangeliſts*, well and truly

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truly to Regulate all Burthens, and other Affairs incumbent on the King, and Kingdom, and to do Juſtice to every one, according to the Grace and Underſtanding given them by God. The King likewiſe took an Oath to ſtand to their Ordination, and to encourage them in their Actings, and not to revoke any Article of their Power, but to Confirm, and hold good and ſtable whatſoever the ſaid Counſellors ſhould do, or order, during that time: Six of whom, with the Three Chief Officers of the King, appointed by Conſent of Parliament, *viz.* the Chancellor, the Treaſurer, and the Lord Privy-Seal, ſhould at any time make a *Quorum*: And it was alſo ordained by the Act of this Parliament, That if any one ſhould Adviſe the King to make any Revocation of their Power, tho' the King ſhould not revoke it, yet the Perſon upon direct and manifeſt proof, probably Convicted only of ſuch ill Counſel, ſhould for the ſame Forfeit all his Lands, and Goods; and if he attempted it a ſecond time, he ſhould be Drawn, and Hang'd, as a Traytor.

The King alſo grants them a Commiſſion under His Great Seal, with the effect of it.

And for a further Confirmation thereof, the [1.] the King iſſued forth His Commiſſion under the Great Seal of *England*, Confirming the ſaid Lords in that Power. Which Commiſſion being now obſolete, I ſhall only give you the Subſtance of it, as it is abreviated from the Record, by Dr. *Brady*; reciting, That the King of his own Free-Will, and at the Requeſt of the Lords, and Commons, had changed the Great Officers of the Crown above-mentioned, for the good Government of the Kingdom, the good and due Execution of the Laws, and in relief of his own Eſtate, and eaſe of his People, and had appointed Eleven Commiſſioners, *viz.* *William* Archbiſhop of *Canterbury*, *Alexander* Archbiſhop of *York*, *Edmond* Duke of *York*, and *Thomas* Duke of *Glouceſter*, (the King's Uncles) *William*, Biſhop of *Wincheſter*, *Thomas* Biſhop of *Exeter*, *Nicholas* Abbot of *Waltham*, *Richard* Earl of *Arundell*, *John* Lord *Cobham*, *Richard le Scrope*, and *John Devereux*, to be His Great and Continual Council for one Year next coming, after the Date of theſe Letters Patents. By which He gave them Power to Survey and Examine all His Officers, Courts, Houſhold, and the Government of the whole Kingdom; to Receive all his Revenue, as alſo all Subſidies, Taxes, and other Payments; to do what they would in the Kingdom, and to amend all things according to their Diſcretions. And theſe Powers, as great perhaps as any King ever Exerciſed, were given to any Six of them, with His Three Great Officers, willing, that if any difference in Opinion ſhould happen between His Counſellors, and thoſe Officers, that the Matter ſhould be determin'd by the major part of them; Commanding and Charging all Prelates, Dukes, Earls, Barons, the Steward, Treaſurer, and Comptroller of His Houſhold, the Juſtices of one Bench and the other, and other his Juſtices whatſoever, Barons and Chamberlains of the Exchequer, Sheriffs, Eſcheators, Mayors, Bayliffs, and all other His Officers, Miniſters, and Lieges whatſoever, that they ſhould be Attending, Obedient, Counſelling and Aſſiſting to the ſaid Counſellors and Officers, ſo often, and in what manner they ſhould direct. Dated at *Weſtminſter* the Nineteenth Day of *November*. Upon this Commiſſion a Statute was made, and the whole recited in it, which you may ſee in the Statute-Book, 10 *Richard* II. *Cap.* 1.

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[1] *Rot. Parl.* 10 *Rich.* 2. *Part* 1. *M.* 7.

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[1] *Rot. Parl.* 10. *Rich.* 2. *N.* 35, 36. The Parliament is diſſolved, at the end of which the K. makes a Proteſtation.

This [1.] Parliament ended on the Twentieth of *November*; and the laſt thing entred upon the Roll before that *Memorandum*, is, That the King made open Proteſtation in full Parliament, with His own Mouth, *That for any thing which was done in that Parliament, He would not that any prejudice ſhould come to Him, or His Crown, but that the Prerogative and Liberties of His Crown ſhould be ſafe, and preſerved.*

[2] T. W. The King notwithſtanding reſtores the Earl of *Suffolk* to Favour.

[3] The Favourites contrive to have the Duke of *Glouceſter*, and others, Murthered, at an Entertainment, which is defeated, and how?

What was the Reaſon of the King's making this Proteſtation, you will find under the next Year, when He not only recall'd the above-mention'd Commiſſion, but alſo Revoked and Abrogated all the Proceedings of this Parliament; for not being ſatisfied with what they had done againſt the Earl of *Suffolk*, and Duke of *Ireland*. [2.] He was ſo far from parting with them, that He receiv'd them into much greater Favour and Confidence than ever before; and at *Chriſtmas* following, admitted the Earl of *Suffolk* to ſit down with Him at the Table. And *Walſingham* further confirms, what *Knyghton* alſo relates, *viz.* That theſe Favourites had now ſo great power with Him, as that during the Seſſion of this Parliament, they framed a Deſign (to which the King gave His Conſent) of [3.] Inviting the Duke of *Glouceſter*, and divers Leading Men in the Houſe of Commons, to Supper at the Houſe of a certain Citizen of *London*, where they were all to have been Murther'd; by whoſe Deaths they hoped not only to be reveng'd upon their Enemies, but to ſet the King free from all Reſtraints for the future. But this Conſpiracy fail'd of its intended effect, by reaſon that the Duke of *Glouceſter* having timely notice of it, warned the reſt not to accept of the Invitation, but rather to be content with a moderate Supper at Home, than to pay ſo dear for their Entertainment Abroad. The ſame Author further Relates, that Sir *Nicholas Brambre* late Mayor of *London*, was Privy and Conſenting to this wicked Plot, but that by the Induſtry and Courage of Sir *Richard Exton* the Mayor for the preſent Year, it was happily defeated; who being asked by the King to give his conſent, or at leaſt connivance to this Action, ſaid, *He would never have his Hands imbrued in Innocent Blood.* So that the Perſons againſt whom the Deſign was laid, grew thereby the more Popular, and Beloved, as the others grew more and more odious to the People.

[4.] Vol. 3. *Cap.* 27.

Froisarts Accot of this Transaction

But ſince [4.] *Froiſart* (I know not from what Information) has made a quite different Relation of the Means by which this Extraordinary Commiſſion was obtained, and the Conſequences of it; I ſhall here give an Abſtract of thoſe Tranſactions, without paſſing my word for the truth of them, ſince I look upon them as very improbable.

He ſays that the People being highly diſcontented at the Inſolent Carriage of the Duke of *Ireland*, who Govern'd the King at his pleaſure, as alſo upon the Rumour of a Great Tax of a Noble a Head to be paid throughout *England*; which Rumour was ſuppos'd to have been raiſed by the King's Uncles, on purpoſe to render the People more diſſatisfied with the Archbiſhop of *York*, the Duke of *Ireland*, and the reſt of the King's Officers and Miniſters at that time; upon this the Citizens of *London*, ſent ſome of their Body to the Duke of *Glouceſter*, deſiring him to take upon him the Government of the Kingdom, and to bring thoſe to an Account, who had Govern'd it

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hitherto ſo little to its Advantage, for that the poor *Commons* thought it very hard to have Taxes upon Taxes, and yet none be able to tell what became of them; to this the Duke anſwer'd, That he believed they had ſufficient Cauſe of Complaint; but as for himſelf, tho' he was the King's Uncle, yet he could do nothing alone, ſince his Majeſty did put ſuch a Confidence in thoſe He now imploy'd, that it was in vain for them to interpoſe; however, he adviſed them, that if they would obtain their Deſire, their beſt way was to engage the reſt of the Cities and great Towns of *England* in the ſame Deſign, and then inſtructed them further what they ſhould ſay, when they came before the King. [1.] *Ibid.*

The [1] *Londoners* gave the Duke Thanks for his good Advice, and he bad them be ſure to attend the King at *Windſor*, at St. *George's* Feaſt next enſuing, where they ſhould find his Brother of *York* and himſelf preſent, and ready to aſſiſt them: Then, the next Day after the Feaſt, there came to *Windſor* about Sixty Deputies from *London*, and as many from *York*, and other Towns in Proportion: The King would at firſt have gone away without ſeeing them, or giving them any Anſwer; but being better adviſed by his Uncles, and the Earl of *Saliſbury*, He received them in the Lower Hall of the Palace, where they addreſſed themſelves to Him, to the ſame effect as they had been before adviſed by the Duke, deſiring a ſpeedy Aſſembly of the Eſtates of the Kingdom, to call thoſe to Account that had misbehaved themſelves in their Employments, and put other more worthy Perſons into their Rooms, according to the Advice of his Uncles, and the Prelates, Earls and Barons of the Kingdom. When the King heard this, He told them in few Words, *That their Requeſts were long, and therefore He had not time to return an Anſwer to them, but would defer it till the next Parliament, which ſhould be held at* Weſtminſter *at* Michaelmaſs *following; and that if they then brought Him their Requeſts, He would communicate them to his Council, and what was reaſonable to be done, ſhould be granted; and what was not ſo, He would reject; but that his Subjects ſhould never be his Maſters; and that He never perceived, that either Himſelf, or thoſe that Govern'd under Him, ever intended other than what was Right and Juſtice.*

At this Word *Juſtice*, Seven of the moſt zealous of them cried out at once, that with Submiſſion to his Majeſty, *Juſtice* was at a very low Ebb in his Kingdom; and that He did not, neither could know the Truth, ſince thoſe that adviſed Him, did all they could to hide it from Him, for their private Profit and Intereſt; but as for their own Parts, they did not deſire to ſtay ſo long as the Day He had aſſigned for their bringing their Complaints in Parliament, ſince a more ſpeedy Remedy might be preſently applied, by calling thoſe to an Account who had miſmanaged his Revenues, and to know how they had diſpos'd of thoſe immenſe Sums, that had been raiſed by Taxes thro' the Realm, for Nine Years laſt paſt; and if they could give a fair Account, they (the Citizens) would be very well pleaſed; but thoſe that could not ſhew any ſuch Diſcharge, ſhould ſtand to the Judgment of his Uncles, and the other Lords of the Realm. *Froiſ. Ib.*

The King was much ſurprized at this bold Demand, and looked upon his Uncles, to hear what they would ſay: Then the Duke of *Gloceſter* told Him, That he ſaw nothing but what was reaſonable in this Demand of the Commonalty of his Realm; and turning to his Brother the Duke of *York*, asked him what was his Opinion of it, who

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anſwer'd, that he thought ſo too; and then all the Prelates and Barons there preſent, being asked their Sentiments, they agreed with thoſe Two Princes: Whereupon, the time for this Great Council was appointed to be within Eight Days after the Feaſt of St. *George*, at *Weſtminſter*, where all the Prelates and Lords there preſent promiſed to appear.

[1] *Id. ib.*

In [1] this Parliament, which continued above a Month, *Froiſart* ſays, Sir *Simon Burley* was firſt called to an Account for the Sum of Fifty Thouſand *Francs*, and it was demanded how he had diſpoſed of them? He excuſed himſelf by the Arch-Biſhop of *York*, who ſaid, that he had not diſpos'd thereof it otherwiſe than by the Orders of the King's Chamberlains, ~~Mr.~~ Sr. *Robert Treſilian*, ~~Mr.~~ Sr *Robert Beauchamp*, and others; and that, when he was like to go to Priſon, becauſe he could not ſhew any Diſcharge for this Money, he would have fled into *Germany* to avoid the Storm, had he not been diſſuaded by the Duke of *Ireland*, who promiſed to lay down that Sum for him, out of the Ranſom of *John* of *Bretagne*, Son to Count *Charles* of *Blois*, and ſo he ſtay'd his Tryal; but not being able to give ſuch an Account of this Money, as was ſatisfactory to the Parliament, who charged him with no leſs than Twenty-five Thouſand *Francs*, he was committed cloſe Priſoner to the Tower, being a Perſon much hated of the King's Uncles, and alſo of the whole Commonality of *England*, for his great Pride and Inſolence.

Then this Author further relates, that King *Richard*, to ſecure the Duke of *Ireland* from being queſtion'd by this Parliament, left *London*, and went down with him to *Briſtol*, and thither the Queen and all the Court followed; and that in the mean while, the King's Council held on the Parliament at *London*, and proceeded with that Severity, that they condemned Sir *Simon Burley* to be Beheaded, whom this Author, who knew him for a long time, very much bewails, as being a well bred Knight, and of a very great Senſe; and upon this News being brought to the King, who was ſtill at *Briſtol*, He was extremely grieved at it, and vow'd to revenge his Death.

Then he proceeds to relate, how the Arch Biſhop of *York* was turned out of his Office of Treaſurer by this Parliament, who alſo appointed a new Privy-Council, and endeavour'd a thorough Reformation in the Government, which the King, in Favour to the Duke of *Ireland*, did all He could to hinder and oppoſe.

Ib Cap. 28.

And therefore to this end, whilſt He continued at *Briſtol*, He gave the Duke ſecret Orders to raiſe an Army in *Wales*, and to march with it under the King's own Banners towards *London*, to reduce that City and his Uncles, who were ſupported by it, unto his Obedience; whereupon, the Duke advanced with an Army of about Fifteen Thouſand raw Men, as far as *Oxford*, againſt whom the Duke of *Glouceſter* marched from *London*, with above Twenty Thouſand Men towards *Oxford*, beyond which City, he paſſed the *Iſis*, and ſoon after encountred the Duke of *Ireland*, and put him to flight.

This is the Sum of this Author's Relation, who was certainly miſtaken in his Information, concerning theſe Tranſactions; for in the firſt place it is very improbable, that there was ever any ſuch Addreſſes from the Cities and great Towns of *England*, to the King, to call his Officers to an Account; for had it been ſo, certainly ſuch

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a remarkable Paſſage could not have been paſſed over in Silence by our Hiſtorians, and yet none of themdo take the leaſt notice of any ſuch thing; nor could a Parliament be then Summoned within ſo ſhort a time as Eight Days; nor was this, or the enſuing Parliament, held at the time this Author aſſigns; neither was Sir *Simon Burley* ſentenced to be Beheaded till the next Parliament; and then it was not becauſe he could not render an Account of the Money he had received, but for other Matters, as you will find anon, from the Record of the Proceedings againſt him in that Parliament; nor was the Arch-Biſhop of *York* turn'd out from being Treaſurer in this Parliament, but the ~~Earl of *Suffolk*~~; neither did the King leave *London* to go down to *Briſtol*, with the Duke of *Ireland*, to raiſe Forces againſt his Uncles, during the ſitting of this Parliament, as this Author imagines; for tho' the King at firſt refuſed to come to it, when the Earl of *Suffolk* began to be queſtion'd, yet He never went further than *Eltham*, as hath been already related; and when the Duke of *Ireland*, a little before the next Parliament, went into *Wales*, and raiſed Forces, the King did not go with him, but ſtay'd all the while in Town, till the Buſineſs was over; and then was fain to conſent to call a Parliament, as you will find hereafter. In ſhort, this Author ſo confounds the Tranſactions of theſe Two Parliaments, that none can diſtinguiſh them; for he makes them to have been but one, contrary to all the Accounts of all our Hiſtorians, and the Records of Parliament themſelves. I have taken the more Notice of this, becauſe ſeveral of the *French* Writers, who take upon them to give an Account of the Affairs of *England*, have, by blindly following this Author, been led into many groſs Miſtakes; as in particular, the *Pere d'Orleans*, in his late Hiſtory, of the Revolutions of *England*, of whoſe Performances, ſince I have ſaid ſo much in the Preface to this Volume, I ſhall mention no more of him here.

Bp. of Durham

Mezeray. The King of *France* continues in *Flanders*, ready to invade *England* with a vaſt Fleet and Army; but is hinder'd by a contrary wind.

As to foreign Affairs, I find this very conſiderable Action, that the King of *France*, being encourag'd by theſe Domeſtick Diviſions, was ſtill in *Flanders*, accompanied with a great number of his Nobility, having lain all this Summer at *Sluice*, ready to invade *England*, if GOD had not prevented it, by keeping the Wind contrary, from the middle of *Auguſt* to the middle of *November*, and the Wind chopping about, ſo far flatter'd the *French* Fleet, that they ſet out to Sea: but by that time they were Seven or Eight Leagues off from the Shore, it not only turn'd about into its former Quarter, but blew with ſuch Violence, that it drove them back again upon the Coaſt of *Flanders*, and deſtroy'd ſeveral of their Ships in the Haven of *Sluice*, upon which Accident, the King of *France* having called a Council, it was therein reſolved, *That it now being late in the Year, this Expedition ſhould be deferred till the following Spring*; but before that time, *England* being put into a better poſture of Defence, this Deſign came to nothing: Yet thus much is certain, That this Kingdom never had a greater *Deliverance*; for the Flower of the *Engliſh* Forces were now Abroad with the Duke of *Lancaſter* in *Spain*, beſides the great Diſcontents and Diviſions at Home; and *Froiſart* relates, That the World never ſaw a greater Fleet together; for it conſiſted of near Thirteen Hundred Sail of Veſſels of all ſorts; and as for the Land-Forces, *Walſingham* adds, that beſides, above Forty Dukes and Earls there lay ready to go on Board,

Whereupon, the Expedition is put off till the next Spring.

The vaſt Preparations of the *French* for this Invaſion.

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Three Thouſand Men at Arms, or Horſemen, beſides ſo vaſt a Number of other Soldiers, that it ſeems incredible, and the *French* themſelves own them to be no leſs than Sixty Thouſand Fighting Men. But the fear of this Storm being now over, it was thought fit to do ſomewhat againſt the *French*, by way of Revenge.

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Walſingham, Ad hunc An. The Earls of *Arundel* and *Nottingham*, go out with a great Fleet, fall upon a Navy of Foreigners, where they take a great number of Ships, and Priſoners, beſides a vaſt quantity of Wines.

[1] The ſame Earls go out again, and relieve *Breſt*, and return home with great Honour and Applauſe, except from the King's Favorites.

[2.] The K. receives the Earl of *Nottingham* very coldly.

And in order to it, about the beginning of *March* this Year, *Richard* Earl of *Arundel*, now Admiral, having got ready a powerful Fleet, went on Board, accompanied with *Thomas Mowbray* Earl of *Nottingham*, and about the middle of that Month (contrary to expectation) ſet out to Sea; for certain Traytors had given the Enemy Notice, that they could not be ready before *May*, which proved much for the Advantage of the *Engliſh*, for by this means the Enemy growing more ſecure, the Admiral about the latter end of *March*, diſcover'd a great many Ships of *Flemmings*, *French* and *Spaniards* laden with Wine, and well guarded by Men of War; upon his meeting with them they had a ſharp Engagement, wherein he took ſeveral of the latter, and a great number of Priſoners, beſides thoſe that were killed; the reſt fled, and he perſued them for two whole Days, and took in all an Hundred and more of their Ships, reckoning great and ſmall, wherein were Nineteen Thouſand Tuns of Wine; and *Knyghton* Relates, that the *Admiral* of *Flanders* was alſo taken, with divers other Perſons of Note, all which tended very much to the Honour as well as Advantage of theſe [1.] Noblemen. And not long after, the aforeſaid Earl having Recruited the Fleet, Sailed out again to the Coaſt of *Bretagne*, where he Landed near *Breſt*, and not only Relieved that Place, but aſſaulting two Forts, which had been lately built for the defence of that Coaſt, he took the one, and put a Gariſon into it, and burnt and deſtroy'd the Materials that were got ready for the finiſhing the other, and then they return'd Home, with the general Applauſe of all Men, except the Duke of *Ireland*, and Earl of *Suffolk*, and ſome Courtiers; who not being given to Martial Actions themſelves, envied the Worthy Atchievements of others. Yet it ſeems, theſe had ſo much influence over the King, that tho' the Earl of *Nottingham* was Lord Marſhal, and had been brought up with Him, yet upon his Return from this Expedition, He was ſo far from Congratulating his good Succeſs, or giving him thanks for what he had done, that He [2.] receiv'd him with great Coldneſs and Indifference, and ſcarce took any notice of him. This deſerves our Conſideration, becauſe it ſhews us by what means this Prince, from being highly reſpected, and beloved. came within a ſhort time after to be generally hated, and deſpiſed by the Nobility, and People; for theſe Minions had ſo corrupted His Natural Temper by Luxury, and Effeminateneſs, that not only Military Affairs, but even thoſe many and Princely Exerciſes of Hawking, and Hunting, were thought too rough and tireſome for their tender Bodies.

[3.] *Id. ib.* The K. ſends the L. *Piercy* to Sea, to defend the Coaſt againſt the *French*, who behaves himſelf gallantly.

And [3.] ſome time after, leſt thoſe Noblemen ſhould gain too much honour by going out again, the King and His Council reſolv'd to ſend *Henry* Lord *Piercy* (for the quickneſs and ſpeed in his Warlike Undertakings call'd *Hot-ſpur*) to Sea in their ſtead; who tho' he was but very poorly provided of Men, and beſides, not much Countenanc'd by the Court, which envied the great Reputation he had acquir'd at the Recovery of *Berwick*, and was afraid of the encreaſe of it, yet he undertook the Employment, and having guarded the Seas the reſt of this Year, and behaved himſelf very gallantly, againſt the *French*, (tho' our Authors do not give us the Particulars) he return'd home in Safety, very much to the diſappointment of his Enemies.

[1.] Not long after, there happen'd an Action, which mightily exaſperated the Nobility and People againſt the Duke of *Ireland*, who was now become ſo ſtrangely Inſolent, that preſuming on his Power with the King, he was openly Divorced from his Wife *Philippe*, Grand-daughter to King *Edward* the Third, by his Daughter *Iſabel*, Wife to the Lord *de Coucy*, a Lady of ſufficient Beauty, and irreproachable Vertue, and in her ſtead, prefer'd to his Bed, one *Lancerona*, a mean *Bohemian*, who waited on the Queen, (being as ſome ſay) a *Vintner*'s Daughter, or (as others) a *Joyner*'s; but tho' the King took no notice of this Affront offer'd to his Couſin *German*, yet the Duke of *Glouceſter*, her Uncle, highly reſented it, and only waited for an Opportunity to Revenge it; which the other quickly perceiving, he was reſolved to ſtrike firſt. And *Eaſter* being now over, and the time limited by Parliament for the Duke of *Ireland*'s departure elapſed, he (though ſo largely hired to it as aforeſaid) cared not for that Voyage; wherefore to amuſe the People, [2.] the King went down with him into *Wales*, pretending it was only to ſee him take Shipping there; but the truth of the Matter was, that being there remote from the Nobility, they might the more ſecurely Conſult how to circumvent and deſtroy the Duke of *Glouceſter*, with the Earls of *Arundel*, *Warwick*, *Derby*, and *Nottingham*, and other Faithful Subjects of His Kingdom. There were then about the King, *Michael de la Pole*, Sir *Robert Treſilian* the Chief Juſtice, and ſeveral others, who being conſcious of their own Evil Deſerts, were afraid to be brought to Juſtice, as well as the ſaid Duke of *Ireland*; and therefore Conſpired with him againſt the Lords above-mention'd. Having thus laid their Plot, and agreed upon the manner of putting it in Execution, [3.] the King comes to *Nottingham*; and, as if the Duke of *Ireland*'s Voyage had been quite forgot, brings him, and the reſt of the Cabal along with Him, and thither they Summon divers Citizens of *London*, the Sheriffs of the ſeveral Counties, and all the Judges of *England*; the *Londoners*, becauſe ſeveral of them had lately confeſſed themſelves guilty of Treaſon, and been Pardon'd by the King, hop'd, in return of that Favour, that they might ſtand by the King, and accuſe the Lords of ſuch Crimes, as His Majeſty, with His Councellors in *Wales* had contriv'd againſt them. Then the Sheriffs were Adviſed with, what Forces they could Raiſe for the King's Service againſt the Barons; and were alſo Commanded *That they ſhould not permit any to be Return'd as Knights of the Shire, or Burgeſſes for the next Parliament, but ſuch as the King and His Council ſhould Direct, or Nominate.* To which, the Sheriffs Reply'd, *That the* Commons *generally Favour'd the ſaid* Lords, *ſo that it was not in their Power to Raiſe an Army in this Caſe; and as for Parliament-Men, the People would hold their Antient Cuſtoms; which require, that they be freely Choſen by the* Commons, *nor could the ſame be hinder'd.*

[1.] *Id. ib.* The Duke of *Ireland* is Divorc'd from his Lady, and Marries a *Bohemian*, of mean Birth, which is highly reſented by the Duke of *Glouceſter*.

[2.] The K. carries the Duke of *Ireland* with him into *Wales*, as if he meant to accompany him towards *Ireland*, but indeed to conſult about the Deſtruction of the Duke of *Glouceſter*, and other Noblemen of his Party.

[3.] The K. at *Nottingham* hold a Council of the Judges, Sheriffs, and divers other of his own Party, with whom, the King tampers to pack a New Parliament, but receives no great Encouragement in that Project.

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The Judges ſhew themſelves more compliant to the King's deſigns. H. K. *Col.* 2693.

The King propoſes ſeveral Queſtions to the Judges concerning the late *Proviſions* enacted in the laſt Parliament.

Theſe Anſwers were not very agreeable to the Court-deſigns: But the Judges were more Compliant; for not only *Treſilian*, the Chief Juſtice, had lately indicted two Thouſand Perſons at *Coventry*, on pretence of Treaſon, and he, and one *John Blake*, an Apprentice, or Bariſter at Law, (whom the Chief Juſtices had lately introduced into Court, to ſecond his Deſigns) peruſed and approved, under their Seals, the ſaid Indictment againſt the Lords; but alſo the better to Colour their Proceedings with a Form of Law, ſeveral Queſtions were propounded to the Judges, touching the late *Proviſions*, or Act of Parliament, giving the Eleven Lords Power to inſpect and puniſh Miſcarriages of the King's Miniſters, as aforeſaid: *To the end* (as a modern Author well obſerves) *that what the Duke of* Ireland, *and the reſt of that Faction, thought fit, might the better paſs for Law from the Mouths of the Judges.* The Queſtions being ſo framed and propoſed, it was eaſier to underſtand what the King would have to be Law, than what in Truth was ſo; for it ſeems they went againſt their Conſciences, in that ſeveral of them, and particularly [1] Sir *Robert Belknap*, Chief Juſtice of the *Common-Pleas*, did at firſt, (though earneſtly preſs'd to Sign the Reſolutions) refuſe ſo to do, till the Duke of *Ireland* and *de la Pole* forced him to it, by threatning to kill him, if he denied it; whereupon, having put to his Seal, he burſt forth into theſe Words before them: *Now want I nothing but a* * hurdle *and a Halter to bring me to that Death I deſerve: If I had not done this, I ſhould have been killed by your Hands; and now I have gratified the King's Pleaſure, and Yours in doing it: I have well deſerved to dye, for betraying the Nobles of the Kingdom*; which laſt Words were like to have proved fatally Prophetick; for not long after, in the next Parliament, he was indeed condemned to Dye, tho' he was not Executed for the ſame; for ſome Authors ſay, That all the Judges of *England* (except Sir *William Shipwith*, abſent by reaſon of Sickneſs) joyned the Anſwers to theſe Queſtions; which ſeems probable enough, becauſe they were afterwards all Queſtioned, and puniſhed for the ſame, yet in the Record there are but Five named; poſſibly, the Others might conſent, tho' theſe only ſet their Seals to it.

[1] *Id. Col.* 2694. Several of'em anſwer as the King would have them, out of Fear.

* It is *Ratis* in the *Latin*, being miſwritten for *Cratis*.

[2] *Id. ib.*

The [2] Queſtions ſo propoſed to the Judges, and their Anſwers, were as follow:

The Preface to them is thus:

The Preface to the Queſtions propoſed to the Judges.

'Be it remembred, that on the Five and Twentieth Day of *Auguſt*, 'in the Eleventh Year of the Reign of King *Richard* the *Second*, at the 'Caſtle of *Nottingham*, before our ſaid Lord the King, *Robert Treſilian*, 'Chief-Juſtice of *England*, and *Robert Belknap*, Chief-Juſtice of the '*Common-Bench* of our ſaid Lord the King; *John Holt*, *Roger Fulthorp*, 'and *William de Burgh*, Knights, Juſtices, and Aſſociates of the ſaid '*Robert Belknapp*, and *John de Lockton*, the King's Serjeant at Law, in 'the Preſence of the Lords, and other Witneſſes under-written, were 'perſonally required, by our ſaid Lord the King, on the Faith and 'Allegiance wherein to Him they are bound, to anſwer truly unto certain Queſtions here-under Specified; and to them then and there duly recited, and that they ſhould thereupon declare the Law according to their Diſcretions.

I. The Queſtions themſelves. Imprimis, *It was demanded of them, Whether that late Statute or Ordinance and Commiſſion, made in the late Parliament held at* Weſtminſter, *be not derogatory to the Royalty, and Prerogative of our ſaid Lord the King?*

To which they unanimouſly anſwer'd, That the ſame are derogatory thereunto, eſpecially becauſe they were made againſt his Will.

II. Item, *It was Query'd of them, How thoſe are to be puniſhed, who procured that Statute and Commiſſion?*

To which they unanimouſly anſwer'd, That they were to be puniſhed with Death, except the King would pardon them.

III. Item, *It was Query'd, How thoſe are to be puniſhed, who moved the King to conſent to the making of the ſaid Statute?*

Whereunto they anſwer'd with one accord, That they ought to loſe their Lives, unleſs his Majeſty would pardon them.

IV. Item, *It was asked them, What Puniſhment they deſerved, who compelled, ſtreightned, or neceſſitated the King to conſent to the making of the ſaid Statute and Commiſſion?*

To which they all Anſwered, That they ought to ſuffer as *Traytors*.

V. Item, *It was demanded of them, How thoſe are to be Puniſhed, who hinder'd the King from exerciſing thoſe things which appertain to his Royalty and Prerogative?*

To which Queſtion they unanimouſly anſwer'd, That they are to be puniſhed as *Traytors*.

VI. *Id. Col.* 2695. Item, *It was asked of them, Whether, after in a Parliament aſſembled, the Affairs of the Kingdom, and the Cauſe of calling that Parliament, are by the King's Command declared, and certain Articles limited by the King, upon which the* Lords *and* Commons *in that* Parliament *ought to proceed, if yet the ſaid* Lords *and* Commons *will proceed altogether upon other Articles and Affairs, and not at all upon thoſe limited and propoſed to them by the King, until the King ſhall have firſt anſwer'd them upon the Articles and Matters ſo by them ſtarted and expreſſed, although the King's Command be to the contrary; Whether in ſuch caſe the King ought not to have the Governance of the Parliament, and effectually over-rule them, ſo as that they ought to proceed firſt on Matters propoſed by the King; or whether on the contrary, the* Lords *and* Commons *ought firſt to have the King's Anſwer upon their Propoſals, before they proceed further?*

To which Queſtion they Anſwer'd unanimouſly, That the King in that behalf has the Governance, and may appoint what ſhall be firſt handled, and ſo gradually what next in all Matters to be treated of in *Parliament*, even to the end of the *Parliament*; and if any act contrary to the King's Pleaſure made known therein, they are to be puniſhed as *Traytors*.

VII. Item, *It was demanded, Whether the King, whenever He pleaſes, can diſſolve the Parliament, and command the* Lords *and* Commons *to depart from thence, or not?*

To which they unanimouſly Anſwer'd, That He can; and if any one ſhall then proceed in Parliament againſt the King's Will, he is to be puniſhed as a *Traytor*.

VIII. Item, *It was demanded, Since the King can, whenever He pleaſes, remove any of his* Judges *and* Officers, *and juſtify or puniſh them for their Offences; whether the* Lords *and* Commons *can, without the Will of the King,*

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Impeach *in* Parliament *any of the ſaid* Judges *or* Officers, *for any of their Offences ?*

To which they unanimouſly anſwer'd, They *cannot* ; and if any one ſhould do ſo, he is to be puniſhed as a *Traytor*.

IX. Item, *It was demanded, How he is to be puniſhed, who moved in Parliament, that the Statute ſhould be ſent for, whereby* Edward *the* Second *(the* King's *Great Grandfather) was proceeded againſt, and depoſed in Parliament ; ſincce by means of ſending for, and peruſing which Statute, the ſaid late Ordinance and Commiſſion were deviſed and brought forth in Parliament ?*

To this they anſwer'd, That as well he that ſo *moved*, as he who by pretence of that *Motion*, carried the ſaid *Statute* to the Parliament, are *Traytors*, and as ſuch to be puniſhed with Death.

X. Item, *It was demanded of them, Whether the* Judgment *given in the laſt Parliament held at* Weſtminſter, *againſt* Michael de la Pole, *Earl of* Suffolk, *was Erroneous and Revokable, or not ?*

To which Queſtion they unanimouſly anſwer'd, That if that *Judgment* were now to be given, they would not give it ; becauſe it ſeems to them, that the ſaid *Judgment* is *Revokable*, as being *Erroneous* in *every part* of it.

[1] *Id. Col.* 2696.

In [1] Teſtimony of all which, the Judges and Serjeants aforeſaid, to theſe Preſents have put their Seals, in the Preſence of the Reverend Lords, *Alexander* Arch-Biſhop of *York*, *Robert* Arch-Biſhop of *Dublin*, *John* Biſhop of *Durham*, *Thomas* Biſhop of *Chicheſter*, and *John* Biſhop of *Bangor* ; *Robert* Duke of *Ireland*, *Michael* Earl of *Suffolk* ; *John Rypon*, Clerk ; and *John Blake*, Eſquire. Given the Place, Day, Month, and Year aforeſaid.

[2] T. W. *Ib.*

The Favourites carry the King into the Northern Countries to raiſe Men, but find themſelves much Diſappointed, in the Numbers they expected.

[3] H. K. *Col.* 2697.

The King returns to *London*, and hopes there to compaſs his Deſigns, by means of the Lord-Mayor.

But [2] though they had thus got the Judges on their ſide, and by that means had got a Colour of Law for what they did, yet the greateſt Difficulty remained ſtill behind, which was how to Arm themſelves with power ſufficient for the Execution ; in order to which, they privately ſent abroad to Levy Men, but found them to come in but very ſlowly, becauſe the Lords were generally Beloved, and theſe Favourites of the King as much Hated ; but however, they were reſolved to puſh the Matter as far as it would go ; and to this end, either to raiſe Forces, or elſe the better to keep the King from being reconciled to his Uncle the Duke of *Gloceſter*, and the reſt of the Lords of his Party, they [3] carried Him about, as it were on Progreſs, thro' divers Counties of the North-parts of *England*, during the reſt of this Summer, and the Autumn following, and that with ſuch Celerity, that (as Knighton obſerves) no King of *England* ever ſo quickly compaſſed the Borders of his Kingdom, as King *Richard* then did ; but finding themſelves unable to bring their Deſigns to effect in the Country, by reaſon of the general Oppoſition that was made againſt them, by the Nobility and Gentry in thoſe Parts, they reſolved once more to try the Affections of the City of *London* ; where they made the King believe, that He would find a very ſtrong Party to ſupport his Intereſt ; and at firſt, I confeſs He had ſome reaſon to think ſo ; for coming to Town on the Tenth of *November*, accompanied by *Alexander*, Arch-Biſhop of *York*, the Duke of *Ireland*, the Earl of *Suffolk*, and Sir *Nicholas Brambre*, with ſome more of their Faction, He was very honourably received by the Mayor and Citizens, who went out to meet Him with a great Multitude of Horſemen richly apparell'd, and Conducted Him and

His Queen to St. *Paul*'s Church, and from thence to His Palace at *Weſtminſter*: But He did not continue long there, for the day following, the King and His Favourites having Intelligence that the [1.] Duke of *Glouceſter*, and the Earls of *Arundel*, and *Warwick*, were marching towards *London*, with a great Force from *Haringay-Park*, near *Highgate*, it put them into ſuch a conſternation, that they immediately perſwaded Him not to truſt to the uncertain Fidelity of the *Londoners*, who would fail Him, if they were put to the Trial.

[1.] The D. of *Glouceſter*, and other Noblemen of that Party march up to *Haringay*, and put the Court into a great conſternation.

[2] T. W. The motions of the Duke of *Glouceſter*, and thoſe of his Party, to defend themſelves from the deſigns of their Enemies

* The Duke takes an Oath before the Biſhop of *London*.

And [2.] here I ſhall give you an account of the late motions of the Duke of *Glouceſter*, and the reſt of the Lords of his Party, who having ſome time before diſcover'd the Deſigns of the Court againſt them, did all they could, firſt to vindicate, and then to defend themſelves from their Artifices. For which end, the Duke, to take off all the evil Impreſſions that had been made againſt him to the King, a little before his coming to *London*, went voluntarily to the Biſhop of that City, and ſeveral Noblemen of the Realm, and there made Oath, **That he had never ſo much as imagined any thing to the prejudice of the King, but had always ſtudied and performed to his Power, whatever tended to the King's Honour and Advantage, and what alſo was pleaſing to Him*, except only that he could not reſpect, or look kindly upon the Duke of *Ireland*, whom the King immoderately loved, and who had diſhonour'd one that was not only a near Relation of the Duke's, but alſo of the King's, which it was fit ſhould be reveng'd.

[3] *Id. ib.* The Biſhop acquaints the King with the Contents of that Oath, and vindicates the Duke from *Michael de la Pole*'s Invectives, at which the K. is very much incenſed.

With [3.] the Contents of which Oath, the Biſhop preſently acquainted the King, and at firſt He ſeem'd inclinable to Credit the ſame; but when *Michael de la Pole* began to incenſe Him againſt the Duke, the Biſhop ſmartly fell upon him, and ſaid, *Sir, it does not become you to talk, but to be ſilent; you, who ſtand Condemn'd in Parliament, and are now alive only through the King's Grace and Favour*: which words ſo provok'd the King, that He immediately Commanded the Biſhop out of His Preſence, bidding him be gone home to his Church; who, at his Return, inform'd the Duke what had paſſed, and how much the King was influenc'd by thoſe Wicked Councellors; ſo that it ſeem'd high time for him to provide for his own Safety, and to obviate that Deſtruction which was prepared for him. Whereupon the Duke ſeeing no hopes of a Reconciliation, through the Malice of the Favourites that had now the King ſo abſolutely in their Poſſeſſion, immediately ſent for the Earls of *Arundel*, *Warwick*, and *Derby*, Eldeſt Son to the Duke of *Lancaſter*, who all adviſing together, [4] reſolv'd to Raiſe an Army, and to ſtand upon their Guard, and ſo Treat with the King concerning the Premiſes, and eſpecially about that immoderate Favour which He ſhew'd to them that were *Traytors both to Him, and the Publick*, beſides the eminent hazard of the Kingdom that aroſe therefrom. But the King endeavour'd to have ſurpriz'd them ſingly, before they had united their Forces, but failing therein, the [5.] Confederate Lords with all the Souldiers they could muſter up, march'd towards *London*, to *Biſhops-wood*, *Waltham*, and *Hackney*, and at laſt joining together, made at their Rendezvous above Forty Thouſand ſtrong, at *Haringay-Park* above-mention'd. And it ſeems the King, and His Councellors, had already foreſeen what was like to happen, and therefore made haſt up to *London*, to hinder them from poſſeſſing themſelves of the City, as otherwiſe they deſigned to have done.

[4] The Confederate *Lords* raiſe Forces, and ſtand upon their Guard.

[5] H. K. *Ib.* They March up with them to *Haringay-Park*: The K. made haſte to *London*, to prevent their poſſeſſing themſelves of the City.

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[1] T. W. The ſuddain Arrival of the Confederate Lords, hinders the King from going into *France*.

But this Arrival of the Confederate Lords broke all the Meaſures that were taken by the King, and His Favourites, and hindred Him from his Journey to *Canterbury*, under Pretence of paying His Devotions at the *Shrine* of [1.] *Thomas Becket*, but (as *Walſingham* relates) was from thence to have paſſed into *France*, and to deliver up *Calais*, and ſeveral other Important Places to the *French* King; which by the Fatal Council of His pernicious Flatterers, He was to Sell to that Prince, on Condition he would aſſiſt Him to ſubdue His Rebellious Nobility. But I ſay, the News of the Lords being in Arms, diverted that Voyage, and put the King into ſo great a confuſion, that He knew not what Courſe to take, ſome of thoſe about Him were for cajoling the Lords with fair Promiſes, others were for Raiſing the *Londoners*, and what other Forces could be procured, and immediately Fighting them; of which Opinion eſpecially was the Archbiſhop of *York*; but this the more Cautious and Prudent of them diſapprov'd, alledging the Diſhonour and Damage which would accrue to the King if worſted, as He was likely to be.

[2.] *Id ib.* The blunt Advice of a certain crazed Knight.

[2] Whilſt theſe Men could not agree what courſe to take, a Madman blunted out an Expreſſion, which if duly conſidered, might have done the King more Service than all their wiſe Debates; he was a certain Knight call'd Sir *Hugh de Lynne*, who had been bred in the Wars, but having by ſome accident loſt his Underſtanding, as well as his Eſtate, was maintain'd by the Charity of ſeveral of the Nobles and Retainers to the Court; the King meeting him during theſe Conſultations, and being willing to divert himſelf by hearing His rambling Diſcourſe, ask'd him jocularly, *What He ſhould do with the Lords that were Aſſembled together* in the before mention'd Park? To which Sir *Hugh* anſwer'd very gravely, *Let us march forth, Sir, and fall upon them, and kill them every Mother's Son; which being done, by God's Eyes, you will have bravely deſtroy'd, the moſt Faithful Subjects you have in your Kingdom.*

[3.] H. K. *ib.* A Proclamation made in the City, that none ſhould, preſume to aſſiſt the Confederate Lords with Arms, or any Proviſions, which has no effect.

But notwithſtanding this notable Admonition, [3] the King and his Favorites, reſolved at preſent to ſtand upon their Defence, by the Aſſiſtance of thoſe that they could raiſe in the City; but whilſt the *Londoners* were in amaze expecting the Event of this Affair, the day after the arrival of the Lords near *London*, a Proclamation was made thro' the City, that none ſhould preſume under Pain of forfeiture of their Goods and loſs of their Lives, to ſell or furniſh the Earl of *Arundel* with any Arms, Bows, Arrows, or other Ammunition or Proviſions; becauſe he had joyn'd with the Lords and Commons againſt the King; but why the reſt of the Lords and Duke of *Gloceſter*, were not alſo named in it, I cannot tell; unleſs it was becauſe they thought the Duke and the reſt of them too Popular to be particularly mention'd: But it ſeems this Proclamation had very little effect, for the ſaid Duke with the Confederate Lords above mention'd, ſeeing there was no more hopes of Governing the Kingdom, according to the late Statutes or Proviſions, were now reſolved not to ſtir, untill they had receiv'd a Satisfactory Anſwer from the King, as to the Buſineſs for which they were Aſſembled.

[4.] *Id ib. Col.* 2699. The Confederate Lords ſend the A. Biſhop of *Canterbury*, and other Biſhops and Noblemen to intercede with the King, but without any effect.

[4.] And to this end, immediately after the iſſuing of the ſaid Proclamation, they ſent the Arch-Biſhop of *Canterbury*, the Duke of *York*, the Biſhops of *Wincheſter* and *Ely*, and divers other Lords to the King,

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deſiring that thoſe Seducers and Traytors to Him and the Kingdom, and who had given it ſo much diſturbance, by raiſing differences and rancour between Him, and His Nobility, might be puniſhed according to their deſerts, leſt the Kingdom thro' their Evil Council ſhould ſuſtain any prejudice either at Home, or Abroad; proteſting that they themſelves will in no point do or attempt any thing which ſhould be to the detriment or diſhonour of the Kingdom; but the Evil Councils of the Favourites were then ſo prevalent, that theſe reaſonable Requeſts could not at that time be comply'd with.

[1] *Id. ib.* Whereupon the Lords endeavour to bring over the *Londoners* to their Party.

Therefore [1.] when the Confederate Lords ſaw that the King was ſo far from agreeing with them, that He eſpouſed the Cauſe of the Five Favourites, as if it had been his own, and that they endeavour'd to bring over the Citizens of *London* to their Party, who might not underſtand the truth of the Matter, and alſo to prevent the Proclamation that had been lately made againſt the Earl of *Arundel*, therefore to acquaint the Citizens with the true Cauſe of their thus Aſſembling, and the Grievances that inforced it; they ſent them a Letter written by the Duke of *Glouceſter*, and the Earls of *Arundel*, and *Warwick*, directed to the Mayor, Aldermen, Sheriffs, and Citizens; *Setting forth, That they the Lords above mention'd, were, and always would be Obedient and Loyal Subjects to the King, yet that they, the Mayor,* &c. *ſhould not wonder at the Cauſe of their Aſſembling in that manner, they thought good to let them know that it had been Ordain'd by the King in the laſt Parliament, that certain Lords thereunto appointed and Sworn, were to have the Governance of the King's Council and Realm, for the Honour and Profit of both, during the ſpace of one Year; which Government had been, and was then diſturbed and interrupted by* Alexander *Archbiſhop of* York, Robert Vere *Duke of* Ireland, Michael de la Pole *Earl of* Suffolk, Robert Treſilian *that falſe Juſtice, and* Nicholas Brambre *a falſe Knight of* London, *every one of them being Traytors to the King, and Kingdom, who Falſly and Traiterouſly by their wicked Advices and Conduct of the King's Perſon, had carried Him into divers remote Parts, far from His Council, to the Ruin of Him, and His Realm, and falſly Counſelled Him againſt their Oaths, to do divers things in diſheritance and diſmembring of His Crown, He being ready to loſe His Heritage beyond Sea by their means, to the great Infamy and Deſtruction of the whole Nation; and had alſo wickedly made ſeveral differences betwixt the King, and the Lords of His Council, ſo as ſome of them were in great fear and danger of their Lives, as they had lately inform'd the King, by the Archbiſhop of* Canterbury, *the Duke of* York, *the Biſhops of* Wincheſter, *and* Ely, *and divers other Lords; wherefore to Redreſs thoſe things, and puniſh theſe Traytors according to Law, they were now Aſſembled; requiring and charging the Mayor and Citizens by Vertue of their Allegiance, that they ſhould make* [2.] *Proclamation thro' the whole City that this was their true Intent, and no other, and that for the Honour, Profit, and Safety of the King, and all His Loyal Lieges, they would be aiding and aſſiſting with all their Power to the ſaid Lords, not Favouring or Aiding the ſaid Traytors, or any of them, as they tender'd the Honour of God, the King, and Kingdom, and the ſafety of their City, and that they neglect not this Advice, as they would avoid the Dangers that may happen in time to come; and then warned*

[2.] They charge the Mayor and Citizens to make Proclamation of the Intentions of the Lords, that all ſhould be aſſiſting to them.

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them to certifie the ſaid Lords of their Reſolutions in this Matter on Friday next, which was the Fifteenth of November.

This Letter was favourably receiv'd by moſt of the Aldermen and Citizens, except by the Mayor, and thoſe of his Party; but neither the aforeſaid Meſſage, nor this Declaration could work any alteration upon the [1.] King's Mind; for notwithſtanding all theſe Remonſtrances, thoſe pernicious Favourites, to prevent their own Ruin, ſtill ſuggeſted to the King, that whatever the Confederate Lords had attempted in the late Parliament, or intended to do in any other, was to ſupplant Him, and ſubject Him abſolutely to their Wills and Pleaſures; and therefore they ſtill inſiſted, that the only way to hinder it, was to make the *French* King His Friend (as I ſaid before) by delivering up *Calais*, and the reſt of the Places which the *Engliſh* held in thoſe Parts, and to get over thither Himſelf. But when the Confederate Lords had poſſeſs'd themſelves of all the Avenues about *London*, and that He found the Mayor could not raiſe Fifty Thouſand Men as he had promiſed for his Aſſiſtance, and that the Earl of *Northumberland*, and the Lord *Baſſet* abſolutely refuſed to engage themſelves in the Quarrel, for the latter declar'd he would not venture ſo much as a broken Pate for the Duke of *Ireland*; And the Earl plainly told Him, that he thought the Confederate Lords were not only His Majeſtie's Faithful Subjects, but that the whole Kingdom was ready to take their Parts; whereupon the King finding it was in a [2.] manner impoſſible for Him to get over to *Calais*, and from thence to the *French* King, as He at firſt reſolv'd; and alſo that his Party in the City proved to be inconſiderable, in compariſon of that of the Confederate Lords; and that the Archbiſhop of *Canterbury*, with the Earl of *Northumberland*, the Lord *Baſſet*, and others of the Nobility, were ſo far from cordially joining with Him, that the utmoſt they could do, was to perſuade Him to lay aſide all Rancor and Diſcontent againſt thoſe Confederate Lords, and to hearken to their deſires. He at laſt, tho' with much difficulty, ſeem'd wholly to comply with their Advice.

[1.] *Id. ib.* The King remains unalterable in His Inclinations to His Favourites, who incenſe Him againſt the Lords, and ſtill preſs His going over into *France*.

[2.] But not finding it poſſible for him to go over, and that the major part of the Nobility were againſt him, he at laſt complies with the Archbiſhop's Advice.

Then [3.] about the Thirteenth, or Eighteenth of *November*, the Archbiſhop of *Canterbury*, and Biſhop of *Ely*, were ſent to the Confederate Lords, to know the utmoſt of their Demands; and being come to them, they then took a Solemn Oath upon the Croſs of the Archbiſhop, that they would never deſiſt from what they had begun, until they had obtain'd ſuch an Iſſue as ſhould be for the Profit of the whole Kingdom. And to procure this, they would venture, not only their Fortunes, but alſo their Lives. But however, at laſt they came to this Reſolve, That if the King would pleaſe to ſee them, and diſmiſs all Rancor and Diſcontent againſt them, they would come and pay their Duty to Him with the utmoſt Reverence and Reſpect, and would then declare to the King their Grievances, and the Cauſes of their Complaint, againſt thoſe Five who had been the Seducers of His Majeſty. Then the Biſhops above-mention'd, went back to the King with this Meſſage, who at laſt agreed to receive thoſe Lords, and give them a favourable Hearing; the Biſhop of *Ely*, and the other Mediators, having firſt given their Oaths that no Treachery nor ill Practice ſhould be uſed againſt them, but that they might come and go with ſafety; and if any ſuch were deſign'd, that they would Admoniſh

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[3.] K. K. *Col.* 2700. The Archbiſhop, and Biſhop of *Ely*, are ſent to the Lords, to know the utmoſt of their Demands, who take an Oath never to deſiſt 'till they had procur'd a happy Iſſue, for the profit of the Kingdom, and deſire to ſpeak with the King.

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The Lords receive Intelligence, That there was an Ambuſh about the *Mews*, ready to fall upon them; wherefore, they would not attend the King.

moniſh them of it; a Caution that in the Event proved not unneceſſary; for on the very Day they were to have appeared, they received Intelligence that there was an Ambuſcade laid for them about the *Mews*; whereupon, they delay'd their coming; and the King (who had waited an Hour or two for them beyond the time appointed) enquiring into the reaſon, was told by the ſaid Biſhop, that it was becauſe He did not keep his Word; for there were ſecretly planted above a Thouſand Armed Men, to cut them off in their Paſſage. The King ſeemed extremely enraged at this Treachery, and ſwore that He was not in the leaſt privy to it, and therefore commanded the Sheriffs of *London* to ſearch the *Mews*; and if they found any Perſons there aſſembled for ſuch purpoſe, to kill them on the Spot: But in truth, the Contrivance was not there, but in a Place at *Weſtminſter*, where Sir *Thomas Trivet*, and Sir *Nicholas Brambre*, had for that purpoſe got together a very great number of their Faction in Arms, who upon this Diſcovery, diſperſed, and retired into *London*.

[1] *Id. ib.* T. W.

The Confederate Lords are received by the King in *Weſtmiſter-hall* in great ſtate.

But [1] upon the King's freſh Aſſurance of ſafe Conduct to the *Lords*, they ſoon after arrived in his Royal Preſence, whom they found in *Weſtminſter-Hall* in his Robes of State, with his Crown on his Head, and Scepter in his Hand; and when they came near the King, they ſaluted Him on their Knees: Then the King making Signs to them to come up the Steps of the Throne, they bow'd again, and at the top of them, they the third time ſaluted Him on their Knees; and then the King aroſe, and took every one by the Hand, in token of his Friendſhip, and ſat down again. After this they excuſed themſelves to the King, ſaying, *That they did not think, or intend any Evil againſt his Perſon; but they told Him their chief Grievance was concerning the Five Traytors (above-mention'd,) and gave the King a full Account in Writing, of what they charged them with:* He hereupon promiſed them, before all there preſent, That He would cauſe them to appear next Parliament, and ſtand to the Judgment of the Laws of the Land, and prefixed a Day for the Meeting of the Parliament.

They excuſe themſelves for what they had done, and declare againſt the Favourites, whom they deſire may appear at the next Parliament.

Walſingham is ſomewhat more particular in this Relation, and ſays, That upon their being admitted into the King's Preſence, the Biſhop of *Ely*, then Chancellor, made them a Speech on his Majeſty's behalf, gravely blaming them for their raiſing Forces without any ſufficient Cauſe; and withal commended the King's Goodneſs, who choſe thus graciouſly to treat with them, rather than to chaſtiſe them by Arms; which he told them his Majeſty wanted not Power eaſily to have done.

The Confederate Lords proffer to make good their Charge againſt the Favourite by Combat.

To this the Lords anſwered, That they had aſſembled together for the Good of the King and Kingdom; and for the Removal of *Traytors* from his Preſence and Councels, naming, particularly *Robert de Vere* Duke of *Ireland*, *Alexander Nevil* Arch-Biſhop of *York*, *Michael de la Pole* Earl of *Suffolk*, *Robert Treſilian*, and *Nicholas Brambre*, whom they averred to be *Traytors*, and then flung down their Gloves (according to the Cuſtom of thoſe Times) in token that they were ready to prove them to be ſuch by Battle.

The Buſineſs is referred to the Deciſion of the next Parliament, and all things to continue as they were till then.

To this the King anſwer'd, That it ſhould not be determined in that manner, but in the next Parliament, which He appointed to be on the Morrow after the *Purification* of the Bleſſed Virgin; where both Parties appearing, ſhould have Juſtice done them according to Law; and in

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in the mean time, all of them ſhould be in the King's Protection, without injuring one another: Then having alſo reproved them for taking up Arms without his Authority, and told them how eaſily He could have quell'd them by Force, he took up his Uncle the Duke, who was all this while on his Knees; bidding the reſt alſo to riſe, and after ſome other more kind Diſcourſe, and drinking with the King, they took their Leaves of him: Two Days after (the more to appeaſe the Lords, and ſatisfy the People) he cauſed a Proclamation to be made in *London*, ſeemingly in Excuſe and Favour of the Duke of *Gloceſter*, and his Aſſociates; but indeed, only to amuſe them, and preſerve his dear Favourites from the threatned Storm; the Tenor whereof was to this Effect:

[1] H. K. *Col.* 2701. The King iſſues out a Proclamation, whereby the Duke of *Gloceſter*, and the other Lords, are declared Innocent.

The [1] King there declares to all his Faithful Subjects throughout his Kingdom, That whereas *Thomas* Duke of *Gloceſter*, *Richard* Earl of *Arundel*, *Thomas* Earl of *Warwick*, had been by certain Perſons, who little underſtood the Truth of Affairs, defam'd as *Traytors* to him, and his Kingdom; but having, by the higheſt deliberation and diligence weigh'd the Cauſe of ſuch Scandal, and with the Aſſiſtance of his Councel ſearch'd out the Truth, he found not any thing done or acted by them worthy of Suſpicion: wherefore he declares the ſaid defamation to be void of all Truth; and teſtifies the ſaid Duke and Earl to be of good Fame, Innocent, and not ſo much as ſuſpected of any Crime; and as far as he is able, will affirm and maintain them ſo to be, and will receive them from thence forward into his ſpecial Protection; and he is further willing to make known to all Perſons who were their defamers, *viz.* *Alexander* Arch Biſhop of *York*, *Robert* Duke of *Ireland*, with the other Three already mention'd, whom he alſo takes into his Protection, that they may anſwer whatever ſhall be Objected againſt them in his next Parliament; commanding that none upon any pretence whatſoever ſhall either to them or the fore-named Lords, openly or ſecretly, offer any kind of Grievance or Diſturbance, till the prefixt time of the ſaid Parliament.

[2] T. W. The Confederate Lords refuſe to ſeparate, and why?

But [2] for all theſe fair Words, the Confederate Lords knowing the King's fleeting and variable Temper, the Influence that theſe Counſellors and Favourites had over him, as well as their Malice and Perfidiouſneſs, thought it the ſafeſt Courſe not to ſeparate themſelves as yet, but with a vigilant Eye to obſerve their Motions; for the Duke of *Ireland*, and the reſt accuſed, would not venture to appear with the King at this Meeting, and 'twas their wiſeſt Courſe to be abſent; for 'tis believed, the King's Preſence would ſcarce have been able to have protected them; nor had they any mind to hazard themſelves on the Juſtice of the next Parliament; but rather reſolved, if they could, to ſecure themſelves by Arms. For which purpoſe, the Duke was ſome Days before gone down to raiſe Men in *Cheſhire* and *Wales*, either by the King's Commiſſion, or Connivance; and that it was more than the latter may be juſtly ſuſpected, becauſe when he had made conſiderable Levies, the King commanded *Thomas Molineux*, a Gentleman of great Courage and Eſtate, and Conſtable of the Caſtle of *Cheſter*, to accompany and ſafe conduct the ſaid Duke, with all the Forces he could make, to his Majeſty's Preſence. The Confederate Lords being advertiſed of theſe Preparations, and that they were upon their March, being about Six Thouſand Men, beſet the Ways by which the Duk

The Duke goes into *Cheſhire* and *Wales*, to raiſe Forces. The King commands *T. Molineaux* to aſſiſt the D. Whereupon, the Confederate Lords reſolve to hinder his march to *London*.

was to come up to *London*, reſolving to fight him before he ſhould have increaſed his Power, by joyning with thoſe of his Party in the City, and ſo countenance his Actions with the Name and Preſence of the King.

And [1] accordingly, *Henry*, Earl of *Derby*, marched away before the reſt of the Lords, with great part of their Army, and met the Duke, and his new raiſed Forces, near *Radcot-Bridge*, at a Place called *Babbelake*, hard by *Burford* in *Oxfordſhire*, whom their Commander no ſooner ſaw, but he, contrary to the Advice of moſt of thoſe that were with him, prepared himſelf for flight; however, *Molineux* prevailed with him to joyn Battel; but it was no ſooner begun, before the Duke (who had been ſo good at raiſing Quarrels, ſhewed himſelf as mean in ending them) ſet Spurs to his Horſe, and forſook the Field; whereby his Men being diſheartned, and Sir *T. Molineux* ſlain on the Spot, the Earl of *Derby* obtained a cheap, but entire Victory, allay'd with nothing but the eſcape of the Duke; who having mounted a Fleet Horſe, deſigned to have paſſed the River at *Radcot-Bridge*, but finding that broken, then thought it his ſafeſt Courſe to caſt off his Armour and Sword, and to ſwim over; and ſo eſcaping, firſt got into *Holland*; but finding there but cold Entertainment, he went to *Utrecht*; and after two or three Years rambling up and down as a Traytor, died at *Lovain* in *Brabant*: But to return to the Action; his Horſe and Arms being found on the brink of the River, it raiſed a general Report at the firſt, that he was drowned; and that probably might facilitate his eſcape. Amongſt his Baggage was taken a very conſiderable Sum of Gold, and (what was of greater Value) the King's Letters, ordering his preſent repair to *London*, and promiſing to live and die with him againſt all Oppoſers.

[1] *Id. ib.* The Earl of *Derby* marches away before, and meets the D. of *Ireland* near *Radcot-Bridge*, who, upon their joining Battel, quits his Men, and flies.

He eſcapes with much difficulty into *Holland*, and dies ſome time after at *Lovain*.

This [2] Defeat confounded the whole Cabal of the Favourites; the Earl of *Suffolk* in diſguiſe flies to *Calais*, where his own Brother, being Governor of the Caſtle, not only refuſed to harbour him, without conſent of the Lord *William Beauchamp*, who commanded the Town, but alſo ſeized and delivered him into his Hands, who returned him back a Priſoner into *England* to the King; but He not only ſuffered him to go at large, but ſent for *Beauchamp* over, and for ſome time committed him Priſoner, for his too officious Diligence; and 'tis ſuppoſed the rather, becauſe he had for the King's Intereſt thwarted his Pleaſure; for on the late Bargains, and private Intrigues with *France*, about the ſelling of *Calais*, (as has been already ſaid) the *French* King ſent a Knight with Letters under his Privy-Signet, commanding the Lord *Beauchamp* to deliver up the Town to him, and one Sir *John Golofre*; but the Governor knowing the vaſt Importance of the Place, and believing the King was impoſed upon by wicked Council, reſolutely anſwered, *That the Cuſtody and Government of the Town was committed to him, in the Preſence, and by the Authority of the King, and the Nobles of the Realm, openly and publickly, and he would not ſurrender it privately and colluſively, nor part with his Command, but in their Preſence and by their Command*: And alſo he took *Golofre*'s Letters to the *French* King from him, and ſecretly tranſmitted them to the Duke of *Glouceſter*; for which Affronts, the King waited an Opportunity to be revenged on him, and had proceeded ('tis thought) more ſeverely, but that the ſaid *Beauchamp* was a Perſon extremely Beloved, and the King was not at pre-

[2] *Id. ib.* The Duke of *Ireland*'s Defeat, breaks the Cabal; and the Earl of *Suffolk* flies over to *Calais*, but is there ſeized, and ſent over into *England*.

[3] H. K. *Col.* 2698. The Lord *Beauchamp* is diſplac'd from his Government of *Calais* for that Action; and becauſe he refuſed to deliver up the Town to the *French*.

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ſent in a Condition to uſe Rigour againſt him ; and therefore by the Mediation of Friends, he was quickly diſcharged. But to return to the Matter.

The reſt of the Favourites run away, and the King betakes himſelf to the Tower.

The reſt of this hated Faction, as the Arch-Biſhop of *York*, the Lord Chief Juſtice *Treſilian*, and others, ran each a ſeveral way, and were not to be heard of ; nay, the King betook himſelf to the Tower of *London*, and there made Proviſion for his Winter-Quarters ; his Deſigns being fruſtrated, firſt by his Minion's Raſhneſs in taking Arms, and afterwards by his Cowardice in uſing them ; and to add to his Confuſion, about the ſame time an Envoy from the *French* King was taken with Letters, whereby He ſent a ſafe Conduct for King *Richard*, the Duke of *Ireland*, and ſome Others, to ſuch a Number, with their Attendants, to come to *Boloigne* ; where He would be ready to receive them with all the Ceremony due to his Royal Dignity and their Character ; and then He was likewiſe to take Poſſeſſion of *Calais*, and other ſtrong Holds, for which (*Walſingham* ſays) He had already paid King *Richard* ſome part in hand, tho' it ſeems He loſt his Money.

Letters of ſafe Conduct are Intercepted from the *Fr.* King for King *Richard*, and the Duke of *Ireland*, &c. to come to *Boloigne*.

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[1.] *r.W.*H.K. *ib.ad hunc An.*

The Lords, with their Forces, march from St. *Albans* to *London*, and then ſend a Meſſage to the Mayor, and chief Magiſtrates of the City.

The Confederate Lords being now ſatisfied, that ſuch conſiderable Territories were like to be loſt Abroad, as well as freſh Extravagancies acted at Home, [1] in the beginning of the *Chriſtmaſs* Holy-days haſtned their March from *Oxford*, firſt to St. *Albans*, and then to *London* ; where, with an Army of Forty Thouſand Men, they arrived on St. *Stephen's-day*. As ſoon as they were come, they ſent a Meſſage to the Mayor, to know of him, and the other Magiſtrates of the City, which Party they would take : Upon this, the Mayor and Aldermen went out to the Lords, and delivered to them the Keys of the City, whilſt the Citizens furniſhed them with Victuals, and all other Proviſions. Then, after the Lords had cauſed all ſuſpicious Places to be ſearched, for fear of any Treachery, they took up their Head-quarters in the Suburbs, proteſting that they would not depart without a Perſonal Conference with the King, which at laſt He granted, when He ſaw He could no longer withſtand it ; but firſt permitted them to ſearch the Tower (where at that time He lay) to take away all Jealouſies. Then the Duke of *Gloceſter* and the Earls waited upon Him there ; and when ſome few cold Compliments were over, they laid before Him the Confederation againſt their Lives at *Nottingham*, his late Letters to the Duke of *Ireland*, contrary to his Royal Word and Agreement He had made at *Weſtminſter*, together with his diſhonourable Treaty for delivering up *Calais* to the *French*, &c. The King heard them with a formal Patience and Attention, yet with a dejected Countenance, not without intermingling ſome Tears, thereby ſeeming to confeſs, That He could neither deny nor juſtify what they complained of ; theſe warm Drops, and the Conſideration of the King's Youth and eaſy Nature, made the Lords much more relent than they would otherwiſe have done ; whereupon it was at laſt agreed, That He ſhould meet them the next Day at *Weſtminſter*, there to treat of the weighty and neceſſary Affairs of the Realm. But no ſooner were they gone, than ſome Abuſers of his Royal Ear ſuggeſted, that his going thither would be neither honourable nor ſafe for Him ; but in all likelihood, would expoſe his Perſon to immediate Danger and Contempt, as well as occaſion a future curbing and leſſening of his Authority ; whereupon, the King changed his Mind, and began to retract his Promiſe ;

The King conſents to a Conference with the Lords, and the Particulars of their Meeting.

The King is confounded at their Remonſtrance, and melts into Tears.

The King promiſes to meet the Lords at *Weſtminſter* the next Day, but failing to come thither, they ſend him a very bold Meſſage.

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which incenſed the Lords to that degree, that being than fluſh'd with Opportunity and Power, they ſent him peremptory word, *That if He did thus trifle with them, and would not come to Conſult the good of the Realm, they would take other meaſures; threatning no leſs than the Election of another Prince.* This ſo terrified the King, that He was forced to meet them; and at [1.] laſt to conſent (tho' with ſufficient Reluctance) that all thoſe Favourites ſhould be Baniſhed for Ever; *viz. Alexander Nevil*, Archbiſhop of *York*, the Biſhop of *Durham*, Fryar *Ruſhok*, the King's Confeſſor, and the Biſhop of *Chicheſter* (but both the Archbiſhop and he had already gone out of the way.) To theſe we muſt add the Lords, *Zouch* (of *Haringworth*) *Burnel*, and *Beaumont*, and ſeveral Knights, as, Sir *Alberick de Vere*, Sir *Baldwyn Bereſford*, Sir *John Worth*, Sir *Thomas Clifford*, Sir *John Lovel*, &c. together with certain Ladies, who were (ſaith *Walſingham*) not only uſeleſs, and unprofitable at Court, but likewiſe Scandalous, and Infamous in their Converſations; ſuch as were the Lady *Mohun*, the Lady *de Molyns*, and the Lady *Poynings*, Wife to the ſaid Sir *John Worth*, who all were obliged to appear next Parliament. There were likewiſe actually taken into Cuſtody [2.] Sir *Simon Burley*, Sir *Thomas Trivet*, Sir *Nicholas Brambre*, Sir *William Elinham*, Sir *John Beauchamp* of *Holt*, the King's Steward, or Privy-Purſe, and of Clergy-Men, *Richard Clifford*, *John de Lincoln*, *Richard Motford*, *Nicholas Lake*, Dean of the Chappel, with *John Blake*, Barriſter at Law, who were all clap'd up cloſe Priſoners in ſeveral Caſtles. As for the Judges, *Fulthorp*, *Belknap*, *Holt*, *Burgh*, *Cary*, and *Locton*, they were Arreſted as they ſat upon the *Bench*, but *Treſilian* for the preſent eſcaped by running away, tho' he was not long after diſcover'd, and ſent to the Tower.

[1.] He at laſt conſents to the Baniſhment of His Favourites.

champ

[2.] Several of the King's Miniſters and Judges are put in Priſon.

[3.] *Rot. Clauſ.* 11 *Rich.* 2. *M.* 24. *dorſ.* A Parliament Summon'd.

and about the same. the Duke of Ireland was [illegible]

Matters being thus prepared, [3.] on the Seventeenth of *December*, Writs were iſſued out for the Calling of a Parliament, to meet on the Third of *February*, or the Morrow after the Purification of the *Virgin Mary* next coming; on [4.] which day, *Thomas* Biſhop of *Ely*, and Chancellor of *England*, Brother to *John Fitz-Alan* Earl of *Arundel*, (from whence this Biſhop had his Sirname *de Arundel*) declared the 'Cauſe of the Summons, which was to conſider by what means this 'diſtraction of the Realm, through Evil Managemenr, might for the future be Compoſed, the King better Adviſed, the Nation better Govern'd, Miſdemeanors more ſeverely Puniſh'd, and Good Men more 'Encourag'd: How the Kingdom alſo might be beſt defended, the 'Sea beſt kept, the Marches of *Scotland* ſecurely guarded, *Guyenne* preſerved, and laſtly, how the Charges of theſe things may moſt eaſily 'be born; and then gave notice, that whoever would Complain in 'Parliament, of ſuch things as could not well be Redreſs'd by the 'Common Law, might carry their Petitions to the Clerk in Chancery, 'there named, and appointed to receive them.

[4] *Rot. Parl.* 11 *Rich.* 2. being *N.* 1. *Part* 11. The Cauſes of it are declared by the Biſhop of *Ely*, then Chancellor, *viz.* To conſider how to ſettle and reſtore the Realm, and alſo for its Guard, and Security.

[illegible] Sheriffs of England [illegible] be proclaimed in their several Counties [illegible] Parliament [illegible] they should be found [illegible] these writs bear date January [illegible]

Then [5.] *Thomas* Duke of *Glouceſter* kneeling before the King, ſaid, He underſtood his Grace had been inform'd that he was about to Depoſe Him, and make himſelf King, and therefore proffer'd to ſtand to the Judgment of his Peers in Parliament. Upon this the King declared openly, that He did not think him Guilty, and ſo had him fully excuſed.

[5.] *Ib. N.* 6. The Duke of *Glouceſter* juſtified from any Evil Deſign againſt the King.

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[1.] *Ib. N.* 11.

[1.] The Lords Spiritual and Temporal there preſent then claimed as their Liberty and Franchiſe, that all great Matters moved in that Parliament, and to be moved in other Parliaments in time to come, touching the Peers of the Land, ſhould be diſcuſſed, and Judged by the Courſe of Parliament, and not by the Law Civil, or by the Common Law of the Land, uſed in the Inferior Courts of the Kingdom; which Claim, Liberty, and Franchiſe, the King very graciouſly allowed, and granted in full Parliament.

[2.] *Ib. N.* 7. The Lords Appellants make Proteſtation, that whatever they, or thoſe of their Party had done, was for the honour of God, and ſafety of the King, and Kingdom.

[2.] Then the Five Lords *Appellants* (or Proſecutors of the late Criminals) *viz. Thomas* Duke of *Glouceſter*, *Henry* Earl of *Derby*, *Richard* Earl of *Arundel*, *Thomas* Earl of *Warwick*, and *Thomas* Earl of *Nottingham*, as Earl Marſhal, made open Proclamation in full Parliament, That what they had done touching their Appeal and Suit in that Parliament, and had done before, by the Aſſiſtance of the People in their Company (or of their Retinue) was done Principally to the honour of God, and in aid and ſafety of the King, and his Kingdom, and the ſecurity of all their Lives.

[3] *Ib. N.* 11. The Lords and Commons grant a *Tenth*, and half a *Fifteenth*, with a Proteſtation.

This [3.] done, the Lords and Commons granted half a *Tenth*, and half a *Fifteenth*, with *Proteſtation*, that it was done of neceſſity, and that it might be no prejudice to the Lords and Commons in time to come, becauſe it was ſo granted; and further they pray the King, that notwithſtanding this Grant ſo made, the Parliament might hold on its courſe, yet be Adjourn'd, if need were; and that all things touching the ſaid Parliament, might be done and executed, as if the Grant had not been made until the end of the Parliament, in manner accuſtomed, and then the King granted their Requeſt, as a thing He ought to do of Reaſon.

[4.] *Ib. N.* 12. *In fine.* The Lords and Commons take an Oath on the Croſs of *Canterbury. Vid.* the Oath in *French*, in Dr. *Brady*'s Appendix. *N.* 106.

On [4.] *Friday* the twenty firſt of *March*, (which was the forty ſixth day of Parliament) each of the Prelates, Lords, and Commons had the Oath following Adminiſtred to them upon the Croſs of *Canterbury*, in full Parliament.

> *You ſhall Swear that you will keep, and cauſe to be kept the good Peace, Quiet, and Tranquility of the Kingdom; and if any will do to the contrary thereof, you ſhall oppoſe and diſturb him to the utmoſt of your power. And if any People will do any thing againſt the Bodies of the Perſons of the Five Lords; that is to ſay,* Thomas *Duke of* Glouceſter, Henry *Earl of* Derby, Richard *Earl of* Arundel *and* Surrey, Thomas *Earl of Warwick, and* Thomas *Earl Marſhal, or any of them, you ſhall ſtand with them to the end of this preſent Parliament, and Maintain and Support them with all your power, to live and die with them againſt all Men; no Perſon, or any other thing excepted, Saving always your Legiance to the King, and the Prerogative of His Crown, and the Laws and Good Cuſtoms of the Kingdom.*

And the King by the advice of his great Council in Parliament at the same time issued out writts to all Sheriffs, directing them to [illegible] and Gentlemen and other sufficient persons of their respective Counties, as also all [illegible] Mayors, Aldermen of Cities and Burroughs according to a Schedule thereunto annexed to make return to the Parliament which was to meet [illegible] after, the names of such as had taken the sd. oath and also of those that had not (if any such there were) under their respective seals. Rot. Claus. 11 Ric. 2. [illegible] m. 12.

[5] *Rot. Parl.* 11. *R.* 2. *N.* 16. They alſo grant the K. a Subſidy on Leather, and Woolfells, on condition that the Lords Appellants ſhould receive 20000 *l.* out of it.

[5.] Then the Lords and Commons further Granted to the King in defence of the Realm, a Subſidy upon *Leather*, *Wooll*, and *Wool-fells*, upon Condition that the Five Lords Appellants ſhould have out of it Twenty Thouſand Pounds, by Aſſent and Grant of the King, for their Labour and Expences before that time, for the Honour, Profit, and Safety of the King, and whole Kingdom.

[1.] The Commons alſo Pray, That no Perſon of what Eſtate ſoever, do intermeddle with the Buſineſs of the Kingdom, nor the Council of the King, but thoſe Aſſigned in this Parliament, unleſs it be by Order of the Continual Council; and Prayed alſo, That they might have Power to remove all Perſons from the King, which they thought fit to remove, and put others in their Places.

[1] *Ib. N.* 23. The Petition of the Commons concerning Councellors.

To which the King's Anſwer was, as to the *Firſt* Point of this Article the King granteth it, as to the *Second*, if any Lord of the Council, or other Lord of the Kingdom will inform the King, that He had about Him any Perſon, not Sufficient or Honeſt, He willeth that if it be proved, he ſhall be removed, and another more ſufficient, by Advice of Himſelf, put in his Place.

Ib. The King puts off the granting it.

[2.] In this Parliament, the Lord's Appellants, *viz. Thomas* Duke of *Glouceſter*, Conſtable of *England*, *Henry* Earl of *Derby*, *Richard* Earl of *Arundel* and *Surrey*, *Thomas* Earl of *Warwick*, and *Thomas* Earl of *Nottingham*, and Marſhal, did Accuſe and Appeal *Alexander* Archbiſhop of *York*, *Robert de Vere* Duke of *Ireland*, and *Michael de la Pole* Earl of *Suffolk*, being to this effect.

[2.] *Ib. Par.* 2. The Lords Appellants accuſe *Alexander* Archbiſhop of *York*, &c. of High Treaſon.

I. That as falſe Traytors and Enemies to the King, and Kingdom, taking advantage of his tender Age, and the Innocency of his Perſon, they inform'd and put upon him for Truth divers falſe things of their own invention, againſt all Loyalty and good Faith, and made him entirely their own; ſo that they had his Love, firm Faith, and Credit, while He hated and ſuſpected his Loyal Lords, and Lieges, by whom He ought to have been Govern'd. That theſe falſe Traytors had encroach'd to themſelves Royal Power, by [3.] enſlaving the King, blemiſhing his Sovereignty, and leſſening his Prerogative, and Royalty, and made Him ſo Obedient to their Will, that He was Sworn to be Govern'd, Counſelled and Conducted by them; by Vertue of which Oath, they kept Him in Obedience to their falſe Imaginations, and miſchievous Deeds, contained in the following Articles.

The Articles of their Impeachment.

[3.] Disfranchiſans.

II. Alſo whereas the King is not bound to take any Oath, but on the Day of his Coronation, or for the common profit of Himſelf, and Kingdom, the aforeſaid *Alexander*, *Robert*, and *Michael*, falſe Traytors and Enemies to the King, and Realm, made Him to Swear, and aſſure them, that He would maintain, ſupport, and live and die with them; and alſo whereas the King ought to be of more free Condition than any other of his Kingdom, they have put Him more in Servitude, than any one, againſt his Honour, Eſtate, and Royalty, againſt their Legiance, as Traytors to Him.

III. Alſo the ſaid *Robert*, *Michael*, and *Alexander*, by the Aſſent and Counſel of *Robert Treſilian*, that falſe Juſtice, and *Nicholas Brambre*, falſe Knight of *London*, by their wicked Contrivance, would not permit the great Men of the Kingdom, nor good Counſellors, to come near the King, nor would ſuffer Him to ſpeak with them, unleſs in their Preſence and Hearing, encroaching to themſelves Royal Power, Lordſhip and Sovereignty, over the Perſon of the King, to the great Diſhonour and Peril of the King, the Crown, and his Realm.

IV. Alſo the aforeſaid *Alexander*, *Robert Vere*, *Michael de la Pole*, *Robert Treſilian*, and *Nicholas de Brambre*, by their falſe Wickedneſs, evilly adviſed the King, ſo that his Perſonal Preſence which He ought

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to make to the Great Lords and his Liege-People, and the Favours and Right, to which they requeſted his Anſwer, were not to be obtained, but at their Pleaſure and Allowance, in ſtaying the King from his Duty, and againſt his Oath, and turning the Hearts of the great Lords from Him, with deſign to eſtrange his Heart from the Peers of the Land, to have amongſt them the ſole Government of the Kingdom.

V. Alſo by the ſaid Encroachment of *Robert de Vere*, Duke of *Ireland*, and *Michael de la Pole*, with the Advice and Counſel of *Alexander*, Arch-Biſhop of *York*, they cauſed the King, without Aſſent of the * Kingdom, by their Abetments, without any Deſerts of the Perſons, to give divers Lordſhips, Caſtles, Towns, and Mannors, as well annexed to his Crown as others, as the whole Realm of *Ireland*, the Town of *Okeham*, and the Foreſt thereof, and the Lands which were the Lord *Audley's*, and other great Eſtates, to the ſaid *Robert de Vere*, and others, whereby they were mightily enriched, and the King become ſo poor, that He had not wherewith to ſupport, and bear the Charges of the Kingdom, unleſs by Impoſitions, Taxes, and Tributes, put upon his People, in diſheriſon of his Crown, and to the undoing of the Realm.

* *i. e.* Of the Parliament.

VI. Alſo by the Encroachment of the ſaid *Alexander*, *Robert*, and *Michael*, by the Aſſent and Advice of the aforeſaid *Robert Treſilian*, and *Nicholas Brambre*, they cauſed the King to give divers Lands, Mannors, Tenements, Rents, Offices, and Bailiwicks, to People of their Kindred, and other Perſons, of whom they received great Bribes; and alſo to make them of their Party, in their falſe Quarrels and Purpoſes; as in the Caſe of Sir *Robert Manſel* Clerk, *John Blake*, *Thomas Uske*, and others, to the Deſtruction of the King and Kingdom.

VII. Alſo *Robert de Vere*, *Michael de la Pole*, *Alexander* Arch-Biſhop of *York*, with the reſt of the Perſons above-named, by Aſſent and Counſel of the ſaid *Nicholas Brambre*, &c. encroaching to themſelves Royal Power, cauſed the King to give very great Sums of Gold and Silver, as well of his own Goods and Jewels, as the Treaſure of the Kingdom, beſides *Tenths*, *Fifteenths*, and other Taxes, granted by divers Parliaments, to be expended in Defence and Safeguard of the Kingdom, and otherwiſe, which amounted to the Sum of One Hundred Thouſand Marks, and more, to the ſaid *Robert*, and Others; and further, they cauſed many good Ordinances and Purpoſes made and ordained in Parliaments, as well for the Wars, as defence of the Kingdom, to be Interrupted, to the great Injury of the King and Kingdom.

VIII. Alſo by the ſaid Encroachment, and great Bribes taken by the ſaid *Robert*, *Michael*, and *Alexander*, divers Perſons not ſufficient or fit, had the Guard and Government of divers Lordſhips, Caſtles, and Countries, as in *Guyenne*, and elſewhere, as well on this ſide, as beyond the Sea; whereby the People and Countries of thoſe Territories being Loyal to the King, for the moſt part were deſtroyed, and great Dominions of late render'd into the hands and Poſſeſſion of the Enemy, without aſſent of the Realm, which were never in the hands of the Enemy ſince the Conqueſt of them; as alſo in the Marches of *Scotland*, and otherwhere, in Diſheriſon of the Crown, and great Injury to the Realm, as in the Caſe of *Harpeden*, *Craddock*, and others.

IX. Alſo by the Encroachment of the aforeſaid *Alexander, Robert, Michael, Robert,* and *Nicholas,* divers People have been hindred of the benefit of the Common Law of *England,* and put to great Delays, Loſſes and Coſts, whilſt Statutes and Judgments juſtly made upon neceſſary Cauſes in Parliament, have been reverſed, and annulled, by procurement of the ſaid Miſdoers, and Traitors; and this by reaſon of the large Bribes by them extorted, to the great prejudice of the Kingdom.

X. Alſo the Five aforeſaid, encroaching to themſelves Royal Power, as falſe Traytors to the King, and Kingdom, cauſed and Counſelled the King to grant Charters of Pardon for horrible Felonies and Treaſons, as well againſt the State of the King, as of the Party, againſt the Law and Oath of the King.

XI. Alſo, whereas the great Lordſhip and Land of *Ireland,* hath been beyond memory parcel of the Crown of *England,* and the People thereof for all that time have been the King's Lieges, without any meſne Lord, to Him, or his Royal Progenitors, and our Lord, and his Noble Progenitors, Kings of *England,* have in all their Charters, Writs, Letters, and Patents, and alſo under their Seals, in augmentation of their Names and Royalty, ſtiled themſelves *Lords of Ireland*; the aforeſaid *Robert* Duke of *Ireland, Alexander,* and *Michael,* &c. as falſe Traitors to the King, by the ſaid Encroachment, gave Advice, that the King, as much as was in Him, had granted that *Robert de Vere* ſhould be King of *Ireland*; and to accompliſh this wicked Purpoſe, the aforeſaid Traitors Counſelled and excited the King to ſend Letters to the Pope, to ratifie and confirm their Traiterous Intention, without the knowledge and aſſent of the Kingdom of *England,* or Land of *Ireland,* in parting the King's Legiance in reſpect to both Nations, in decreaſe of the Honourable Name of the King, and in open Diſheriſon of his Crown of *England,* and full deſtruction of his Loyal Lieges, and the Nation of *Ireland.*

XII. Alſo, whereas by the Great Charter, and other good Laws and Uſages of the Kingdom, no Man ought to be taken, put in Priſon, or to Death, without due proceſs of Law, the aforeſaid *Nich. Brambre,* falſe Knight of *London,* took by Night certain Perſons out of the Priſon of *Newgate,* Chaplains, and others, to the number of Twenty two, ſome Debtors, others accuſed of Felony, and ſome Approvers in the Caſe of Felony, and ſome taken and Impriſoned there upon ſuſpicion of Felony, and led them into *Kent,* to a Place called the *Foul-Oke,* and there encroaching to himſelf Royal Power, as a Traytor to the King, and without Warrant, or Proceſs of Law, cauſed all their Heads to be cut off, but one, who was appealed of Felony by an Approver, and him he ſuffer'd to go at large, at the ſame time.

XIII. Alſo the aforeſaid *Alexander, Robert, Michael, Nicholas,* &c. Traitors to the King, and Kingdom, took great Bribes in many Caſes in the Name of the King, for maintenance of Quarrels, or Suits, and one time took Bribes of both ſides, or Parties, as ſhall be more fully ſhewed, if need be.

XIV. Alſo theſe five cauſed ſome Lords, and others, Royal Lieges, to be put out of the King's Council, ſo as they dare not to ſpeak in Parliament, about the good Government of the King's Perſon, or Kingdom.

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XV. Alſo whereas in the laſt Parliament, all the Lords, Sages, and Commons there Aſſembled, ſeeing the imminent Ruin of the King, and Kingdom, by the Perils and Miſchiefs aforeſaid, and for that the King had forſaken the Counſel of the Kingdom, and holden Himſelf altogether to the Counſel of the ſaid Five Evil-doers, and Traytors; and alſo for that the King of *France* with his Royal Power, was then Shipped ready to have Landed in *England*, to have deſtroyed the Kingdom, and Language thereof, and there was no Ordinance then made, or Care taken for the ſafety of the King, and Kingdom. They knew no other Remedy, than to ſhew the King fully how He was ill Govern'd, Led, and Counſelled by the Traytors, and Ill Doers aforeſaid; requiring Him moſt humbly, as his Loyal Lieges, for the ſafety of Him, and his whole Realm, and for avoiding the Perils aforeſaid, to remove from his Preſence the ſaid Evil Doers and Traytors, and not to do any thing after their Advice, but according to the Counſel of the Loyal and Diſcreet *Sages* of the Realm; and hereupon the ſaid Traitors, and Evil Doers, ſeeing the Good and Honourable Opinion of the Parliament, they to undo this good Purpoſe, by their falſe Counſel, cauſed the King to Command the Mayor of *London* to kill and put to death all the ſaid Lords, and Commons, except ſuch as were of their Party; to the doing whereof, theſe great Traytors, and Evil-doers ſhould have been Parties, and preſent, to the undoing of the King, and the Kingdom.

XVI. Alſo, that thoſe Five Traytors above-mention'd, when the Mayor and good People of *London* utterly refuſed, in the Preſence of the King, to Murther the Lords and Commons, they, by their ſaid Trayterous Accroachment, falſely Counſelled the King, and prevailed with Him to leave the Parliament for many Days; and cauſed Him to certify, That He would not come to the Parliament, nor treat with the Lords and Commons, concerning the Buſineſs of the Kingdom, for any Peril, Ruin or Miſchief whatſoever, that might happen any ways to Him, or the Realm; if He were not firſt aſſured, by the Lords and Commons, that they would not ſpeak or do in that Parliament, any thing againſt any of the Miſdoers, ſaving that they might proceed on in the Proceſs, which was then commenced againſt Sir *Michael de la Pole*, to the great Ruin of the King and Kingdom, and againſt the antient Ordinances and Liberties of Parliament.

XVII. Alſo, the ſaid Lords and Commons, after they underſtood, that the King's Mind (thro' the wicked Excitation and Counſel of the ſaid Five, *&c.* above-mention'd) was ſuch, that He would not ſuffer any thing to be commenced, perſued, or done, againſt the ſaid evil Doers, ſo that they durſt not ſpeak, or proceed againſt the King's Will. And then in Parliament was read the former Counſel and Advice of the Lords and Juſtices, with other *Sages* and Commons of Parliament, how the Eſtate of the King, and his Royalty, might be beſt ſaved, againſt the Perils and Miſchiefs aforeſaid; and they knew not how to find any other Remedy, than to ordain, That Twelve Loyal Lords of the Land ſhould be the King's Council for one Year; and that there ſhould be made ſuch a Commiſſion and Statute, by which they ſhould have full and ſufficient Power to Ordain, *&c.* according to the Effect of the ſaid Commiſſion and Statute; by both which no Man was to adviſe the King againſt

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them, under Forfeiture, for the firſt Offence, of his Goods and Chattels ; and for the ſecond Offence, of Life and Member ; which Ordinances, Statute and Commiſſion, being made agreeable to the Aſſent of the King, the Lords, Judges, and other *Sages* and Commons aſſembled in the ſaid Parliament, to preſerve to the King his Royalty and Realm : When the ſaid Traytors and Miſdoers, by their Evil, Falſe, and Trayterous Informations of the King, that the ſaid Ordinances, Statute and Commiſſion, were made to defeat his Royalty ; and that all thoſe who procured and counſelled the making of them, and thoſe who excited the King to conſent to them, were worthy to be put to Death, as Traytors to the King,

XVIII. Alſo, after this, the aforeſaid Five Miſdoers and Traytors, cauſed the King to aſſemble a Council of certain Lords, Juſtices, and others, many times without the Aſſent and Preſence of the Lords of the ſaid Great Council ; and made divers Demands of them very Suſpicious, concerning divers Matters, by which the King, Lords, and Common People, were in great Trouble, with the whole Realm.

XIX. Alſo, to accompliſh the ſaid High Treaſon, the ſaid Miſdoers and Traytors, *Alexander*, *Robert*, *Michael*, &c. by the Aſſent and Counſel of *Robert Treſilian*, and *Nicholas Bramlre*, cauſed the King to ride thro' the Kingdom with ſome of them, into *Wales*, and cauſed Him to make come before Him the Lords, Knights and Eſquires, and other good People of thoſe Parts, as well of Cities and Burghs, as other Places ; and made ſome to enter into Bond, others by their Oaths, to ſtand by Him, againſt all People ; and to effect his Purpoſe ; which at that time was the Will and Purpoſe of the ſaid Miſdoers and Traytors, by their falſe Imaginations, Deceits, and Accroachments aboveſaid ; which Securities and Oaths, were againſt the good Laws and Uſages of the Land, and againſt the Oath of the King, to the great Ruin and Diſhonour of the King and Kingdom.

XX. Alſo, by Force of ſuch Bonds and Oaths, all the Realm was put into great Trouble, by the ſaid Evil-doers and Traytors, and in Peril to have ſuffer'd many intollerable Miſchiefs.

XXI. Alſo, to bring about their Trayterous Purpoſes, the ſaid Five cauſed the King to go into ſeveral other Parts of the Kingdom for ſome time, whereby the Lords aſſigned by the ſaid Ordinances, Statute and Commiſſion, could not adviſe with Him about the Buſineſs of the Kingdom ; ſo as the Purport and Effect of the Ordinances, Statute and Commiſſion, were Defeated, to the great Ruin of the King and Kingdom.

XXII. Alſo, the ſaid *Robert de Vere* Duke of *Ireland*, by the Counſel and Abetment of the other Four Traytors, accroaching to Himſelf Royal Power, without the King's Commiſſion, or other ſufficient or uſual Warrant, made Himſelf Chief-Juſtice of *Cheſter*, and by Himſelf and Deputies held all manner of Pleas, as well Common as of the Crown, and gave Judgments upon them, and made Execution thereof ; and alſo cauſed many Original and Judicial Writs to be Sealed with the Great Seal uſed in thoſe Parts ; and alſo by ſuch Accroachment of Royal Power, He cauſed to riſe with him a great part of the People of that Country ; Some by Threats, Others by Impriſonments of their Bodies ; Some by Seizing of their Lands, Others by many

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XXIII. Alſo, the ſaid Traytors, *Robert de Vere*, *Alexander*, *Michael*, &c. by the Counſel and Abetment of *Robert Treſilian*, and *Nicholas Brambre*, accroaching to themſelves Royal Power, cauſed to be delivered the ſaid *John de Blois*, Heir of *Bretagn*, who was Priſoner, and Security to the King and Kingdom, without Aſſent of Parliament, or the King's Great Council, and without any due Warrant, to the great ſtrengthning of the Adverſary of *France*, the Ruin of the King and Realm, and againſt the Statutes and Ordinances aforeſaid, made in the laſt Parliament.

XXIV. Alſo, the ſaid Five Traytors cauſed the King to have a great Retinue of late of divers People, to whom He gave Badges, which was not done in antient Time, by any King his Progenitors, that they might have Power to perform their falſe Treaſon aforeſaid.

XXV. Alſo, the aforeſaid Five Miſdoers and Traytors, in full Accompliſhment of all their Treaſons aforeſaid, and to make the King give Credit to them and their Counſel, and hold them more Loyal and greater *Sages*, than others of the Kingdom; and the more to colour their falſe Treaſons, cauſed the King to make come before Him, in ſeveral Places of the Kingdom, divers Juſtices and Lawyers; namely, *Robert Treſilian*, *Robert Belknap*, *John Cary*, *John Holt*, *Roger Fulthorp*, *William Burgh*, his Juſtices, and *John de Loketon*, Serjeant at Law, and with them *John Blake*, who were asked in the preſence of the King, by the ſaid Miſdoers, Whether the foreſaid Ordinances, Statute and Commiſſion were made in derogation of his Royalty and Prerogative, or not? With divers other Queſtions, to all which they Anſwered in manner following. Then follow the Queries that were before propoſed to the Judges at *Nottingham*, which ſince they are already recited, I ſhall here omit, and proceed to the Twenty Sixth Article againſt the Five Perſons above-mention'd, being to this effect.

XXVI. Theſe Five Evil-doers and Traitors, are alſo further Accuſed, that they drew away the Heart and Good Will of the King from the ſaid Lords, and others, who had agreed to make the ſaid Commiſſion and Ordinances in the laſt Parliament, and He thereupon accounted them Enemies, and Traytors; and being ſure the ſaid Juſtices favour'd their Deſigns, contriv'd that thoſe Lords, and others, ſhould be Arreſted, Indicted and Attainted by falſe Inqueſts of Treaſon, and put to Death, and they, and their Iſſue Diſherited; and theſe falſe Arreſts, Indictments, and Attainders, were to be made in *London*, or *Middleſex*; and for that Purpoſe they had procured a Falſe and Wicked Perſon, called *Thomas Husk*, to be Under Sheriff of *Middleſex*, who by their Aſſent, Procurement, and Command, undertook the ſaid falſe Indictments and Attainders ſhould be made and accompliſh'd. And for the more compleat effecting of their Treaſon, they cauſed the King to ſend his Letters of Credence by one *John Rypon* a falſe Clerk, and one of their Crew, to the Mayor of *London*, to Arreſt the Duke of *Glouceſter*, and others therein named, and by force of thoſe Letters, one *John Blake* carried to the Mayor a Bill of Information againſt them, by which they were to be Indicted, and Attainted; the effect of which

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Bill was, That it ſeemed for the better, that certain of the Lords, Knights, and Commons of the laſt Parliament, which were Notoriouſly Impeachable, ſhould be privately Indicted in *London*, and *Middleſex*, of Conſpiracy, and Confederacy, for that they at a certain Day mention'd, Falſly and Traiterouſly had Conſpired and Confederated between themſelves, *to make in the ſame Parliament, a Statute and Commiſſion againſt the Royalty of our Lord the King, and in derogation of His Crown, and procured the ſame Statute there afterwards, at a certain Day to be paſſed; and alſo had procured, nay conſtrain'd our Lord the King, to Aſſent againſt his Will to have it made: And they Traiterouſly, againſt their Allegiance, hinder'd the* King *from uſing His Royalty, to the great Diſteriſon of Him, and Derogation to His Crown, againſt their Allegiance, Swearing to maintain each other in this matter.*

And further, the ſaid Evil-doers, and Traytors ſet a Watch to give notice of the Duke of *Lancaſter*'s Landing in *England*, that he might be Arreſted upon his arrival.

XXVII. Alſo the above-named Five Evil-doers, and Traytors, after having informed the King that He ſhould believe that the ſaid Statute, Ordinances, and Commiſſion, were made in derogation of his Royalty and Prerogative, they ſtrongly poſſeſſed him that all thoſe who made, or cauſed to be made the ſaid Statute, Ordinances, and Commiſſion, had thereby a purpoſe to degrade, and finally to depoſe Him, and that they would not give over that purpoſe, until they had perfected it; for which Cauſe the King held them as Enemies, and Traytors.

XXVIII. Alſo, after this Falſe and Traiterous Information, when the *Five* aforeſaid had procured the King to hold the Loyal Lords as Enemies and Traytors, the ſaid Miſdoers, and Traytors, Adviſed Him by every way poſſible, as well by the Power of his own People, as by the Power of His Enemies of *France*, and others, to deſtroy and put to Death the ſaid Lords, and all others who aſſented to the making of the ſaid Statute, Ordinances, and Commiſſion, and that it might be done ſo privately, as none might know of it till it was done.

XXIX. Alſo, to accompliſh the High Treaſon aforeſaid, *Alexander, &c. Robert de Vere*, &c. and *Michael*, &c. by their Advice, cauſed the King to ſend his *Letters of Credence* to his Adverſary the King of *France*; ſome by one *Nicholas Southwell*, a Groom of his Chamber, and others, by other Perſons of ſmall Account, as well Strangers, as *Engliſh*, Requeſting and Praying the King of *France*, that He would with all his Power and Advice be Aiding and Aſſiſting Him to deſtroy and put to Death the ſaid Lords, and other *Engliſh*, which the King held to be his Enemies, and Traytors, as above, to the great diſturbance and diſſatisfaction of the whole Realm.

XXX. Alſo the Three laſt named Perſons encroaching to themſelves Royal Power, cauſed the King to Promiſe the King of *France* by his Letters Patents, and Meſſages, that for ſuch his Aid and Power to accompliſh the ſame, He would Give and Surrender unto him the Town and Caſtle of *Calais*, and all other Caſtles and Fortreſſes in the Marſhes or Confines of *Picardy*, and *Artois*, with the Caſtles and Towns of *Cherburgh*, and *Breſt*, to the great Diſhonour, Trouble, and Ruin of the King, and Kingdom.

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XXXI. Alſo, after the laſt named Three were ſure of having Aid and Aſſiſtance from the King of *France*, by Inſtigation and Contrivance of the ſaid Traytors, a Conference was to have been in the Marſhes of *Calais*; about a Truce for Five Years between the Two Nations; at which Conference both Kings were to be preſent, as likewiſe the *Engliſh* Lords, whom the King then held to be his Traytors; and there *Thomas* Duke of *Glouceſter*, Conſtable of *England*, *Richard* Earl of *Arundel* and *Surrey*, and *Thomas* Earl of *Warwick*, with divers others, were to have been put to Death by Treachery.

XXXII. Alſo, for performance of this High Treaſon, the laſt named Three, cauſed the King to ſend for ſafe Conducts to the King of *France*, ſome for Himſelf, and for the Duke of *Ireland*, and others for *John Saliſbury*, and *John Lancaſter*, Knights, with other People with them, who were to go into *France*, to put in Execution this wicked Purpoſe and Treaſon; which ſafe Conducts were ready to be produced.

XXXIII. Alſo, the foreſaid *Nicholas Brambre*, falſe Knight of *London*, by the Aſſent and Advice of the ſaid *Alexander* &c. *Robert de Vere* &c. *Michael*, &c and *Robert Treſilian* Falſe Juſtice, encroaching to themſelves Royal Power (as before) ſome of them went perſonally into *London*, and without the Aſſent and Knowledge of the King, there openly in his Name made all the Crafts or Trades of that City to be Sworn, to hold and perform divers Matters not Lawful, as is contain'd in the ſaid Oath, upon Record in *Chancery*: And amongſt other things, that they ſhould keep and maintain the King's Will and Purpoſe to their Power, againſt all ſuch as were, or ſhould be Rebels againſt the King's Perſon, or His Royalty, and that they ſhould be ready to live and die with Him, in deſtruction of all ſuch, who did or ſhould deſign Treaſon againſt the King in any manner; and that they ſhould be ready, and come ſpeedily to their *Mayor* for the time being, or that afterwards ſhould be, when and at what hour they ſhould be required, to reſiſt ſo long as they lived, all ſuch as did, or ſhould deſign any thing againſt the King in any of the Points above-ſaid; at which time the King, by Evil Information of the ſaid Miſdoers, and Traytors, and by the falſe Anſwers of the *Juſtices*, firmly held the ſaid Lords, and others, who contrived the ſaid Statute, Ordinances, and Commiſſion, to be Rebels, Enemies, and Traytors, which falſe Information was then unknown to the People of *London*; and alſo by obſcure words contained in the ſaid Oath, the intent of the Miſdoers, and Traytors being to engage the People of *London* to raiſe their Power to deſtroy the ſaid Loyal Lords, and others.

XXXIV. Alſo, the ſaid *Nicholas*, *Alexander*, *Robert de Vere*, and *Michael*, as Traytors to the King, and Kingdom, encroaching to themſelves Royal Power, did of their own Authority, without Warrant from the King, or His Great Council, cauſe to be Proclaimed thro' the City of *London*, that *none of the* King's *Lieges ſhould Aid or Comfort* Richard *Earl of* Arundel *and* Surrey, *a Peer of the Land, and one of the Lords of the King's Great Council, during the Commiſſion, nor ſhould ſell him Armour, Victuals, or other things neceſſary, but ſhould avoid all of his Party as Rebels, upon pain of being proceeded againſt as Rebels, and on Forfeiture of all they were worth; ſhewing Letters Patent from the King, for making ſuch Proclamation, being to the Deſtruction of the King's Liege Subjects.*

Alſo

XXXV. Alſo the ſaid *Nicholas Brambre*, by Aſſent and Counſel of the ſaid *Alexander*, *Robert de Vere*, and *Michael*, cauſed it to be Proclaimed in the City of *London*, That no Perſon ſhould be ſo hardy as to preſume to ſpeak any ill of the ſaid Miſdoers, and Traytors, upon pain of Forfeiting to the King whatever they were worth.

XXXVI. Alſo the ſaid Five Traytors to the King, and Kingdom, cauſed the King to make certain Perſons to be Sheriffs thro' the Kingdom, named and recommended to Him by the ſaid Evil Doers, and Traytors, to the intent that they might get ſuch Perſons as they ſhould name, return'd for Knights of the Shire to ſerve in Parliament, to the undoing of the Loyal Lords, and Commons, and alſo the good Laws and Cuſtoms of the Kingdom.

XXXVII. Alſo the ſaid Five Miſdoers, and Traytors, during the time of Protection, to hinder the *Appeal* againſt them, falſly Counſelled, and prevailed with the King to Command by His Letters divers Knights, and Eſquires, Sheriffs, and other Miniſters of ſeveral Counties, to Levy and Aſſemble all the Power they could to join with the Duke of *Ireland* againſt the Lords *Appellants*, to make ſudden War upon, and deſtroy them.

XXXVIII. Alſo during the time of the ſaid Protection of the ſaid *Robert de Vere*, *Michael* &c. *Alexander* &c. *Nicholas*, &c. they cauſed the King by His Letters, to ſignifie to the Duke of *Ireland*, that they were all Appealed of Treaſon, by *Thomas* Duke of *Glouceſter*, Conſtable of *England*, *Richard* Earl of *Arundel* and *Surrey*, and *Thomas* Earl of *Warwick*, and how He had given them day until the next Parliament; and how He had taken into His ſpecial Protection both Parties, with all their Goods, and Chattels; and it was further contain'd in the King's *Letters*, that if the Duke of *Ireland* ſhould have ſufficient Power, he ſhould not ceaſe to March on with all his Force to come to Him; and ſoon after they cauſed the King to write to the ſaid Duke, that he ſhould take the Field with all the Force he could get together, and that he would meet Him with all his Troops, and that He would adventure his Royal Perſon with him, and that He was in great danger, as alſo the whole Nation, if He was not relieved by him; and this the Duke ought to declare to all the People with him, and that the King would pay the Wages and Coſts of the ſaid Duke, and all the People Aſſembled with him. By Vertue of which Letters, and the Wicked and Traiterous Inſtigations, as well of the Duke, and his Adherents, and all the other Miſdoers, and Traytors, he raiſed a great number of Men at Arms, and Archers, as well in the Counties of *Lancaſter*, and *Cheſter*, as in *Wales*, and other Places of the Kingdom, to deſtroy and put to death the ſaid Loyal Lords, and all others who had Aſſented to the making of the Statute, Ordinances, and Commiſſion, in defence of the King, and His Kingdom.

XXXIX. Alſo the ſaid *Robert de Vere*, Duke of *Ireland*, Falſe Traytor to the King, and Kingdom, Aſſembled a great Power of Men at Arms, and Archers, in *Lancaſhire*, *Cheſhire*, *Wales*, and many other Places, to the intent to have Traiterouſly deſtroyed with all his Power the ſaid Lords, *Thomas* Duke of *Glouceſter*, Conſtable of *England*, *Henry* Earl of *Derby*, *Richard* Earl of *Arundel* and *Surrey*, *Thomas* Earl of *Warwick*, and *Thomas* Earl Marſhal, with divers others the King's Lieges, to the undoing and ruin of the King, and the whole Kingdom; and

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ſo Rode or Marched with a great Force of Men at Arms, and Archers, from the Country of *Cheſter*, to *Radcot-Bridge*, accroaching to himſelf Royal Power, and diſplaying the King's Banner in his Army, againſt the State of the King, and His Crown.

[1.] *Rot Parl.* 11 *Rich.* 2. Part 3.M. 14.

[2.] The Perſons Appeal'd not appearing, their Default is Recorded, and Judgment is demanded againſt them.

This Impeachment was Exhibited on *Monday* the Third of *February*, being the firſt Day of the Parliament, when the Lords Appellants alſo affirmed they were ready to prove every Article of it, as ſhould be awarded in Parliament, to the Honour of God, and the Advantage and Profit of the King, and the whole Realm. [1.] Whereupon all the Perſons Appeal'd, were by Command of the King, and Lords, Solemnly Summon'd in the Great Hall at *Weſtminſter*, as alſo at the Gate of the ſaid Palace, to come in and Anſwer the ſaid *Appellants* ; But their non-appearance, the ſaid Duke and Lords *Appellants* pray upon that, their [2.] Default might be Recorded. Then upon the ſaid *Appellant*'s alledging that the accuſed had full notice of the ſaid Appeal, and the King and Lords being ſatisfied it was ſo, by reaſon they did not appear, their Default was Recorded accordingly; whereupon the ſaid Duke and Earls *Appellants* prayed the King and Lords that they might be Adjudged and Convicted of the Treaſons contain'd in the ſaid Appeal ; then the King and Lords took time to conſider and examine the Articles, after which they would give ſuch Judgment in this Caſe, as ſhould be to the Honour of God, the Advantage and Profit of the King, and the whole Kingdom. Then the King Commanded the ſaid Lords to Examine the Articles ſeverally, which they did with great Labour and Diligence, until Thurſday the Thirteenth of *February*.

[3.] *Ib.*

Cauſes only to be Tried in Parliament, and by whom.

[3.] During this Interval, the Juſtices, Serjeants, and other Sages of the Law, both of the Realm, and of the Law Civil, were Charged by the King to give their faithful Advice to the Lords of Parliament, how they ought to proceed in the above-ſaid Appeal. Then the ſaid Juſtices, Serjeants, and Sages of both Laws, having taken theſe Matters into their Deliberation, Anſwer'd the ſaid Lords of Parliament, that they had ſeen and well underſtood the Tenor of the ſaid Appeal, and affirm'd that it was not made nor brought according as the one Law or other requir'd ; upon which, the ſaid Lords of Parliament having taken Deliberation, and Advice, it was by the Aſſent of the King, with their common accord declared, That in ſo high a Crime as is laid in this Appeal, and which touches the Perſon of the King, and ‘ the Eſtates of this Realm, and is perpetrated by Perſons who are ‘ Peers thereof, together with others, the Cauſe cannot be tried elſe- ‘ where, but in Parliament, nor by any other Law, or Court, except ‘ that of Parliament, and that it belongs to the Lords of Parliament, ‘ and to their free Choice and Liberty, by antient Cuſtom of Parlia- ‘ ment, to be Judges in ſuch Caſes, and to judge of them by the ‘ Aſſent of the King; and thus it ſhall be done in this Caſe, by Award ‘ of Parliament, becauſe the Realm of *England* is not, nor ever was ‘ (neither is it the Intent of the King, and Lords of Parliament that it ‘ ſhall ever be) Rul'd or Govern'd by the Law Civil, and therefore it ‘ is not their Intent, otherwiſe to proceed in ſo High a Caſe as this ‘ Appeal, which cannot be Tryed or Determin'd any where elſe than ‘ in Parliament, ſince the Proceſs or Order uſed in Inferior Courts 'is only as they are intruſted with the Execution of the Antient Laws 'and Cuſtoms of the Realm, and the Ordinances and Eſtabliſhments 'of Parliament, and it was the Judgment of the Lords of Parliament, 'by Aſſent of the King, that this Appeal was well and duly brought, 'and the Proceſs upon the ſame was good and effectual, according 'to the Laws and Courſe of Parliament, and by which they will 'Award and Judge it.

Ib.

Upon this, the *Appellants* again moved the King and Lords to Record their Default; and that *Nicholas Brambre* (who was the only Perſon in Cuſtody, might be brought to Anſwer. Then the other Perſons Appeal'd were again Summon'd to come in and make Anſwer, but they did not appear; nevertheleſs the King and Lords took time to deliberate till the next day, being the fifth of *February*, at which time, the ſaid *Appellants* again Prayed that the Default of the *Appealed* might be Recorded, which was done accordingly.

[illegible]

The Archbiſhop's Proteſtation.

[1.] *Ib. N.* 9. See it at large in Dr. *Brady*'s Append. *N.* 9.

After which, the [1.] Archbiſhop of *Canterbury*, in behalf of himſelf, and all other the Suffragan Biſhops, with the Abbots, Priors, and other Prelates, holding of the King by Barony, made Proteſtation, and deliver'd it in Writing, for the ſaving of their Right of Peerage, and Sitting and Voting in Parliament, notwithſtanding they could not now be there, by reaſon of certain Matters then in agitation, at which by the Sacred Canons, they could not be Perſonally preſent. The like Proteſtation was made by the Biſhops of *Dureſm*, and *Carliſle*, *mutatis mutandis*; which Proteſtation being at the Inſtance of the Archbiſhop, and other Prelates, Read in full Parliament, was by the Command of the King, and Aſſent of the Lords Temporal, Enrolled in the Rolls of Parliament.

Ib. N. 15.

And then, on the Thirteenth of *February*, the King and Lords of Parliament being Met again in the White-Hall, the ſaid Appellants Prayed, that the laſt Default of the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian* ſhould be Recorded. Then the Perſons accuſed being again Summon'd (the third time) and not appearing, the Lords proceeded to Judgment, and declared, that divers of the Articles therein Contain'd were Treaſon, as the Firſt, Second, Eleventh, Twelfth, Fifteenth, and Seventeenth, as alſo the Eighteenth, Twenty Ninth, Thirtieth, Thirty Firſt, Thirty Second, Thirty Seventh, Thirty Eighth, and Thirty Ninth Articles; and then upon due Information of their Conſciences, they Pronounced the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian*, to be Notoriouſly Guilty of each of the ſaid Articles that concern'd them; and that they were alſo culpable in all the reſt of the Articles contain'd in the ſaid Appeal, not yet declar'd Treaſon.

Ib.

Then in preſence of the King, and Lords aſſembled, at the Day and Place aforeſaid, the ſaid Duke and Earls *Appellants* pray'd the King, and Lords there preſent, that the Perſons ſo appeal'd as aforeſaid, ſhould be adjudged Convicted of the High Treaſons contain'd in the ſaid Appeal. Wherefore the ſaid Lords of Parliament there preſent, as Judges of Parliament in this Caſe, by aſſent of the King, Pronounced their Sentence, and do Adjudge the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian*, ſo Appealed as aforeſaid, to be Guilty and Convicted of Treaſon, and to be Drawn and Hang'd as

Traytors,

Anno Dom. *Traytors*, and *Enemies to the King*, and *Kingdom*, and that their
1388. Heirs ſhould be Diſinherited for ever, and their Lands, and Tenements, Goods and Chattels Forfeited to the King, and that the Temporalities of the Archbiſhop of *York* ſhould be taken into the King's Hands; and becauſe the like Caſe had not been ſeen in the Kingdom, concerning the Perſon of an Archbiſhop, or Biſhop, the Lords would adviſe by aſſent of the King what they ſhould beſt do, for the honour of God, and of Holy Church, and the ſafety of the Laws of the Land, about Him.

Ib. Then the Duke and Earls *Appellants* prayed that Sir *Nicholas Brambre* might be brought to Anſwer, and on *Monday* the Seventeenth of *February* the Conſtable of the Tower brought him into the Parliament, where the Articles of appeal were read before him, to which he pleaded not Guilty in any Point, and ſaid he was there ready to make good what he ſaid by his Body, as a Knight ought to do. The Lords anſwer'd, Battel did not lie in that Caſe, and that they would Examine the Articles touching the ſaid *Nicholas*, and take due Information by all true, neceſſary and convenient ways, that their Conſciences might be truly directed what Judgment to give in this Caſe, to the honour of God, the advantage and profit of the King, and His Kingdom, and as they would anſwer it before God, according to the Courſe and Law of Parliament.

Ib. During this Examination, on Wedneſday the Nineteenth of *February*, Sir *Robert Treſilian* was taken (being Conceal'd in an *Apothecarie*'s Houſe in *Pallace-yard*) and brought into Parliament; who being asked if he had any thing to ſay which had happen'd ſince Judgment had paſſed upon him, why Execution ſhould not be done? and He having nothing to ſay, it was Commanded that he ſhould be carried to the *Tower*, and from thence drawn upon a Hurdle thro' the City of *London*, to the Gallows at *Tyburn*, and there to hang by the Neck, and that the Execution ſhould be done upon him by the Marſhal of *England*, taking to his aſſiſtance the Mayor, Sheriffs and Aldermen of *London*; and he was Executed the ſame Day accordingly.

Ib. On the Morrow, which was the Twentieth Day of *February*, Sir *Nicholas Brambre* was brought into Parliament, and the Lords upon diligent Examination, due Proof and Information, found him alſo Guilty of *High Treaſon*, and they awarded by aſſent of the King, that as a Traytor, and open Enemy to the King, and Kingdom, he ſhould be Drawn, and Hang'd, his Heirs for ever Diſherited, and his Lands and Tenements, Goods and Chattels Forfeited to the King, and he was Executed on the ſame Day accordingly, and in the ſame manner as was Sir *Robert Treſilian*.

Ib. It was then Reſolv'd to be the Intention of all the Lords of Parliament, Spiritual, and Temporal, as well the Lords *Appellants*, as all others, and by them agreed, *That conſidering the tender Age of the King before that time, and the Innocency of His Royal Perſon, nothing contained in the Appeal, nor in any Article thereof, nor in the Judgment given, ſhould be accounted any Fault or Diſhoneſty in His Perſon, in any manner, for the Cauſes above-ſaid, nor ſhould turn in prejudice of His Perſon by any Contrivance, or Interpretation whatever; but that the falſe Treaſon and Default above-ſaid, ſhould be Charged upon the* Appealed *and that the Judgments given againſt them ſhould have full Force and Vertue, notwithſtanding any thing could be ſaid, or alledged to the contrary.*

Anno Dom. 1388.

Ib.

Upon *Monday* the Second Day of *March* next following, Sir *Robert Belknap*, late Chief Juſtice of the Common Bench, Sir *Roger Fulthorp*, Sir *John Holt*, and Sir *William Burgh*, late his Companions of the ſame Bench; Sir *John Cary*, late Chief Baron of the Exchequer, and *John Lockton*, late Serjeant to the King, were accuſed and impeach'd by the *Commons* in Parliament, for putting their Hands and Seals to the Queſtions and Anſwers given at *Nottingham* as aforeſaid, by the Procurement of the ſaid *Appealed* and *Convicted* Perſons of Treaſon, to cover and affirm their *High-Treaſons*, &c. a Copy whereof was Exhibited and Read before them, and they were anſwered, as was ſurmiſed by the Commons in the ſaid Copy; to which the *Appealed* replyed, They could not gainſay, but that the *Queſtions* were ſuch as were then asked them, but the *Anſwers* were not ſuch as they put their Seals to.

Ib.

But Sir *Robert Belknap* Pleaded in Particular, That the Archbiſhop of *York*, in his Chamber at *Windſor*, told him that he had deviſed and drawn up the *Commiſſion* and *Statute*, whereby the Government was wholly taken out of the King's Hands, and that he therefore hated him above all Men, and that if he found not ſome way to make void the ſaid *Statute* and *Commiſſion*, he ſhould be Slain as a *Traytor*. He anſwer'd, That the Intention of the Lords, and ſuch as aſſiſted at the making of them, was, that they ſhould be for the Honour and good Government of the State of the King, and Kingdom; That he twice parted from the King diſſatisfied, and was in doubt of his Life, and ſaid theſe *Anſwers* proceeded not from his good will, but were made againſt his Mind, and were the effects of the Threats of the Archbiſhop of *York*, Duke of *Ireland*, and Earl of *Suffolk*: and that he was Sworn, and Commanded in the preſence of the King, upon pain of Death, to conceal this Matter, as the Council of the King, and prayed for the Love of God he might have a gracious and merciful Judgment.

Ib.

Sir *John Holt* alledged the ſame matter of Excuſe, and made the ſame Prayer, ſo did Sir *William Burgh*, and Sir *John Cary*; who all made the ſame Excuſe, and made the ſame Requeſts, as did alſo Sir *Roger Fulthorp*, and *John Locton* Serjeant at Law.

[1.] Ib. The Anſwer of the Commons, to the Excuſes of the Judges.

To [1.] all which the Commons Anſwer'd, They were taken and holden for *Sages* in the Law, and the King's Will was, that they ſhould have anſwer'd the Queſtions as the *Law* was, and not otherwiſe, as they did, with Deſign and under Colour of Law, to Murther and Deſtroy the Lords, and Loyal Lieges, who were aiding and aſſiſting in making the *Commiſſion* and *Statute* in the laſt Parliament, for the good Government of the State of the King, and Kingdom; and therefore the Commons pray'd they may Adjudged, Convicted, and Attainted as *Traytors*.

[2] Ib. The Judgment of the Lords upon the ſaid Offenders.

[2.] Upon which, the Lords Temporal took time, by good Deliberation to Examine the Matter and Circumſtances of it; and for that they were preſent at the making of the ſaid *Statute* and *Commiſſion*, which they knew were contrived for the Honour of God, and for the good Government of the State of the King, and whole Kingdom;

and that it was the King's Will they ſhould not have otherwiſe anſwer'd them than according to Law, and had anſwer'd as before; they were by the Lords Temporal, by the aſſent of the King, adjudged to be Drawn and Hanged as *Traytors*, their Heirs Diſherited, and their Lands and Tenements, Goods and Chattels to be Forfeited to the King.

[1] *Ib.* The Impeachment of *John Blake*, and *Thomas Uſk*, two Counſellors at Law.

On [1.] Tueſday *March* the Third, *John Blake*, and *Thomas Uſk* were brought into Parliament; and firſt *John Blake* was Impeached by the *Commons*, That being retained of Council for the King, he drew up the *Queſtions*, to which the Juſtices made *Anſwer*, and contrived with the Perſons *Appealed*, that the Lords, and other the King's Loyal Lieges that cauſed the ſaid *Commiſſion* and *Statute* to be made in the laſt Parliament, ſhould be Indicted in *London* and *Middleſex* for Treaſon; and that they ſhould be Arreſted, and Traiterouſly and Wickedly Murthered, and that he was Aiding and Adviſing in the Treaſons aforeſaid, with the *Appealed* already Executed.

Then *Thomas Uſk* was Accuſed, for procuring himſelf to be made Under Sheriff of *Middleſex*, to the end to cauſe the ſaid Lords, and Loyal Lieges to be Arreſted and Indicted, as had been ſaid before, and was Aiding and Counſelling the *Appealed* in the Treaſons aforeſaid.

[2.] *Ib.* They excuſe themſelves as having acted by the King's Command.

[2.] *John Blake* Anſwer'd, That he was retain'd of Counſel for the King by his Command, and Sworn to keep ſecret his Advice, and whatever he did, it was by the King's Command, whom he ought to obey; and *Thomas Uſke* gave the ſame Anſwer. Whereupon the Lords Temporal took Deliberation until the Morrow, being the fourth of *March*, when the ſaid *John* and *Thomas* were again brought into Parliament; and good Advice and Deliberation having been taken by the Lords, they Pronounced them Guilty of the Things whereof they were Accuſed. *And whereas they alledged for their Excuſe the King's Command, it made the Crime the greater, for that they knew well that the Perſons Appealed and Condemned, had encroached to themſelves Royal Power*, as is ſaid before, and it was Their Command, and not the King's; then the Lords awarded, by aſſent of the King, that they ſhould both be Hanged and Drawn as *Traytors, and open Enemies to the King, and Kingdom*, and their Heirs Diſherited for ever, and their Lands, and Tenements, Goods and Chattels Forfeited to the King, and they were Executed the ſame Day.

The Judgment of the Lords upon them.

[3.] *Ib.* The Lords give Sentence of Death upon all the late Judges.

On [3.] *Friday* the Sixth of *March*, Sir *Robert Belknap*, Sir *Roger Fulthorp*, Sir *John Holt*, Sir *William Burgh*, Sir *John Cary*, and *John Locton*, were brought into the Parliament, and the Lords were ſatiſfied that they were at the making of the ſaid *Commiſſion* and *Statute* in the laſt Parliament; and Sir *John Cary* knew well they were made to the Honour of God, and the good Government of the State of the King, and the whole Kingdom, and ſo on, as in the other Proceſſes; and then they had Judgment again paſſed upon them as before. And at that very time came in the Archbiſhop of *Canterbury*, and all the Biſhops of both Provinces, and prayed the Lords Temporal, [4.] that the Execution as to their Lives might be Reſpited, ſo that they might obtain their Lives of the King: Who thereupon Ordered Execution ſhould be ſtayed, and granted them their Lives. But as to the other part of their Sentence, that was to remain in Force, and their Bodies

[4.] Upon Interceſſion of the Biſhops, the King grants them their Lives.

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to be in Priſon during the King's Pleaſure; until by Advice of the Lords He ſhould direct otherwiſe concerning them.

[1.] *Ib.* The Biſhop of *Chicheſter* is Impeach'd.

On [1.] the ſame *Friday*, *Thomas* Biſhop of *Chicheſter* was Impeached and Accuſed by the *Commons*, That he was preſent at the Places and Times when the ſaid Queſtions were put to the Juſtices, *&c.* and the Anſwers made, and excited them by Threats to Anſwer as they did, and knew the falſe Purpoſes and Treaſons deſigned by the Traytors adjudged, and aided and aſſiſted them, and would not make diſcovery to any of the Lords, that cauſed the ſaid *Commiſſion* to be made laſt Parliament, whereby Remedy might have been had for the Safety of the King, and Kingdom. [2.] To which the Biſhop Anſwer'd, That of his own free will, he had not excited them to do or ſay any thing; and further ſaid, they were not excited or charged to ſay any thing but what the *Law* was; and touching the Concealment of the Treaſon, he had made ſuch aſſurance as he could not diſcover. And ſaid further, that the *Traitors* were about the King, and had ſuch Power over Him before, that he had not ſo great Intereſt in the King, as to prevent thoſe Miſchiefs that now came upon him. [3.] The *Commons* Reply'd, He had upon the Matter confeſs'd himſelf Guilty, and prayed he might be *Attainted*. Upon this Anſwer of the Biſhop, the Replication of the *Commons*, and all Circumſtances of the Accuſation, the Lords took time to give ſuch Judgment, as might be for the Honour of God, and Profit of the King, and Kingdom.

[2.] His Defence.

[3.] The Commons Reply to it. The Lords take time to give Judgment.

In [4.] the mean while, on the Twelfth of *March* following, *Simon Burley*, *John Beauchamp* of *Holt*, *John Salisbury*, and *James Barners* Knights, being brought into Parliament, they were at the Inſtance of the *Commons* Impeached.

[4.] *Ib.* Sir *Simon Burley* and other Knights Impeached.

The [5.] Articles Exhibited againſt them were Sixteen; the *Firſt* Article in the *Appeal*, was the *Firſt* Article in the former *Impeachment*. In the *Second* Article they were accuſed as *Traytors, and Enemies of the Kingdom*, for that they knew of all the Treaſons in the *Appeal* mentioned, and that they were aiding, aſſiſting, counſelling, and aſſenting to all the *Traytors Attainted*; and that *Simon Burley*, and *John Beauchamp* were Principal Actors in all the ſaid Treaſons. In the *Eighth* Article they were accuſed for Conſpiring and Deſigning with the Five Perſons *Appealed*, to deſtroy and put to death thoſe who were aſſenting to the making of the ſaid *Commiſſion* and *Statute* in the laſt Parliament; the reſt are of leſs moment, but all relating to the Articles of the *Appeal*, to which they all Pleaded *Not Guilty*. The *Commons* Reply'd they were Guilty, and the Lords took time to Examine and Conſider the *Impeachment*. Upon this, and the Biſhop of *Chicheſter's Impeachment*, the Lords Temporal adjourned until *Friday* the Twentieth of *March*, on which day, the whole Parliament was adjourned until the *Monday* next after, or on the Morrow of the *Quindene* of *Eaſter*, or Thirteenth of *April*; on which *Monday*, the Lords Temporal took further time to deliberate upon theſe Matters until the Fifth of *May*. When [6.] Sir *Simon Burley* being brought into the Parliament, was by the Lords, after due and ſufficient Examination, and Information, found Guilty of Treaſon. And one of the Articles for which he was Condemned (beſides thoſe above-mention'd) is very Remarkable, and I ſhall here ſet it down, Tranſlated into *Engliſh*, from the Record.

[5.] *Ib.* The Articles of their Impeachment.

[6.] The Parliament is Adjourned, and the Lords take time to deliberate. He is Condemn'd to be hang'd, but is Pardon'd by the King's Grace.

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Ib. N. 7. A Remarkable Article againſt Sir *Simon Burley*.

Item, *The ſaid* Simon Burley *being Chamberlain to our Lord the King in His tender Age, and being obliged to Counſel Him for the beſt, to the Advantage of Him, and His Realm, he the ſaid* Simon *by his Wicked Contrivance and Procurement, Adviſed the King to entertain in His Houſhold great Numbers of Aliens,* Bohemians, *and others, and to give them large Gifts out of the Revenues and Profits of the Realm, whereby our Lord the King is greatly Impoveriſhed, and the People otherwiſe Oppreſſed.* For which, as well as upon ſome of the other Articles, the Lords, with the aſſent of the King awarded, and then by aſſent of the King it was awarded, That he ſhould be Drawn and Hanged, and his Head cut off, and all his Lands and Tenements, Goods and Chattels to be Forfeited to the King. But His Majeſty Remitted his Drawing, Hanging, and Quartering, becauſe he was a Knight of the Order of the Garter, ſo his Head was only ſever'd from his Body the ſame day upon *Tower-Hill.* Yet the King did moſt of all regret the death of this Gentleman, as having been bred up with the Prince His Father, and being a great Favourite to the Son, had been Employ'd in divers Ambaſſies abroad. He was certainly a Man of great Perſonal Courage, but is Characterized by our Hiſtorians to have been very Inſolent and Luxurious; and from a ſmall beginning, to have raiſed a vaſt Eſtate, by the Bounty of his Maſter.

On *March* the Twelfth, *John Beauchamp, John Saliſbury,* and *James Barners* Knights, were brought into Parliament, and had the ſame Judgment. *Beauchamp* and *Barners* had their Drawing and Hanging Pardoned, but had their Heads ſtruck off on *Tower-Hill,* on the ſame Twelfth of *March.*

[1.] *Ib.* The Biſhop of *Chicheſter* has Judgment to loſe his Lands and Goods.

On [1.] the ſame day likewiſe was the Biſhop of *Chicheſter* ſent for into Parliament, where the Lords Temporal found him Guilty of Treaſon, as it was laid in the *Impeachment,* and by aſſent of the King, they awarded his Heirs ſhould be Diſherited, his Lands, Tenements, Goods and Chattels Forfeited to the King, and the Temporalities of his Biſhoprick ſeized into the King's hands; but as to his Perſon, the Lords would adviſe what to do, *for the Honour of God, and Holy Church, and the Safety of the State of Prelacy, and of the Laws of the Land.*

[2.] He, with the late Judges, are Order'd to be kept Priſoners in *Ireland,* and to be allowed ſufficient maintenance.

[illegible] the King [illegible] the Sheriffs for their transportation and Detention viz [illegible] Cork and the rest in several other Cities of Ireland.

Then [2.] in the ſame Parliament it was Ordained, that this Biſhop, Sir *Robert Belknap,* Sir *Richard Fulthorp,* Sir *John Holt,* Sir *William Burgh,* Sir *John Cary,* and *John Locketon,* ſhould be all ſent into *Ireland,* to ſeveral Caſtles and Places, there to remain during their Lives. And it was alſo then Order'd, that Sir *Robert Belknap,* and Sir *Roger Fulthorp,* for their ſupport during their Lives, ſhould have each of them Forty Pounds a Year; Sir *John Holt,* and Sir *William Burgh* Forty Marks a Year; Sir *John Cary,* and *John Locketon* Twenty Pounds a Year of the King's Gift, and each of them to have two Servants to wait on them: and that the Biſhop of *Chicheſter* ſhould have *Annually* Forty Marks for his Suſtenance during his Life, if ~~any of his Friends would give him ſo much~~.

[3] *Ib.* The late *Ordinance* and *Commiſſion* is Confirmed in Parliament, and the Duke of *Glouceſter,* and the reſt of the Lords, and others are Pardon'd.

Rot. Claus [illegible] 42 vid Rs. Col. p. [illegible]

Then [3] upon a Petition of the *Commons,* the ſaid *Ordinance* and *Commiſſion* made the laſt Year, were Confirmed, and likewiſe all that was done in that Parliament; and alſo what the Duke of *Glouceſter,* Earls of *Warwick* and *Arundel* then did, and all that the ſame Duke and Earls, with the Earls of *Derby,* and Marſhal, or any of

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As for Alexander who called himself ArchBishop of York the Pope translated to the Bishoprick of St Andrews in Scotland and Thomas [illegible] was likewise by the same Popes Provision made ArchBishop of [illegible] by a Bulle bearing date the 3d of the nones of April.
vid. Rs. Col. p 573

them had done, or any other of their Company, or Aid, or their Adherents, or any of them, by their Aſſemblings, Ridings, or Marching in Arms, Appeals, and Perſuits, as things done to the Honour of God, the Safety of the King, Maintenance of His Crown, and Support of the whole Kingdom; and alſo in perſuance of the ſame Petition, had a full Pardon for all things that they had done, or Committed.

[1.] Upon a *Second* Petition of the *Commons*, all thoſe that had been of the Retinue, Company, Aid, Counſel, Aſſent, or Adherence of them that were *Attainted*, or Judged in this Parliament, for all things they had done, were Pardoned, except thoſe therein named.

[1.] *Ib.* And all thoſe that were on the other ſide are alſo Pardon'd.

A [2.] *Third* Petition was deliver'd by them in the ſame Parliament, that the *Appeals, Perſuits, Accuſations, Proceſs, Judgments,* and *Executions* made and given in this Parliament, ſhould be Approved, Affirmed, and Eſtabliſhed, notwithſtanding the Lords Spiritual were abſent; and that by Imagination, Interpretation, or any other means, none of the ſame be reverſed, broken, or annulled in any manner; and whoſoever ſhould endeavour to break, annul, or reverſe any of them, ſhould be adjudged to have Execution as a *Traitor*, provided always that this acceptance, approbation, affirmance, and eſtabliſhment, touching *Appeals, Perſuits, Accuſations, Proceſs, Judgments,* and *Executions* be in force in this Caſe only, *and that they be not drawn into Example, or Conſequence for the future.* And divers Points were declared for *Treaſon* in that Parliament, which were not declared by Statute before, yet no Juſtice ſhould have Power to give Judgment in other Caſes of Treaſon, nor in other manner, than they had before the beginning of this Parliament.

[2.] *Ib.* The Commons Petition that the former Appeals and Judgments ſhould hold good, notwithſtanding the abſence of the Biſhops.

A [3.] *Fourth* Petition was then alſo deliver'd, That none of the *Traitors* attainted by the *Appeal* or *Accuſations* of the Commons who were then alive, ſhould ever be reſtored to the Law, by Pardon, or any other manner, ſaving the Grace and Pardon that was made in this Parliament; and any one that ſhould endeavour to have ſuch a thing done, ſhould be Judged, and have Execution as a *Traitor*.

[3.] *Ib.* None of the Peers Attainted, to be Pardon'd.

The [4.] Anſwer to all theſe Petitions was, *That the King by the Aſſent of the Lords and Commons, Granted their Petitions in all Points, and willed His Grant ſhould be firm and ſtable, according to the Contents of the Petitions, without blemiſh for ever.*

Then the Commons humbly Pray the King, for the Nouriſhing of greater Love, Peace and Quiet for the future in all parts of the Nation, that He would pleaſe to renew His *Coronation*-Oath, and that the Prelates might renew their *Fealty*, and the Lords Temporal their *Homage*, notwithſtanding they had done it before; which was alſo aſſented to.

[4.] *Ib. Vid.* Statutes at Large. 11. *Rich.* 2. Cap. 1. & *Rot. Parl. N.* 39. 46. Theſe Petitions are paſſed into a Statute.

The [5.] Preparation and Introduction to this Great Ceremony, was with the *Maſs* of the *Holy-Ghoſt*, Sung in the Church of *Weſtminſter*, on *Wedneſday* the Third of *June*, being the Twenty firſt day of the Parliament, after Maſs was ended, and a Sermon Preached by the Archbiſhop of *Canterbury*, the King of his Free-Will Renew'd His Coronation-Oath with great Solemnity in the ſaid Church, at which time the Prelates Swore Fealty to Him, and the Temporal Lords did Him Homage, and then the Prelates, Lords, and Commons openly took a New Oath, as followeth.

[5.] *Ib.* The King takes His Coronation-Oath anew, with great Solemnity.

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Rot. Parl 11. *Rich.* 2. *N.* 48. *Vid.* Dr. *B*'s. *Append. N.* 107 The New Oath that was now taken by the Biſhops, Lords, and Commons

You ſhall Swear that you will not Aſſent, nor Suffer, as much as in you lies, that any Judgment, Statute or Ordinance made in this preſent Parliament, ſhall in any manner be Annulled, Reverſed, or Appealed, in any time to come; and further, that you will ſupport the good Laws and Uſages of the Kingdom, and to your Power firmly keep and cauſe to be kept the good Peace, Quiet, and Tranquility of the Kingdom, without diſturbing it in any manner. So God you help, and the Holy Saints.

All Perſons Excommunicated, that ſhould act contrary to this Oath.

And the Archbiſhop of *Canterbury*, and Prelates *Excommunicated* all ſuch as ſhould break the Peace and Quiet of the Realm, and do contrary to this Oath. On the next day, being *Thurſday* the Fourth of *June*, this Parliament ended; which, ſays *Knyghton*, was called the *Unmerciful* Parliament; and indeed it did juſtly enough deſerve that Title, ſince by their own Rigid and Severe Proceedings againſt the Favourites, they ſo far alienated the King's affections from his Uncle the Duke of *Glouceſter*, and the reſt of the Lords of that Party, that He never forgave them ſo long as He lived. And this Reſentment continued ſo deeply imprinted in his Mind, that you will find hereafter, in the Twentieth Year of His Reign, He not only got another Parliament, which made void and reverſed whatſoever had been done in this, but having firſt procured his Uncle the Duke of *Glouceſter* to be Murther'd, He got him therein to be *Attainted*, together with the Earls of *Arundel* and *Warwick*, who had been the great Enemies of His Favourite the Duke of *Ireland*, and the reſt of the Noblemen of that Party, as hath been already related at large.

This Oath is impos'd upon Gentlemen, and Inferior Officers.

I have no more to obſerve concerning this Parliament, but that this Oath was alſo impos'd upon all Gentlemen, and Dignified Perſons of the Clergy in all Counties in *England*; and upon all the Mayors, Bailiffs, and Aldermen of Cities, Burghs, and Towns, by the King's Writ, directed to the Sheriff, and one Special Commiſſioner to Adminiſter it. This bears Date *June* the Fourteenth, in the Eleventh Year of this King.

[1.] T. W. *Ad hunc An.* A Parliament at *Cambridge*, and what was done at it.

Then [1.] after Harveſt, another Parliament was held at *Cambridge*, in which many wholſom Laws paſſed; as againſt Beggars, againſt Riding Armed, the giving Liveries to exceſſive Retinues, touching *Labourers*, and Apparel ſuitable to People's Ranks; and eſpecially that none ſhould go out of the Realm to the Pope, to procure the Grant of any Benefices in *England*, without the King's Leave, on Penalty of being put out of His Protection. Alſo a Tax was Granted to the King, *viz.* a Tenth of the Clergy, and a Fifteenth from the Laiety.

[2.] *Id. ib.* The Earl of *Arundel* again put out to Sea, burns 80 *French* Ships, and plunders the Iſle of *Rea*, &c.

As [2.] to Military Actions this Year, after *Whitſontide*, the Earl of *Arundel* again went out to Sea, and Burnt, Sunk or Took Fourſcore *French* Ships, and likewiſe Seis'd and Plunder'd the Iſles of *Rea*, and *Oleron* (the latter of which is Famous for the Laws *Marine* there ſaid to be compos'd and agreed upon by King *Richard* I.) this he took, together with ſome other ſmaller Iſlands in thoſe Parts.

[3.] *Id. ib.* H. K.

[3.] This Year the *Scots* Invaded the Weſt Marches of *England*, near *Carliſle*, Burnt and Plunder'd the Country, and carried away above Three Hundred Perſons Priſoners. They alſo in *Auguſt* did the

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like in the Eaſt *Marches*. But ſince [1.] *Froiſart* has a more particular account of this laſt Action, than any of our own Hiſtorians, I ſhall from him give you the Sum of it. He ſays, That the Noblemen of *Scotland* taking advantage of the late Diviſions in *England*, Reſolved in a Council held at *Aberdeen*, to Invade that Kingdom in two Bodies; of which, the one being the Vantguard, was to be Commanded by the Earls of *Douglas*, *Dunbar*, and *Murrey*, and conſiſted of Two Thouſand Choſen Foot, and Three Hundred Lances on Horſeback. Theſe entring *England* privately, paſſed the River *Tine* above *New-Caſtle*, yet committed no Hoſtilities 'till they entred the Biſhoprick of *Durham*, and then they fell to burning and ſpoiling the Country in a moſt outrageous manner, almoſt to the Gates of that City; after which, they return'd back by *New-caſtle*, and Encamped before it. There were then in the Town the Lord *Henry*, Eldeſt Son to the Earl of *Northumberland* (called from his ſuddain and bold Undertakings *Hot-ſpur*) and *Ralph Piercy* his Brother, with many other Knights, and Gentlemen of the North, whoſe Names it is needleſs to relate; and tho' the *Scots* could not take the Town, yet they Block'd up one ſide of it; then the *Engliſh* under the Command of the Lord *Piercy*, Sallied out, and Combated with the *Scots* before the Barriers, and in this Action the Earl *Douglaſs* encountring the Lord *Piercy* hand to hand, had ſo far the better, as that he carried off his Lance, with the *Pennon* or *Flag* to it; at which, that Lord was ſo enrag'd, that he vow'd to recover it, before they ſhould carry it into *Scotland*. But when the *Scotiſh* Commanders ſaw there was no more to be done there, they roſe from before the Town, and Marched homeward, and in their way took and burnt the Town and Caſtle of *Penclaw*, and from thence went and beſieged the ſtrong Caſtle of [2.] *Otterborn*, which being ſeated in a Marſh, could not be taken by Storm; wherefore the *Scots* ſat down before it, and laid cloſe Siege to it.

[1.] Vol. III. C. 123, 124.

The Scots invade England.

[2.] This Author calls it *Ottebourg*, but falſly.

The [3] Lord *Piercy* having Intelligence of this, reſolv'd to march thither, not only to recover his *Pennon*, but to raiſe the Siege. And tho' the Biſhop of *Durham* was daily expected with the Militia of that County, yet he would not wait for his coming, but reſolv'd to March againſt the *Scots* with Eight Thouſand Foot, and Six Hundred Lances on Horſeback, and with them he arrived that Evening before their Camp, and fell in upon their Out-Guards with great fury, crying out a *Piercy*, a *Piercy*; but the *Scots* were very well prepar'd to receive them; and whilſt the Camp Servants and ordinary Soldiers receiv'd the firſt Charge, the *Scotiſh* Commanders, with the Nobility, and Gentry arming themſelves, marched out in the head of their Followers; and tho' the *Engliſh* were two to one, yet the *Scots* acquitted themſelves ſo Valiantly, that they not only repulſed, but quite routed the *Engliſh* Forces, and took above a Hundred Knights, and other Perſons of Quality Priſoners; the Chief of whom were the Lord *Piercy*, and his Brother. There were near Twelve Hundred *Engliſh* Slain upon the Place, the *Scotiſh* Writers ſay Eighteen Hundred, and they would have been more, had they not ſaved themſelves by Flight, and that the Enemy were too few in Number to perſue them. Yet the *Scots* had no great Cauſe to brag of the Victory neither, for beſides the loſs of a great many of their beſt Men, the Young and Valiant Earl *Douglaſs*, as he endeavour'd to pierce thro' the thickeſt of his Enemies,

[3.] *Ib.* Cap. 124.

The English are routed and the Ld. Piercy taken Prisoner.

and

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and preſſed on, bearing down all before him, was unfortunately Slain. *Walſingham* calls him the Earl of *Murrey*, but he is miſtaken. This Battle was Fought by Moon-light, and laſted 'till Day-break. The *Scots* upon this great and unexpected Succeſs, took the Caſtle they had Beſieged, and Marched home into their own Country with their Priſoners, who were not long after Ranſom'd. When the other part of the *Scotiſh* Army which had Invaded *England* by *Carliſle*, ~~and~~ heard of this great Victory, they thought they had done enough, and immediately alſo return'd. But it is very Remarkable, that the ſame Day the Lord *Piercy* Marched from *New-caſtle*, the Biſhop of *Durham* came thither with Ten Thouſand Men of that Country, and preſently Reſolv'd to March out to aſſiſt the Lord *Piercy*; but as they went he met with the remainder of that Army flying from the Battel. This put the Biſhop's Men into ſuch a Conſternation, that moſt of them ran away and left him. So Adviſing with Sir *William Lucy*, and other Commanders then with him, it was Reſolv'd they ſhould all return to *New-caſtle*; but had they Marched on and fell upon the *Scots*, now tired with the late Fight, they had certainly taken or kil'd moſt of them.

[5] *Ib. Cap.* 123.

The Earl of Arundel goes out to Sea with a Fleet wch is seperated by a Storm.

But to [1.] look into *France*, where about the latter end of *Autumn*, the Earl of *Arundel* not only eſcaped a great danger, but obtain'd an unexpected Victory; for being again gone out to Sea, with a conſiderable Fleet, they were taken in ſo great a Storm, that his Ships were ſeparated, and he had no more left with him than Twenty Seven Sail, with which he was driven into a little Port called *La Patice*. This News being quickly brought to *Rochel*, but two Leagues off, they immediately gave the Mareſchal *de Sancerre*, then Commander in Chief for the King of *France*, Notice of it. He preſently Order'd the *Rochellers* to ſet out Six or Eight Gallies, and himſelf Raiſing the Siege of the Caſtle of *Bouteville*, Marched with all the Forces he could Raiſe, intending to burn the *Engliſh* Ships in the Harbour. But the Earl of *Arundel* having Intelligence of it, Sail'd with his Fleet, and meeting the Gallies from *Rochel* before the Harbour utterly Routed, and put them to Flight, and had perſued them had he not feared greater a Force to lie behind; ſo being well ſatisfied with his Succeſs, he immediately Sail'd away back to *Bourdeaux*, and there laid up his Fleet, and left the Mareſchal *de Sancerre* very much diſpleas'd with the *Rockellers*, for not giving him more ſpeedy notice of the Arrival of the *Engliſh* at *La Patice*; that he might have come up on them before they had gone out from thence.

Overcomes the French Gallies before Rochel

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& not long after there was an end put to the present war in France by a Truce concluded between those commissioned by the English [illegible] Lieutenant Duke of Aquitain and the Duke of [illegible] impowered by the King of France for all the territories of the K. Richard and the sd Duke on that side the sea to commence on the [illegible] day of August and so continue till the [illegible] of March next ensuing as appears the sd Dukes commission and the [illegible] of the sd Truce which see in 1st vol 594. 595.

[1] *H. K. Col.* 2735. Great Diſturbance at Oxon among the Scholars.

In [2.] the beginning of Lent this Year, a grievous diſcord happen'd at *Oxford*, between the *Welſh* and the *Northern* Scholars, wherein ſeveral where ſlain, and further miſchief threaten'd, but by the mediation of the Duke of *Gloceſter*, the Broil was compos'd, and divers of the *Welſhmen* diſmiſſed the Univerſity.

[2.] *Id. ib. T. W.*

About [3.] the middle of September, viz. Holy-Rood-day, the King taking the Advice of certain of his Courtiers, enter'd ſuddenly into the Council Chamber, the Privy Council being then ſitting, and taking his place, Demanded of them how Old they took Him to be, they anſwer'd, *Somewhat upwards of One and Twenty Years*; the

(reply)

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(reply'd he) *I am of full Age, and capable to manage my Inheritance my ſelf; for ſure 'tis not fit that I ſhould be in a worſe Condition than any Subject in my Kingdom; for every common Heir, after the Death of his Anceſtor, enjoys his Eſtate, and takes it into his own hand at One and twenty Years of Age.* At this the Lords, tho' perhaps they were unwilling to grant, yet being unable and afraid to deny, held their peace, and therefore the King went thus on with His Speech. *'Tis well known,* (*ſays He*) *that for many Years I have lived under your Tutelage and Governance, and for the pains you have taken therein We thank you, but now having attained to our Legal Age, We are Reſolv'd to be no longer in Ward, but to take the Government of Our Realm into Our own Hands, and to Appoint ſuch Officers and Miniſters as We think fit, and Remove others, at Our Pleaſure.*

The King takes the Government into His own hands, and turns out all the Great Officers of State, and puts in others.

Id. ib. The King delivers the Great Seal to the Biſhop of *Winchester*.

Accordingly, He forthwith Commanded the Archbiſhop of *York*, then Lord Chancellor, to Reſign the Seal, which being done, the King put it into His Boſom, roſe up, and went away; but ſoon after returned, and gave it to *William* of *Wickham*, Biſhop of *Wincheſter*, thereby making him Lord Chancellor. He likewiſe turn'd out the Biſhop of *Hereford* from the Office of Treaſurer, and put another of leſs Quality in his room, and Chang'd ſeveral Chief Miniſters of State, partly to ſhew His Authority, and partly to ſatisfie His Diſpleaſure againſt them; particularly He Suſpended His Uncle the Duke of *Glouceſter*, and the Earl of *Warwick*, and others from His Privy Council, and admitted new ones in their ſtead, that would humour Him more. The Earl of *Arundel* likewiſe was removed from being Admiral, tho' he had been entruſted by the Parliament; and this Charge was given to the Earl of *Huntington*, who now came into great Favour. And indeed the King, tho' He was of Age, yet ſhew'd Himſelf ſtill a *Minor* in the Art of Governing, making ſo bad a Choice of new Miniſters and Favourites, as in a little time brought the Kingdom into great Confuſion. & And so soon as he [illegible] thought fit [illegible]

The Duke of *Glouceſter* and Earl of *Warwick* are ſuſpended from the Council, and the Earl of *Arundel* is turn'd out from being Admiral.

[1] *Id. ib.* The King gives ear to ſome falſe whiſpers againſt the D. of *Glouceſter*, but is ſoon aſhamed of it.

Soon [1] after this, certain Detractors circumventing the King, had ſo prevail'd, as to make Him believe, that the Duke of *Glouceſter* was hatching ſome deſign againſt him; but upon Examination of the Matter, the falſhood and malice of thoſe Reports did appear; and the King bluſh'd to conſider his own Credulity againſt ſo near and eminent a Relation; and tho' divers of the Spreaders of them were there preſent, when the Duke would have queſtion'd them for the ſame, yet the King charged Him, as he lov'd Him, not to ſtir farther in the matter.

[2.] The Return of the Duke of *Lancaſter*, with a brief Account of what he did in Spain.

[3] *Id. ib.*

[4.] *Froiſ.* C. 79.

I find [2] nothing more conſiderable, to have happen'd, until the beginning of *November*: And then the Duke of *Lancaſter*, or Titular King of *Caſtile*, return'd into *England* from *Gaſcoigne*; but before I ſay any thing of what he did at home, I will give you a brief relation of his laſt Actions in *Spain*, whilſt He continu'd there; the Sum [3] of which was, that after He had joyn'd his Forces with the King of *Portugal* againſt *John* King of *Caſtile*, Son to *Henry* the Baſtard, and had carri'd on the War ſome time with various Succeſs; He at [4] laſt made a Peace with him, upon very good Terms, conſidering the Mortality and Deſertion of the greateſt part of his Soldiers, for want of Victuals and other Neceſſaries; *viz.* That upon the Marriage of his Eldeſt Daughter *Catherine*, whom He had by his Wife *Conſtance* (the

he shewed [illegible] of [illegible] and [illegible] the Advice of the [illegible] that all graces and Pardons passed in the ~~last~~ Parliament of the 11th year of his Reign should remain firm and inviolable Rot. Claus. [illegible] Rd. [illegible] p. 10

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[1] T. W. *Ib.*

[1] Heireſs of *Caſtile,*) to Prince *Henry*, Son of the ſaid King *John*; the Duke of *Lancaſter* and the Princeſs his Wife, were to quit their whole Right to that Young Prince and his Lady, and the Heirs of their Bodies; but if ſhe deceaſed without Iſſue, the Inheritance of that Crown was to deſcend on the Son of *Edmund* Duke of *York*, Brother to the Duke of *Lancaſter*, who had married *Iſabel* the Younger Daughter of King *Peter* the *Cruel*; upon theſe Terms, and for a mighty Sum of Money paid by King *John* to the Duke, together with an Annuity of ten thouſand Pounds a Year to him and his Dutcheſs *Conſtance* for their Lives, a firm Peace was concluded between them. All things being thus ſettled, the Duke of *Lancaſter* went into *Acquitain*, or *Gaſcoigne*, and having ſtaid there, and in *Spain*, near three Years, he return'd into *England* (as hath been now related) *Knyghton* [2] ſays, he receiv'd it from one of the Duke's Family, that the Money paid down on this Agreement was an immenſe Sum; and that for the Second Payment, the King of *Caſtile* ſent Him forty ſeven Mules laden with Gold in Cheſts; and beſide this, the Duke had allo the good Fortune to marry his ſecond Daughter, by the ſame Lady, named *Philippe*, to the new King of *Portugal*: and from theſe two Princeſſes already mention'd, the preſent King of *Spain* and *Portugal*, are lineally deſcended. This ſhould have been related ſooner, had not the troubleſome Affairs of *England* in the two Preceeding Years, hindred me from giving an Account of theſe great Tranſactions.

[2] Col. 2677. The great Riches the D. of *Lancaſter* gain'd by this Expedition.

[3] T. W. *Ib.* The Duke makes haſt to the King's Preſence, and why.

But to return to the Duke of *Lancaſter*; [3.] he having heard upon his Landing in *England*, that the King had held a great Council at *Reading*, and that His Majeſty had there conceived ſome diſpleaſure againſt divers great Lords, to prevent the miſchief that might thereupon enſue, he immediately after his Arrival Poſted thither; by whoſe good Offices and Mediation the King's Reſentments were diverted, and Matters for the preſent pacified, and ſo the Council broke up.

[4.] *Id ib.* Strange Swarms of Flies at *Sheen*.

I [4.] cannot here omit the Relation of a piece of Natural Hiſtory, becauſe ſo very ſtrange and unuſual; the King being this Summer at his Mannor of *Sheen*, in *July*, on a ſuddain there appeared ſuch innumerable ſwarms of Gnats, that they darkned the Air, and then they Skirmiſhed and Fought one with another ſo long, that the Slain fell down in heaps, and being ſwept together with Brooms, and meaſured, they were found to be many Buſhels full, and the reſt that went off alive, which were reckoned about a third part of the whole, flew away, which was by ſeveral eſteemed as an ill-boding Prodigy.

[5.] *Id ib.* The Death of *Michael de la Pole*, Earl of *Suffolk*.

This Year was alſo Remarkable [5.] for the Death of *Michael de la Pole* Earl of *Suffolk*, and formerly Chancellor; he died in *France*, a Baniſhed Man, and of whom my Author gives a very bad Character, as a Falſe, Covetous and Deſigning Perſon; He was the Son of a Merchant of *Kingſton* upon *Hull*, that in the Reign of King *Edward* had raiſed a great Eſtate, which he left to this Son, who became a great Favourite of King *Richard*'s, as you have already heard.

[6.] *Id ib.* A Truce concluded with *France*, tho' with ſome difficulty.

Commissi-
oners there
named
& after [illegible] con-
vies about it

As to the Affairs of *France*, [6.] the Biſhop of *Durham*, with *John Clambo*, and *Nicholas Dagworth* Knights, concluded a Truce with that King, tho' with ſome difficulty, by reaſon the *Scots* were to be included in it; which tho' the *Engliſh* did deſire, yet the *Scots* were averſe to conſent to; ~~yet~~ this Truce was agreed at laſt between the Kings of *France*, *England*, *Scotland*, and *Caſtile*, to continue for ~~one~~

Year;

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Year; and the ſaid Sir *John Clanks*, and *Richard Rowal* Clerk, were appointed to take the Oath of the King of *France*, for its due obſervation, whilſt the Earl of St. *Paul*, who had Married King *Richard*'s half Siſter, was ſent into *England* upon the like Errand. Sr Nicolas Dagworth [illegible]

[1.] *Id ib.* The Presbyters of *Wickliff*'s Opinion, confer Orders

To ſay ſomewhat of Religious Matters, [1.] about the ſame time the Diſciples of *Wickliff* (in thoſe days called *Lollards*) being grown very numerous, their Presbyters (or Elders) took upon them after the manner of Biſhops to confer Holy Orders, *aſſerting, that every Prieſt had as much power of binding, loſing, and adminiſtring other Eccleſiaſtical Functions, as the Pope Himſelf either had or could beſtow*; and tho' the Prelates had notice hereof, yet out of negligence, or rather fear, they did not much concern themſelves to ſuppreſs them, ſave only the ſtout Biſhop of *Norwich*, who ſwore, that if any of that Sect ſhould preſume to Preach in his Dioceſs, he would either Burn or Behead them. This Year, about the middle of *October*, deceaſed Pope *Urban* the Sixth, whoſe Obſtinacy and Cruelty, as it proved a deſtruction to many, ſo it was a great loſs to himſelf; he was a Prelate of a ſevere Life, but much more Rigid and Cruel to others, for he never Pardon'd any when ever they had once offended him.

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[2] *Rot Clauſ.* 13 *Rich.* 2. *M.* 5. *dorſ.* *Rot. Parl.* 13. *Rich.* 2. *N.* 1. A Parliament Summon'd, wherein the King is declar'd of full Age.

Whilſt the King was laſt at *Reading*, [2.] He iſſued out Writs on the Sixth of *December*, for a Parliament to meet at *Weſtminſter* on the *Monday* next after the Feaſt of St. *Hilary*; and then *William* of *Wickham*, Biſhop of *Winchester*, Lord Chancellor, by the King's Command, opened the Cauſe of Summons before all the Eſtates, declaring the King to be of full Age, and that He intended to Govern His People in Peace and Quiet, and to do Juſtice and Right to all Men, and that both the Clergy and Laiety ſhould enjoy all their Liberties.

[3] *Ib. N.* 67. The Biſhops of *Winchester*, and St. *Davids*, deliver up the Enſigns of their Offices, which are again reſtored to them.

On the [3.] Twentieth of *January*, and fourth Day of this Parliament, the Biſhop of *Wincheſter* deliver'd the Seal to the King, and the Biſhop of St. *David*'s being Treaſurer, deliver'd the Keys of the Exchequer to Him, and all the Lords of the Council, and prayed that they might be diſcharged, and others put in their Places. Who being thus diſcharged, openly declared in Parliament, That if any Perſon could juſtly complain of any thing done illegally, or amiſs by them in their Offices, they might freely do it. But when both the Lords and Commons declared that they had well behaved themſelves in their reſpective Places, the King thereupon deliver'd back the Seal, and the Keys of the Exchequer to the aforeſaid Biſhops, and again received all thoſe to be his Counſellors, that were ſo before, together with his Uncles of *Lancaſter*, and *Glouceſter*; yet then he made a *Proteſtation*, that for any thing then done, He would keep or remove any of thoſe Counſellors out of their Places, as He ſaw good.

[4] *Ib. N.* 21. 22. The Duke of *Lancaſter* Created Duke of *Aquitain*.

In [4] this Parliament *John* Duke of *Lancaſter* was made Duke of *Aquitain* by the King, with the conſent of the Prelates, Lords Temporal, and Commons, to hold the ſaid Dukedom of the King, ſaving only to Him, as King of *France*, the direct Domion, Superiority and Reſſort of the ſame Dutchy; and being in Parliament Inveſted with the Cap, and Coronet, and Ducal Rod, he there did Homage to the King, and humbly thanked him for it, and for the great honour he did him; yet declar'd, that tho' he could not maintain the State of the Dukedom in time of War, without the Aid of the King and Realm, however

Rot. Francie 13 R. 2. m. 3. [illegible] were sent from France into Scotland to take ye Kings oath likewise to observe it. Rot. Scot. 13. R. 2. m. 5 [illegible] p. 931. [illegible]

[illegible] ~~[illegible]~~ [illegible] customs of England [illegible] Canterbury and York [illegible] being in any respect [illegible] the King and Kingdom [illegible] accordingly ~~[illegible]~~ ~~[illegible]~~ [illegible] letting [illegible] from levying the [illegible] to the persons upon whom they had been levyed. ~~[illegible]~~ ~~October.~~ but [illegible] who was appointed to receive the moneys so raised, these letters bear date [illegible] of October. Rot. Claus. 13. p. 1. m. 14. [illegible] p. 44. 45.

[illegible] the Pope would have resented this of[illegible] of his ecclesiastical authority I cannot [illegible] about the same time

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however he would do what he could to the utmoſt of his Power; whereupon the King told him the Charges ſhould be born as the Duke and his Council ſhould agree, to which the Commons Aſſented.

[1.] *Ib. N.*23. *Edward* Son to the Duke of *York*, Created Earl of *Rutland*.

Then the [1.] King by Aſſent of the Parliament, Created *Edward* the Eldeſt Son of the Duke of *York*, Earl of *Rutland*, and gave him during the Life of his Father Eight hundred Marks, iſſuing out of the Caſtle, Town and Dominion of *Okeham* in that Shire, with the Office of Sheriff.

[2.] *Ib. N.* 24. The Archbiſhop of *Canterbury* and *York* proteſt on behalf of their Clergy, againſt any thing ſhould be done to the prejudice of the Pope.

The [2.] Archbiſhops of *Canterbury* and *York*, for themſelves, and whole Clergy of their Provinces, made their *Proteſtation* in open Parliament, that they intended not, nor would Aſſent to any Statute or Law to be made againſt the Pope's Authority, which at their Requeſt was enter'd upon the Roll.

[3.] *Vid.* Stat. at large, 12. *Rich.* 2. *Cap.* The King is reſtrain'd from Pardoning Murther.

[4.] The Parliament Grants the King a Subſidy upon Woolls.

In [3.] this Parliament alſo (among other things) it was Enacted, That the King ſhould not extend his Pardon to any Perſons Convicted of Murther, and a Penalty Awarded againſt any that ſhould importune the King thereunto; *viz.* That if it were a Duke, or Archbiſhop, he ſhould Forfeit to the King an hundred Pounds; if an Earl or Biſhop, one hundred Marks; and there was alſo granted to the King [4] Forty Shillings on every Sack of Wooll, of which Ten Shillings ſhould go to the King's preſent Occaſions, and the other Thirty Shillings to be reſerved in the hands of Commiſſioners appointed by Parliament, not to be expended, unleſs neceſſity of War requir'd.

T. W. H. K. The Earl of *Derby* makes a Voyage againſt the Infidels in *Pruſſia*.

[5.] *Froiſ.* Vol. 4. *c.* 18.

[6.] *Pol. Virgil.*

About St. *James*-Tide, *Henry* Earl of *Derby*, Eldeſt Son to the Duke of *Lancaſter*, with a ſelect Company of a Thouſand Knights and Eſquires, and their Servants, went into *Pruſſia*, where they ſignaliz'd themſelves by ſeveral Brave and Valiant Actions againſt the Infidels, and return'd home with Honour in *April* following. But ſince *Froiſſart*, and *Polydor Vargil* have laid the Scene of this Action not in the North but Southern Parts of the World, I ſhall from theſe Authors give you ſome Account of this Action, which the [5.] former of them relates to have been undertaken principally by the *Genoeſes*, againſt the *Mores*, or *Saracens* in *Barbary*, in revenge of the *Piracies* and Incurſions they had made upon the Coaſt of *Italy*. In this Expedition the *Italians* were Aſſiſted by a great number of *French* and *Engliſh* Auxiliaries, the former under the Command of the Duke of *Bourbon*, the [6] latter under that of *Henry* Earl of *Derby*, Son to the Duke of *Lancaſter*, whom tho' *Froiſſart* here calls his *Baſtard*, yet he was certainly miſtaken, for that Duke had no baſe Son of that Name, but *Henry* of *Beaufort*, afterwards Biſhop of *Wincheſter*, who was bred up a Clergy-Man; but indeed no Prince of the Blood Royal was there at all; only this is certain, that the *Genoeſe* Fleet with the Confederate Forces Landed near *Tunis*, to the Number of about Thirty Thouſand, (which Place [7.] *Froiſſart* thro' Ignorance, or forgetfulneſs, only calls the City of *Affrique*) to this they laid cloſe Siege both by Sea and Land, for about Sixty Days; but the Town being well provided with Men, and all other things neceſſary for a Siege, proved too ſtrong to be taken; for after ſome Aſſaults upon it, in which the Confederates loſt a great many brave Men, and ſome of prime Quality, they found it to be all in vain, and that alſo many more periſhed by the extreme heat of the Countrey, and want of freſh Proviſions; ſo fearing leaſt the *Genoeſes* ſhould make a ſeparate Peace with the *Mores*, the Commanders

[6] *Ib.*

[7.] *Ib.*

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manders of the Chriſtian Forces upon a mature deliberation, reſolved to raiſe the Siege before the Winter approached, and at laſt they Embarqued themſelves, and thoſe Men that were left alive on the ſame Veſſels that had brought them, and made for the Coaſts of *Italy*, tho' ſome of the *French* Nobility went from thence to the *Holy-Land*. *Polydore* Relates (tho' falſly) that the City of *Tunis* was now taken and Plunder'd by the Chriſtians; but it appears by [1.] *Froiſſart's* Relation that it is a miſtake.

[1.] *Ib. id.*

But to return Home, whilſt the Earl of *Derby* was thus engaged Abroad, againſt the Infidels in earneſt, King *Richard* employ'd Himſelf at Home in Combates in jeſt; which ſince it may give the Reader an Idea of the Romantick Humour of this Age, I ſhall from the [2.] Author laſt mention'd, give you a ſhort Account of this great *Tourneament*, or *Juſtes* (as they were then call'd) which King *Richard* caus'd to be Solemnly Proclaim'd in all the Courts of Chriſtendom, by certain Heralds ſent for that Purpoſe, to be held at *London* the Sunday after *Michaelmaſs*. Upon which Notice, a great many Noblemen and Gentlemen from *France*, *Germany*, and the *Low-Countries* prepared themſelves to come to it; and in Particular *William* Earl of *Oſtrenant*, Eldeſt Son to *Albert* Earl of *Heynalt*, *Holland* and *Zealand*, came over hither for that Purpoſe (tho' againſt the Mind of his Father) and *Valeran* Earl of St. *Paul*, King *Richard's* Brother-in-Law, with divers other *French* Lords came alſo over to this Solemnity, which began on *Sunday* in the Afternoon from the Tower, with a Noble Cavalcade of Sixty Ladies Richly dreſſed, who Riding upon Fine Palfreys, led every one her Knight by her ſide (all Armed) by a Chain of Silver, their Courſers being carried before by as many Eſquires of Honour, and thus they paſſed thro' *Cheapſide* to *Smithfield*, where the *Juſtes* were to be held. Then the Knights Mounting upon their Courſers, began the Tourneament, by running one at another with their Lances, Thirty on each ſide; after which, the King and Queen (who ſaw this Combat from Scaffolds made on purpoſe) went to the Biſhop of *London's* Palace, where they lay ſo long as it laſted. The next Day, the King Richly Armed, Juſted Himſelf, the Queen and her Ladies looking on; and thus theſe *Juſtes* continued for four Days, from Noon till Night, which was ſpent in great Entertainments, with Muſick, and Dancing, by the Queen the Ladies, and the young Nobility. On *Saturday* the King, with the Earls of *Oſtrenant* and St. *Paul* went to *Windſor*, where the former was made a Knight of the Garter; then the Feaſt being over, they all return'd home. But the King of *France* was ſo much diſpleas'd with the Earl of *Oſtrenant* for taking the King of *England's* Order, that he immediately Summon'd him to come to *Paris* to do his Homage for that Earldom, thereby to aſſure that King of his Fidelity; which the Earl not being able to refuſe, was forced to ſubmit to, ſo Sacred a thing was the Oath of that Order then eſteemed. I have nothing more to add concerning this *Tourneament*, but only I find in a [3.] Manuſcript Chronicle, that it was at this Solemnity that King *Richard* the *firſt* gave that Famous Badge to all his Dependants, of a Hart, with a Gold Crown and Chain hanging from his Neck.

[2.] *Id ib.*

[3.] *Chron. Lambeth.*

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This Year I find little or nothing done in *England* worth obſerving, 'till about the latter end thereof; and then in a Parliament Summon'd to meet on the Morrow after St. *Martin*, or Twelfth of *November*, in

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the Fourteenth Year of this King, the Biſhop of *Wincheſter* Chancellor, declared the Cauſe of Summons to be chiefly concerning the Truce with *France*, and ſaid that towards *Candlemas* the King intended to ſend over thither about making a Final Peace.

[1.] The Dukes of *York* and *Glouceſter* deſire the Grant of 1000*l. per An.* in Lands.

Then the [1.] Dukes of *York* and *Glouceſter* deſired the King's Bounty of a Thouſand Pounds a Year in Lands to each of them, according to His Promiſe, to be granted in Tail ſpecial; He thereupon order'd His Juſtices to draw ſuch an Aſſurance, and Commanded that his Uncles ſhould be duly paid their Penſions in the mean while.

[2.] *Ib. N.* 15. The Prelates, Lords and Commons pray that the Royal Prerogative ſhould contintinue inviolate.

And [2.] it is to be remember'd, that the Prelates, Lords Temporal, and Commons pray'd the King in full Parliament, that the Royalty and Prerogative of Him and His Crown might always be ſafe, and preſerved; and that if any thing had been done or attempted contrary to them, it might be Redreſſed, and Amended; and further, that He ſhould be as free in his time, as any of His Noble Progenitors, Kings of *England*, were in their times: Which Prayer ſeem'd Honeſt and Reaſonable to the King, and therefore granted it in all Points.

[3.] *Ib. N.* 36. The Judgment againſt *John* of *Northampton* Reverſed.

Then [3.] the Judgment given againſt *John* of *Northampton*, late Mayor of *London*, was Repeal'd, upon the Petition of the Commons, and Oath made by the preſent Mayor, and all the Aldermen of *London*, that he was not Guilty of the Treaſon, &c. for which he ſtood Condemned.

[4.] *Ib. N.* 37. The Lords and Commons give the K. thanks for his good Government.

Theſe [4.] things being diſpatched, the Lords and Commons gave the King their humble thanks for his good Government, and Zeal ſhown to them; and He returned them thanks for the Liberal Grants they had made Him.

[5.] T. W.

I [5.] find nothing elſe to have happen'd at Home worth our Noting, ſave that during the laſt *Chriſtmaſs* Holy-days, *John de Haſtings* was unfortunately killed in a *Tourneament* at *Woodſtock*, being run into the Belly by Sir *John de Saint John*, in the Eighteenth Year of his Age, to the great grief of the King and whole Court, being a Nobleman of promiſing hopes, and of an excellent diſpoſition: He was the laſt Earl of *Pembroke* of the Name of *Haſtings*.

[6.] *Ad hunc An.* The *French* deſire a Peace and Enterview between the two Kings.

The K. takes up Horſes and other things of the *Abbies* in order thereunto, yet does not go.

As to Foreign Affairs, the *French* now finding that they could do no good againſt *England*, ſeem'd more inclinable to Peace than ever; and to this end (as [6.] *Walſingham* relates) the Great Chamberlain of *France* was ſent over by that King, and his Great Men, with a Complement; and they ſo earneſtly deſired a Treaty of Peace might be ſpeedily had, that in order thereunto, They Prayed that a Friendly Enterview might be between both Kings near *Calais*, to which King *Richard* ſeemed very inclinable; and to appear the more Splendid on ſuch an Occaſion, He ſent to moſt of the Great Abbies to Furniſh Him with the beſt *Horſes* they had; amongſt whom, the Abbot of St. *Albans* ſent him one, which our Author ſays was worth Four and twenty Marks, (no ſmall Price in thoſe Days) and yet not content with this, he demanded Fifty Marks more. He had Money likewiſe from moſt of the Cities and Boroughs of *England*, and ſo He got divers Conſiderable Sums, the better to Equip Himſelf for this Voyage. But after all, theſe mighty Preparations came to nothing, for this Enterview did not take effect 'till ſome Years after.

To [1.] ſay ſomewhat of Eccleſiaſtical Affairs; there was this Year a Proclamation iſſued out by Order of the King and Council, requiring all ~~thoſe~~ that had any Benefices ~~in *England*~~, and were then beyond at ~~the Seas, or~~ in the *Roman* Court (it being a thing too frequent in thoſe Days, for the Pope to gratifie his Favourites and Followers with the beſt Preferments in *England*, tho' perhaps they were never here in their Lives,) immediately to repair ~~hither~~ home, ~~and to~~ live ~~upon their Benefices, and~~ not to ~~carry away the Treaſure out~~ of the Realm, ~~by expending their Revenues in other Nations,~~ on pain of Forfeiting all ~~their ſaid Benefices~~. This, together with the late Statutes of *Proviſors* and *Præmunire*, would have Cured theſe Miſchiefs, if the Clergy would have proved Faithful to their own Intereſt, and that of the Kingdom.

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[1.] *Id. ib.* A Proclamation iſſued out, requiring all that had Benefices in *England*, and were beyond-ſea, to come over and reſide upon them.

But to ſay ſomething of Foreign Affairs, this Overture of a Peace being like to be finiſhed, [2.] he, with the *French* King (who at that time joined with the *Antipope Benedict* the Thirteenth) much diſturbed *Boniface* the Ninth, now Elected Pope in the room of *Urban*, that Deceaſed the laſt Year at *Rome*; wherefore the ſaid [3.] *Boniface* (whom the *Engliſh* owned as only true Pope) forthwith ſent a *Nuncio* to King *Richard* with great Complements in commendation of his Devotion, and that of his Predeceſſors towards Holy Church; but withal complaining of thoſe late Invaſions (as he was pleaſed to call them) of the Eccleſiaſtical Liberty, and urging Him both to Repeal the ſaid Laws, and by no means to make Peace with the *French* King, unleſs He would diſown and no longer Aſſiſt the *Antipope*.

[2.] *Id ib.*

[3] Pope *Boniface* ſends a *Nuncio* to the King, with the effect of his Meſſage.

The [4.] King receiv'd the *Nuncio* very kindly, and heard his Meſſage, but for Anſwer put him off to the next Meeting of the Parliament, which was to be in *November* following, and then the Buſineſs was Debated. But tho' the King, and Duke of *Lancaſter* ſeemed willing to gratifie the Pope, yet the Commons would by no means conſent that any ſhould go to *Rome* to acquire Benefices in *England*, only that they might not ſeem too much to ſlight his Holineſs, they yielded that it might be connived at, but not without the King's Licenſe, and that no longer than 'till the next Parliament. However, tho' they held their Pope to hard meat, they were not wanting in expreſſing their Kindneſs to the King, giving Him a half *Tenth*, and a half *Fifteenth*, which they offer'd to make whole ones, on Condition He would next Summer make an Expedition againſt the *Scots*.

[4.] *Id ib.* The King's Anſwer to the *Nuncio*.

About *Candlemaſs* this Year King *Richard* ſent the Lord *Thomas Piercy*, the Lord *Clifford*, and a *French* Knight, called Sir *Robert Briquet*, Ambaſſadors into *France*, who were very Nobly Received, and highly Treated by that King, and his whole Court. Their Buſineſs was, That King *Charles* would be pleas'd to name a Time and Place for the Dukes of *Lancaſter* and *York*, and other Great Men, to come into *France*, to Treat of a Final Peace between the two Crowns. Upon which, the King Appointed the City of *Amiens* to be the Place, and the middle of the enſuing *March* the time, that He, together with his Great Men of the Kingdom would Meet and Treat with the *Engliſh* Commiſſioners concerning the Concluſion of a Peace. So after about a Weeks ſtay at *Paris*, the Ambaſſadors (except Sir *Robert Briquet*, whom the *French* King would not admit into his Preſence, becauſe he was

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Froiſſart Vol. IV *Cap.* 34. Ambaſſadors ſent into *France*, and what was then tranſacted.

k directed by a [illegible] the [illegible] of England [illegible]

by the [illegible] of 5th [illegible] [illegible] pleasure of forfei: ture of Life and members [illegible] [illegible] the like forfeiture [illegible] letters [illegible] processes sending Annullation of the statutes [illegible] [illegible] [illegible] money of exchange without the king's special License [illegible] 15 Rich. [illegible] 697 [illegible] for other matters [illegible] England [illegible] the Duke of Glocester [illegible] Kings commission to [illegible] treat with the [illegible] [illegible] that order he [illegible] undertook that voyage, [illegible] went [illegible] [illegible] by contrary winds and great storm he was [illegible] [illegible] Denmark [illegible] great danger of his life so that he [illegible] to return into England and landing [illegible] went from thence [illegible] manner at Plashey bringing great satisfaction to the whole kingdome for his speedy and happy return since they had been much concerned for his [illegible] [illegible]

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was his Subject) being Nobly Preſented by the King, took their leaves, and return'd Home.

[1.] *Ib. Cap.* 35, 36.
The Dukes of *Lancaſter* and *York* go over to *Calais*, and the iſſue of that Treaty with the *French*.

Then [1.] the Dukes of *Lancaſter* and *York* went over to *Calais*, with a Magnificent Retinue, and from thence went to *Amiens* at the time appointed for the Treaty, where they met the King of *France*, and his Brother the Duke of *Touraine*, and his Uncles, the Dukes of *Burgundy*, and *Berry*, with moſt of the Chief Peers, and Nobility, by ſome of whom, the *Engliſh* Princes were Conducted to the King's Preſence; and being by him kindly Received, they fell the next day into a ſerious-Treaty about a Laſting Peace, which was chiefly Managed by the Dukes of *Burgundy*, and *Lancaſter*. The former at firſt Demanded that *Calais* ſhould be ſlighted and given up by the *Engliſh*, being firſt Demoliſhed, and the Works Razed to the Ground; and for this, the *French* offer'd that the King of *England* ſhould enjoy all He held in *Aquitain*, with Nine Cities more, and their Territories, free from any *Reſort* or *Homage* to *France*; but this was utterly refuſed by the *Engliſh*, who inſiſted to have all the Territories that had been taken away ſince the Treaty of *Bretagny*, fully Reſtor'd. So that nothing could be then Agreed on, but a Prorogation of the preſent Truce for One Year longer ×; and ſo the Aſſembly broke up, and the Dukes took their leaves of each other, and returned into *England*; where when they were Arrived, the King upon the Report of their Proceedings, held a Great Council with His Nobility, to conſider whether it were beſt to make Peace or not on the Conditions offer'd by the *French*? But the Duke of *Glouceſter* utterly diſliked them, and ſaid it was neceſſary that all the Proceedings that had been made in this Affair, ſhould be laid before the Parliament; which Propoſal (he being then very Popular) none there durſt oppoſe.

× viz. from the feaſt of St. Michael next [illegible] the ſame feaſt the year enſueing. vid. Rym. 16 R. 2. m. 15. R.S. vol. 723. 724.

[2.] *Ad hunc An.*
The Duke of *Lancaſter*, and Biſhop of *Durham* are ſent into *France*, to renew the Truce for a Year.

With this Relation [2.] *Walſingham* alſo agrees, only he omits the Duke of *York*, and mentions the Biſhop of *Durham* to have been joyn'd in Commiſſion with the Duke of *Lancaſter* at this Treaty; and he calls the Parliament, or Great Council that was to Meet concerning the Confirmation of this Truce, or elſe renewing of the War, *the Collective Wiſdom of all England*. And in perſuance thereunto, the ſame Author tells us, That immediately upon the Duke's Return, there was a Great Council Summon'd at *Stamford*, conſiſting not only of the Nobility, but certain *Repreſentatives* of ſuch *Cities* as uſed to ſerve in Parliaments; yet for all this they could agree upon no more than a ×Confirmation of the Year's Truce that had been already agreed on in ~~*France*~~ France; from whence there came now the great Seneſchal of that Kingdom, to take King *Richard*'s Oath to obſerve it.

× ~~of this [illegible]~~ ~~[illegible]~~ Seal bearing date May. 5. 1392 ~~[illegible]~~ R.S. vol. 722.

[3.] *Id ib.*

About [3.] the ſame time the Duke of *Guelder~~land~~*, an Active Young Prince, and ſomewhat Related to King *Richard*, ſent Him a Letter full of great Complaints, and exciting Him to War and Military Actions, becoming His Royal Dignity; and particularly diſſwading Him from the Diſhonourable Amity and League with *France* then deſigned; and offering Him the Aſſiſtance of Two Thouſand Lances, whenever He pleaſed to Engage in War, with other Matters needleſs here to be recited. And the ſame Author further Relates that not long after, this [4.] Prince came alſo in Perſon into *England* to perſuade the King againſt making Peace either with the *French*, or *Scots*, and that he was very Honourably Entertain'd. But it ſeem

[4.] The D. of *Gueldres* comes over into *England*, to diſwade the K. from making Peace with *France*, but without any effect.

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his Motion was not much regarded, for the time was ſtill ſpun out in further Truces, tho' nothing could be concluded as to an Abſolute and Final Peace.

This Summer affording nothing of Moment, I ſhall here Relate ſome Tranſactions, tho' not of ſo Publick a Concern. [1.] About the latter end of *June*, the Citizens of *London* fell into the King's heavy diſpleaſure, the Cauſes whereof are ſaid to be two. The Firſt, and Principal one was, for denying to Lend the King a Thouſand Pounds, which He deſired; and for abuſing a certain *Lombard*, who was willing to Accommodate Him with it, and (as ſome Authors ſay) the ordinary ſort of People beat and half kill'd him for his forwardneſs: But the main Occaſion was an Accident which happen'd juſt on the neck of the former, and was made a far greater Offence, than otherwiſe it need to have been; it was thus.

[1.] *Id. ib.* The City of *London* falls under the K's heavy diſpleaſure, and why.

A [2.] Baker carrying his Bread along the Streets, one of the Biſhop of *London*'s Servants took a Loaf out of his Basket, which the Baker demanded to be reſtor'd; but the Biſhop's Man inſtead thereof, broke his Head; for which Injury the People would have ſeized him, but he fled into his Lord's Houſe. Upon this, the Conſtable went to the Houſe, and peaceably deſired that he might be ſurrender'd up to Juſtice, but the Biſhop's Servants ſhut the Gates, and made Reſiſtance. This did more and more exaſperate the Common People, inſomuch, that many threatned to make their way by Fire, and began to uſe Violence. Of which, the Mayor and Chief Officers having notice, they immediately repair'd thither, and by their Preſence and Authority ſuppreſſed the Tumult, and preſerv'd the King's Peace, ſo that the harm was but ſmall, and all this Commotion might eaſily have been paſſed over, and forgot, had not the Biſhop (whoſe ill-govern'd Servant was the beginning and cauſe of all the Broil) kindled the Fire afreſh; and 'tis ſaid, he the rather ſtirred in it, out of an old Grudge which he had againſt the Citizens becauſe they were generally looked upon to be Favourers of *Wickliff*'s Doctrines.

[2] *Caxton*'s Chronicle. A Quarrel between a Baker, and one of the Biſhop of *London*'s Servants, which produces a Tumult of the Mobb.

But [3.] whatever the Motive was, a loud Complaint was made by him, and other Prelates to the King, affirming, that if upon every paultry Pretence, the Citizens ſhould be ſuffer'd thus to affront the Biſhops, without Chaſtiſement, they would endanger not only the Dignity, but the Liberty of the whole Church. The King was ſo incens'd hereat (being alſo prepar'd by former Provocations) that He was once Reſolv'd to have rais'd an Army, and Plunder'd the City, and given them the Spoil thereof. But being perſwaded by more moderate Councils, [4.] He only ſent for the Mayor, the two Sheriffs, four and twenty Aldermen, and four and twenty others of the Ableſt Citizens, to His ~~Court~~ then held at *Nottingham*, where the ſaid Tumult, and divers other Offences were laid ſo home to their Charge, as if they had Forfeited all their Obligations formerly given to the King. At firſt they Reſolved to Juſtifie their Innocency, and faithfully engaged to ſtand by one another, but it ſeems there was Falſhood in that Confederacy; and as it often happens in ſuch Caſes, ſome timerous Perſons hoping to curry Favour, Impeached the reſt, who again recriminated upon them, and ſo all being alike liable to be undone, they thereupon ſubmitted themſelves wholy to the King's Mercy,

[3.] The Biſhop of *London*, and other Prelates, Complain to the King of the Inſolence of the Citizens.

[4.] The Mayor, Aldermen, and Sheriffs are Summon'd to *Nottingham*, where great offences are laid to their charge.

A great Council

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[1.] They at laſt ſubmit to the King's mercy, and are committed to *Windſor-Caſtle*, and other Places, whilſt the Liberties of the City are ſeiz'd into the King's hands, and a *Cuſtos* is ſet over it, and the Courts of Juſtice remov'd to *York*.

* See the Kings writs for their removal. Rot. Claus. 15 R. 2 [illegible] Vol. [illegible] 713.

Mercy, [1.] who Committed the Mayor Cloſe Priſoner to *Windſor-Caſtle*, and the reſt to ſeveral other Places of Confinement; Seized the Liberties of the City into his own Hands, Annull'd all their Privileges, Commanded that there ſhould be no more any Mayor Choſen, but that He would Himſelf Appoint one who ſhould be called *Keeper* of the City: And accordingly did qualifie one Sir *Edward Dalyngrygge* (other Authors called him *Balerygge*) with that Title; but he being thought too favourable to the Citizens, was quickly removed, and Sir *Baldwin Radington* a Prudent Perſon, was put in his Place; who yet did nothing to exaſperate the Minds of the Citizens. Then alſo the Terms and Courts of Juſtice were removed to *York*, during [illegible]

[2.] *Id. ib.* The Duke of *Glouceſter* interceeds for the *Londoners*, who upon their ſubmiſſion to the King's mercy, are releaſed.

[3.] The K. returns to *London*, where he is receiv'd with great Pomp, the Citizens make rich Preſents to Him and the Queen, and ſo have their Privileges reſtor'd.

[4.] They are alſo Fin'd 10000*l.* [illegible]

In the mean time, [2.] the Duke of *Glouceſter*, and others, were not wanting to intercede with the King on behalf of the *Londoners*, of whom, the Principal on Sunday next after the Aſſumption of St. *Mary*, were brought before Him at *Windſor*, and ſubmitted themſelves, and their Fortunes to his Mercy, with which He ſeem'd ſo well pacified, that on the *Wedneſday* following He [3.] came to *London*, being met without the City by Four hundred Men on Horſeback, clad all in one Livery, beſides an innumerable multitude on Foot, a Solemn Proceſſion of the Clergy, and Five hundred Boys in Surplices; the Fronts of the Houſes Adorn'd with Tapeſtry, and Pictures, the Conduits freely running Wine, *&c.* and to make their Peace, they Preſented the King with a Crown of Gold of great Value, and another of the ſame Metal to the Queen, together with a Picture of the *Trinity* worth Eight hundred Pounds, and ſeveral other great Gifts, and ſo they got their Privileges to be Reſtor'd, and Confirm'd to them, with the Election of a Mayor, and all things as before: And having been at all this Charge, doubted not but to be quiet and free from Further Fine or Penalty; but herein they were deceived, for notwithſtanding all their Preſents, and Submiſſions before made, as I have related, the King demanded and forced them to pay after all this [4.] *Ten Thouſand Pounds*, or elſe they muſt have ventur'd the effects of his new diſpleaſure; but this Severe Uſage loſt Him the Affections of the Citizens for ever after. and then by his letters bearing [illegible]

[5] *Id. ib.* The Duke of *Glouceſter* being about to make an Expedition into *Ireland*, his Journey is ſtop'd, and he recall'd.

[illegible] and haveing the kings [illegible] for his embarkation [illegible]

The [5] Duke of *Glouceſter* having been Furniſhed with Money to raiſe an Army for an Expedition into *Ireland* ~~(of which the King had lately Created him Duke~~) when his Forces were juſt ready to be Ship'd, and all things prepared, he was on a ſudden, without any Cauſe (but ſome needleſs Suſpicions) recalled, and the Voyage Countermanded, to the great prejudice and damage both of *England* and *Ireland*. For upon the Report of his Coming, almoſt all the Petty *Iriſh* Kings had Adviſed one with another, and reſolv'd to ſubmit themſelves to the *Engliſh*.

[6] *Mezeray*, *Ad hunc An.* *Charles* King of *France* falls Diſtracted, and on what occaſion.

As for Foreign Affairs, this Year [6.] a very ſad Accident happen'd to *Charles* King of *France*, in an Expedition he undertook againſt the Duke of *Bretagne*; for as he Rode one very hot and ſultry Day Armed from head to foot, his Page that carried his Lance following him, and he happening to fall aſleep, let fall the Lance upon the King's Helmet, which not only awakened, but put him into ſuch a Fury, that quite bereſt him of his Senſes; inſomuch that he fell violently upon thoſe that were about him, and if he had not been prevented by being laid hold on, he had certainly kill'd them. This prov'd a perfect Madneſs, (1

Out of Sr. Robt. Cotton's Records, Lond. 1657.
pag. 346.

Anno Decimo Sexto Richardi IIdi.
The Parliament holden at Winchester in the Utaves of St. Hilary in the 16th Year of the Reign of K. Richard the Second.

Munday which was the Utaves of St. Hilary the Par-
ment. For certain weighty causes, adjourn'd until the
day ensuing: on which next day, the King being
ent, the Arch-Bishop of Canterbury, by the Kings ap-
ntment, declared the cause of the Parliament to
or two cheif matters; the first that whether there
e War, Peace, or any other League taken between
King and his Adversaries: yet should the King of ne-
ity be driven to defray great Sums of Money, the
ch how the same might best be levied, they were
to consult. The Second was, to provide some remedy
ning the Statute of Provisors for eschewing debate
veen the Pope and the King, and his Realms. —

1.
Parliament adjourned. King.
Arch-Bishop of Canterb. Speech.
Causes of Parliament. Peace.
Ayde.
Kings Expences.
Advice requird.
Provisors.
Pope.
Debate.

Ibid. pag. 347. 16. R. 2.

s enacted by common assent, that the Ordinances
de in the 3. Rich. 2. tit. 19. shall be executed notwith-
nding any Letters Patents to the contrary.
e Commons grant to the King that he by the Advice of
Lords and Commons, should have Power to mode-
the Statute of Provisions to the Honour of God,
ing the Rights of the Crown, and to put the same
Execution, so as the same be declared in the next
liament, to the end the Commons may then assent
no.
fter this the Commons prayed the Lords in those Ordi-
es to regard the State of the Universities of Cambridg

7.
Ordinances.
Priors Aliens.
Patents.

8.
Commons grant to the King to dispence with the Statutes of Provisors.
Right of ye Crown.
next Parliamt.
Commons assent.
Ordinances.
Universities of Cambridg and Oxford.

this Disorder,
French, and Scots, both by Sea and Land, to continue from the end of the former Truce, for Twenty four Years and an half next ensuing.

Rich. 2. N.110
The Earl of *Arundel* declares in Parliament several things which the K. had done for the Duke of *Lancaſter*, to be againſt his Profit.

About the beginning of this Year, [5.] a Parliament was holden on the *Quindene* of St. *Hillary*, in the Seventeenth of this King, in which, the Earl of *Arundel* declared ſeveral things the King had done for the Duke of *Lancaſter*, that were againſt his Honour and Profit; but they were ſuch Trivial Objections, as the King Anſwer'd them all Himſelf,

16. R. 2.

and Oxford.

10. The Biſhops, Lords and Commons in full Parliam assented that the King, his Heirs and Succeſſors of England may lawfully make their Teſtament, an Execution shall be done of the ſame.

That the King may make his Teſtament.

The Lords and Commons grant to the King the Subſidie for three Years, as is contain'd before in 16. together with one half Deſme and half Subſ

Subſidies granted.

ibid. pag. 348.

20. William Arch-Biſhop of Cant. maketh his Prote tion in open Parliament, ſaying that the Pope o not to excommunicate any Biſhop or entermeddle or touching any preſentation to any Eccleſiaſticall ty recover'd in any the King's Courts. He further that the Pope ought to make no tranſlations to any -prick within the Realm against the King's Will that the ſame was the deſtruction of the Realm Crown of England, which hath always been so as the ſame hath had none earthly Soveraign, but Subject to God in all things, touching Regalities and other; the which his Proteſtation he prayed it might entred.

The Arch-Biſhop of Canterbury's Proteſtation againſt the Pope's Uſurpations, Proviſions & Excommunications in England.

Realm of England. Freedome. Royalties. Proteſtation entred.

* See writs ra mo Cons m. 5 Col.

and ha he kin ders for embark

Distracted, and on what occaſion.

Duke of Bretagne; for as he Rode one very hot and ſultry Day Armed from head to foot, his Page that carried his Lance following him, and he happening to fall aſleep, let fall the Lance upon the King's Helmet, which not only awakened, but put him into ſuch a Fury, that quite bereft him of his Senſes; inſomuch that he fell violently upon thoſe that were about him, and if he had not been prevented by being laid hold on, he had certainly kill'd them. This prov'd a perfect Madneſs, or Frenzy, that ſeized him every Year about the ſame time; and was by an unlucky Accident not long after much encreas'd, as you ſhall hear ~~preſently~~. hereafter.

~~This Year~~, on the *Octaves* of St. *Hillary*, a Parliament was held at *Wincheſter*, [1.] in which, there was Granted to the King a *Tenth* by the Clergy, and a *Fifteenth* by the Lords and Commons for the Expences of the Dukes of *Lancaſter*, and *Glouceſter*, who were then going over into *France* to Treat about a Peace. This Parliament, tho' it be mention'd by *Knyghton*, and *Walſingham*, yet is omitted by Dr. *Brady*; ~~but whether~~ also the Proceedings of it are ~~not~~ upon Record among the Rolls of Parliament, ~~deſerve our enquiry~~. and are thus published in [illegible]

~~Anno Dom. 1393.~~

Rot. Pat 16. Rich. 2 m. 23. dorſ. T. W.

Claus. Parl. 16 Rich. 2 m. 35

Rot. [illegible] m. 8

This [2.] Year ~~alſo~~ the King's-Bench, and Chancery, which had been Tranſlated from *London*, to *York* (either out of Favour to that City, whoſe Archbiſhop was then Chancellor, or out of hatred to the *Londoners*) were now again brought back to *London*, with as great facility as they had been tranſlated to *York* before.

[2.] *Id ib.* The King's Bench and Chancery returns to *London*.

Robt. Cotton [illegible] 1393. them what is on [illegible]

This [3.] Year likewiſe the Lord *William Scrope* bought the Iſle of *Man* of *William Montague*, Earl of *Salisbury*, together with the Crown of that Iſland, of which he had alſo the Title of King. The ſame Year the Dukes of *Lancaſter* and *Glouceſter* went over into *France* to Treat of a Final Peace, which yet could not be Concluded, by reaſon of that King's being Diſtracted, as I have ſaid already. The Town alſo and Caſtle of *Cherbourgh*, which had been Pawned ſome Years ago ~~to~~ the King of *Navarre* for Twenty Thouſand Marks, that he had borrowed of the Crown of *England*, was ~~now~~, upon the Payment of that Money, Reſtor'd. as appears [illegible] October

[3.] *Id ib.* The Iſle of *Man* ſold to the Lord *Scrope*.

[illegible] was [illegible] for one year more also [illegible] next [illegible] by vid. Rot. Franc. 17. [illegible] m. 17. R. 2. [illegible]

As for other Foreign Affairs, [4.] the King of *France* had this Year a ſtrange Preſervation, tho' it caſt him again into his former Diſtemper; for as He, with four or five of His Courtiers were Dancing at a Ball, diſguiſed like Savages, and being dreſſed in Habits of died Linen, to which was faſten'd ſome Hair, or Flax, with Pitch, and Roſin, their Cloaths (by means of a Torch that fell down amongſt them) ſuddenly took fire; but whether this was done by Chance, or by the Malice of the Duke his Brother, who aſpired to the Kingdom, is uncertain, but this Accident produced very diſmal effects: And tho' the King, by the Courage of a certain Lady, was ſnatched out of the Flames, which were like to have ſeized him, yet did not his Fellow Maſquers eſcape ſo well, for before their Habits could be got off, they were miſerably burnt, and ſome ſtifled to death. Nay, this Accident had that ſad effect upon the King himſelf, that the Fright he now receiv'd, made him preſently fall into his former Frenſy, which never quite left him ſo long as He lived, and that was many Years after. But *England* was ſo far from taking any Advantage by this Diſorder, that a freſh Truce was this Summer Concluded with the *French*, and *Scots*, both by Sea and Land, to continue from the end of the former Truce, for Twenty four Years and an half next enſuing.

[4.] *Id ib.* *Mezeray*, *ad hunc An.* The King of *France* hardly eſcapes being burnt, but it caſts him into his former Diſtemper.

Rot. [illegible] m. 13. R. 2. [illegible]

~~Anno Dom. 1394.~~

About the beginning of this Year, [5.] a Parliament was holden on the *Quindene* of St. *Hillary*, in the Seventeenth of this King, in which, the Earl of *Arundel* declared ſeveral things the King had done for the Duke of *Lancaſter*, that were againſt his Honour and Profit; but they were ſuch Trivial Objections, as the King Anſwer'd them all Himſelf, and

[5.] Rot. Parl. 17. Rich. 2. N. 11. The Earl of *Arundel* declares in Parliament ſeveral things which the K. had done for the Duke of *Lancaſter*, to be againſt his Profit.

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and the Earl was by the King and Lords Order'd to ask the Duke's Pardon in full Parliament, which was done accordingly.

[1.] *Ib.N.*16. The [1.] King, Lords, Knights of Honour, and Juſtices in this Parliament, Aſſented to a Peace, with *France*, ſo as the King did not make Liege-Homage to the *French* King; and ſaving alſo at all times the Liberty of his Perſon, and the Crown of *England*, and of his Lieges of the ſame Kingdom; and that He, and his Heirs might reſort and have recourſe to the Name, Title, and Right of the Crown and Kingdom of *France*, if the Peace ſhould be broken by his Adverſary and his Heirs; and alſo that ſuch Moderations and Modifications ſhould be made, that no further Confiſcation (that is, ſeizure of the Dutchy of *Guyenne*) might happen. ~~Yet [2.] *Knyghton* ſays this was only a Truce for four Years, and four Months, as well by Sea, as Land.~~

[2.] *Col.* 2741.

[3.] *Ib. N.*17. Then [3.] the King Charged the Commons to give their Advice in this Matter. They in a Schedule given to Him by the hands of Mr. *John Buſſy* their Speaker, anſwered, that the Articles of Peace between the King and his Adverſary of *France* were read, and in part underſtood by them, but they, conſidering that the Points therein contain'd, were too high for them to meddle with, and upon which they durſt not Treat, or give any Advice; to wit, the *Homage-Liege*, *Sovereignty* and *Reſſort* to the Crown of *France*, were willing to give their conſent (for the benefits of Peace) to whatſoever the Lords, Knights of Honour, and the Juſtices had conſented to before; *ſo as the Homage ſhould be done for, and have relation to the Dutchy of* Guyenne *only, and in no wiſe to the Crown and Kingdom of* England. *What the Articles of this Peace were, doth not appear upon the Parliament-Roll.*

[4.] *Ad hunc An.* [4.] *Walſingham* is more particular in the Tranſactions of this Parliament, and gives us an account of the ground of that Quarrel above-mention'd, between the Duke of *Lancaſter*, and Earl of *Arundel*, viz. That the Earl laid to the Duke's Charge, that about the Feaſt of the Exaltation of the *Croſs*, or middle of *September*, he had lain ſtill with his Forces at his Mannor of *Holt* in *Cheſhire*, whilſt that Country was up in Arms againſt him, under the leading of *Nicholas Cliſton*, and his Accomplices, without the Earls Acting any thing againſt them which (as his Accuſer alledged) was in their Favour; this the Earl expreſly deny'd, and ſo well defended himſelf, that he came off without any further queſtion.

[5.] *Id ib.* The *Commons* grant the K. an Aid for his Voyage into *Ireland*, In [5.] this Parliament alſo, the King deſigning to go over into *Ireland* demanded an Aid, and the Commons granted Him for three Years a Subſidy upon Wooll, Wool-fels, &c. and Three Shillings upon every Tun of Wine, and Twelve pence upon every pound of Merchandiſe, as in the eleventh Year; ſo as the ſame ſhould only be employed for the defence of the Realm. &c. And the Clergy alſo granted the King a full Tenth, if he went over thither, but if He did not, then He was to receive but half a one.

[6.] Vol. IV, Cap. 51. Note, The Year is there miſtaken by this Author, I ſhall [6.] here intermix ſome Foreign Affairs of Moment; In the beginning of *May*, *Froiſſart* informs us of what our own Hiſtorians are ſilent, that the Treaty concerning a Final Peace between the King of *England* and *France* was again renewed,* and the Dukes of *Lancaſter*, and *Glouceſter*, together with the Archbiſhop of *York*, and Biſhop of

London, were ſent over for that purpoſe; and that they were met by the Dukes of *Berry*, and *Burgundy*, and other *French* Commiſſioners, at a ye ~~certain~~ Village ~~called~~ of *Lenlingham*, between *Calais*, and *Boloigne*. This Treaty held many days, the *French* making the ſame Demands, and much the ſame Offers to the *Engliſh* as they had done at the laſt Treaty at *Amiens*, and the Anſwers of the *Engliſh* were much to the ſame purpoſe with the former; ſo that by Reaſon thereof, nothing could be concluded as to a laſting Peace, only it was agreed, × that the Truce ſhould be again prolonged until the Feaſt of St. *Michael*, in the Year 1398, beſides which, there were certain Additional Articles agreed on between them, for including the *Scots* and other Confederates on both ſides, as alſo to prevent the Surpriſing of Towns and Caſtles on either part, by treachery; and further, that the ſtrong Town and Caſtle of *Cherbourg* ſhould be reſtored to the King of *Navarre*, upon the *French* Kings paying to the *Engliſh*, the Sum of Sixty thouſand Nobles, for which it had been mortgaged to him; and alſo the Caſtle of *Breſt* was to be reſtored to the Duke of *Bretagne*. This truce being concluded in Treaties (~~of~~ which ~~kind~~ *Froiſſart* well obſerves the *French* have always had the Advantage) the *Engliſh* Plenipotentiares return'd home, and gave the King a Relation of what they had done, who, being very fond of a Peace with *France*, was well ſatisfied with it.

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× See the [illegible] tion of it in [illegible] 17. R. 2. m. 5. [illegible] 169

[illegible] this Author is right enough as to the time of this truce, yet he is mistaken in some circumstances of it which may be rectified by our Records for in the first place this treaty [illegible] a final peace [illegible] for who [illegible] but not by all ye the persons by him named, they being one by the two Dukes above mentioned as appears by this Record without any [illegible] the King of Navarre was [illegible]

Froiſſart further relates, that the *Engliſh* then inſiſted that the *French* King ſhould renounce *Clement* the *Anti-pope* of *Avignon*, but the *French* Commiſſioners would by no means agree to that, and reſolve ſtill to continue under his obedience; and tho' this Pope died in *September* following, yet that did not heal the Schiſme in the *Romiſh* Church; for the Cardinals of that Faction agreed to chuſe Cardinal *Peter*, or the Cardinal de *Luna*, who was lately Legate in *France*, to be Pope in his ſtead, by the Title of *Benedict* the 13*th.* in oppoſition to *Urban*, who had been not long ſince elected at *Rome* by the Cardinals of the oppoſite Party; and thus the Schiſme between the two *Sees* of *Rome* and *Avignon* was ſtill kept on foot.

Ibid.

But to [1.] look to the Affairs of *England*; the Duke of *Lancaſter*, upon his Return home from the Ambaſſy in *France*, found himſelf a Widower by the late deceaſe of his Dutcheſs *Conſtance* Daughter to the King of *Caſtile*: as alſo the Lady *Mary*, Wife to the Earl of Derby his Eldeſt Son, a little before departed this Life.

[1.] The Duke of *Lancaſter* returns out of *France*, having renew'd the Truce. The deaths of ſeveral Ladies.

But [2.] what is moſt Remarkable, was the Deceaſe of Queen *Anne*, who, to the King's great grief, died this Year at His Mannor of *Sheen*: Her Death was ſo deep an affliction to him, that he not only ever after hated the Place, but alſo defaced it, by pulling down the Pinacles, and demoliſhing the Apartment where ſhe died. She had the Character of a Beautiful, Charitable and good humour'd Lady, but too much given to her Pleaſures; of which ſhe is ſaid to have Repented on her death-Bed.

[2] T. W. As alſo of the Queen, with her Character.

The King being now reſolved to divert His Melancholy by Warlike Exploits, hasten'd his Expedition into *Ireland*, to reduce certain Rebels who had now taken Arms; and in order thereunto, iſſued out a Proclamation to all Noblemen, and others, that any ways belonged to that Kingdom, that they ſhould by the beginning of *September* return into their own Country, there to wait the King's coming over;

Id ib.

The King haſtens His Journey into *Ireland*, and iſſues out a Proclamation for all that belong to that Kingdom, to return thither

[illegible] he had [illegible] Burgundy [illegible] to him, [illegible] many [illegible] by the French King

with all celerity. Act. [illegible] A. 17 R. 2. pt. 1. m. 14 [illegible] col. 778 to the transportation of himself & his Army.

Anno Dom. 1394.

and indeed it was time to ſend them away, for ſuch multitudes were now come hither in hopes of Preferments, that they had left the *Engliſh* Pale in *Ireland* almoſt quite deſolate and unguarded; at which the natural wild *Iriſh*, not yet throughly ſubdued, taking Advantage, deſtroyed or pillaged at their pleaſure the few remaining Subjects the King had there. And whereas King *Edward* the Third when He had ſettled His Courts of Juſtice in that Country, received from thence to his Exchequer above Thirty Thouſand Pounds *per Annum*; This Kingdom, by reaſon of the want of Inhabitants, was not only loſt, but on the contrary, the King forced to be out of Pocket Thirty Thouſand Marks every Year, in the neceſſary defence of his Territories; which miſchiefs effectually to Redreſs, [1.] He about the beginning of *September*, ſet Sail for *Ireland*, attended by the Duke of *Glouceſter*, the Earls of *Marche*, *Nottingham*, and *Rutland*, with a powerful Army of about Thirty Thouſand Men. Upon his Landing at *Dublin*, the *Iriſh* unable to Cope with ſo great a Force, endeavour'd for a while to weary him out with Alarms, Ambuſcades, and Skirmiſhes; but at laſt four of their Chief Princes or Kings were glad to ſubmit to King *Richard*, ſome of whom He kept as Hoſtages for Security, others He diſmiſſed upon Parole. This was the greateſt and moſt fortunate Expedition that was made in this King's time.

[1.] *Ib. id. Froiſſ.* Vol. IV. The King Sails over to *Ireland* with a great Army.

Anno Dom. 1395.

This being the Eighteenth Year of our *Richard*'s Reign, He kept His *Chriſtmaſs* at *Dublin*, and preſently after Summon'd a Parliament there, at which appear'd all thoſe Feudatary *Iriſh* Lords and Princes, who had already ſubmitted to Him, whom He endeavour'd to reduce to ſome Civility, of Habit and Manners. And [2.] *Froiſſart* tells us that the King made uſe of an *Engliſh* Gentleman for that Purpoſe, who had been taken Priſoner, and had lived long among them; and whoſe Relation concerning the Manners and Habits of the *Iriſh*, the Reader may be inform'd from that Author.

[2.] *Id. ib.* A Parliament held at *Dublin*, and another at *London* at the ſame time, where the K. has an Aid given him by the Clergy, and Commons.

In [3.] the mean while the Duke of *York*, who had been left Guardian of this Kingdom in the King's Abſence, Summon'd a Parliament to Meet Fifteen Days after St. *Hillary*, or the Eight and Twentieth Day of *January*, to conſider of the proſperous and happy Government of *Ireland*; and for the better Procurement thereof, the King now ſent the Duke of *Glouceſter* over, who declar'd before them all, the great neceſſity His Majeſty was in for Money, occaſion'd by His late Expedition into *Ireland*; and his Speech had ſo powerful an effect upon them, [4.] that the Clergy Granted the King a *Tenth*, and the Commons a *Fifteenth*, yet not without a *Proteſtation* firſt made, That they were not bound to Grant the ſame *de ſtricto Jure*, but did it purely out of their affection to their King.

[3.] *Ib. id. Rot. Clau.* 18. *Rich.* 2. *M.* 23. *dorſ.*

[4.] *Rot. Parl.* 18 *Rich.* 2. *m.* 23. *dors.*

During [5.] the King's Abſence in *Ireland*, the *Wickliffites*, or *Lollards* (as they were then call'd) grew ſo bold, as Publickly to affix on the Doors of St. *Paul*'s Church certain Accuſations againſt the Clergy, Charging them with ſundry Crimes; and [6.] they alſo Publiſh'd divers Concluſions againſt Eccleſiaſtical Perſons, the Sacraments, and other Rites of the Church, which were alſo Propos'd in Parliament by Sir *Thomas Latimer*, and Sir *Richard Story*, with others, at which the Biſhops were extremely diſturbed; and according to their uſual Method, inſtead of clearing themſelves, and confuting their Adverſaries by Scripture and Reaſon, endeavour'd to Silence them by

[5.] T. W. The *Wicklefſites* or *Lollards* fix certain Concluſions on the doors of St. *Paul*'s Church, and alſo preſent them to the Parliament.

[6.] *Hiſtor. Thom. Walſing.* MS. in *Bib. Bod.*

Force;

Anno Dom. 1395.

Force; and to this end, being now under a great Conſternation, they diſpatched away the Archbiſhop of *York*, and Biſhop of *London* into *Ireland*, to the King, entreating Him to haſten His Return, *to Defend and Succour the true* Faith, *and* Holy Church, *that were both like to be undone by the Hereticks*, who were contriving how to take away the Poſſeſſions of the Church (that is of the Clergy) and overthrow all Canonical Sanctions.

The [1.] King was greatly Allarm'd with this News, and having appointed the Earl of *Marche* his Lieutenant of *Ireland*, made what haſt He could over into *England*, where He ſafely arriv'd in the beginning of *May*; and ſo ſoon as He came over, fell ſeverely upon ſome of the Nobility and Gentry, who were the Chief Favourers of theſe *Lollards*, making Sir *Richard Story* openly abjure their Opinions, and roundly told him, *That if ever He ſound He relapſed again into them, he ſhould ſuffer Death, without Mercy.*

[1.] T. W. Upon which News, the K. immediately returns out of *Ireland*.

But it ſeems the *Lollards* were not at this time the only Depreſſers of the Clergy, but my [2.] Author alſo highly complains againſt ſome of the Heads of their own Body, for *William* Archbiſhop of *Canterbury* had now procured a Bull from the Pope, Impowering him to Levy throughout all the Dioceſſes of his Province, *Four Pence* in the Pound of all Eccleſiaſtical Goods and Revenues, as well of thoſe *Exempt*, as not *Exempt*, and this without ſo much as pretending any good or Lawful Cauſe for the ſame. However, the Execution of this Bull being committed unto the Archbiſhop of *York*, and the Biſhop of *London*, tho' many of the inferior Clergy grumbled at it, and complain'd thereof as an unreaſonable Burthen, yet they were forc'd to ſubmit, and pay their Money. ^

[2.] *Idib.* The great oppreſſion of the Archbiſhop of *Canterbury*, upon the Clergy.

^ I cannot here omit taking notice that during kings absence in Ireland the Duke of york his Leivetenant had courage enough to issue a writ in the kings name ~~[illegible]~~ [illegible] to the sherif of Devonshire and [illegible] the Mayor and Bailifs of the City of Excester setting forth divers statutes that had been made in the times of the kings progenitors for the free election of Archbps. and Bps. and other elective dignities and benefices and that upon the supplication of the Deane and Chapter of Excester that the see being vacant by the decease of Thom. the late Bp. the King would grant licence to chuse a new Bishop. He therefore [illegible] [illegible] their petition in the [illegible] Parliament, that since several persons design'd to hinder such a free election endeavouring [illegible] the [illegible] [illegible] and [illegible] the sheriff and mayor [illegible] to make proclamation [illegible] such a free election [illegible]

I cannot here paſs over a Matter, which tho' of no Publick Concern, yet it will give us an Account of the uncertain Fate of ſo great a Prodigy of Fortune. [3.] *Robert de Vere*, late Earl of *Oxford*, and Duke of *Ireland*, having eſcaped beyond Sea (as you have already heard) being *Attainted by Act of Parliament*, deceaſed about Three Years ſince at *Lovain*, in great Melancholy and Diſcontent, the King being either unable or unwilling to relieve him. But now, to make ſome amends to his Memory, He order'd his Body to be Embalm'd, and brought into [4.] *England* in a Coffin of Cypreſs, and carried to the Priory of *Colne* in *Eſſex*, where a Sumptuous Funeral was made for it; the King in Perſon, Attended by the Archbiſhop of *Canterbury*, and the Counteſs Dowager of *Oxford*, Mother to the deceaſed, being the Chief Mourners; together with ſeveral Biſhops, and Religious Men, but by very few of the Nobility, for they had not yet digeſted their Reſentments againſt him. ^

[3.] *Id ib.* The death of *Robert de Vere* Duke of *Ireland*.

[4.] His Body is brought over, and ſumptuouſly Buried at *Colne* in *Eſſex*.

I ſhall conclude this Year with ſome Foreign Affairs of Moment; [5.] *Froiſſart* the Hiſtorian now coming into *England* to wait upon King *Richard*, and to Viſit a Country with which he had been many Years agone well acquainted, tells us that he found then certain Deputies at Court, which had been ſent over from the Chief Towns of *Gaſcoigne* to the King, Praying that the Donation made to the Duke of *Lancaſter* of the Dutchy of *Aquitain* might be recalled, ſince they would by no means be ſeparated from the Crown of *England*, on which they chiefly depended for Aſſiſtance and Protection againſt the *French*. Upon this, the King Aſſembled a Great Council of all His

[5] Vol. IV. Cap. 61, 62. *Froiſſart* comes over into *England*: The Deputies of *Gaſcoigne* deſire the Duke of *Lancaſter's* Donation might be recall'd.

^ Rot. Claus. 18. R. 2. m. 14. d.

new [illegible] [illegible] that at Westminster and new [illegible] [illegible] the work [illegible] his year, but not finish'd till

to [illegible] that no violence [illegible] person whatsoever should be done to them and if they should find any [illegible] to arrest them [illegible] till the kings further order.

Anno Dom. 1395.

Nobility on the Twentieth Day of *July*, at His Mannor of *Eltham*, where the Dukes of *York*, and *Glou-ceſter*, the Archbiſhops of *Canterbury* and *York*, with other Biſhops; the Earls of *Derby*, *Arundel*, *Kent*, and *Northumberland*, with ſeveral other Lords, being all Met, it was Debated what Anſwer ſhould be given to the *Gaſcoigne* Deputies. The Earl of *Derby*, ~~the Duke's Son~~, and ſome other Lords were for granting their Requeſt; but becauſe the Duke of *Glouceſter*, being more deſirous of his Brother of *Lancaſter*'s Abſence, than Preſence here, inſiſted that the Donation ought to hold good, there could be nothing further done in it, 'till the Duke's Pleaſure was known, and that he could return again to *England*, of which I ſhall tell you further in due time; but we ſhall now go back to the Affairs of *France*.

[.1] *Ib. C.* 62. Another Ambaſſie order'd into *France*, about a Match with that K's Daughter.

[2.] *Ib. Cap.* 63. The French King's Anſwer to that Propoſal.

See their Commission. [illegible] Franc. [illegible] [illegible]

In [1.] the ſame Council it was alſo Reſolv'd, that the Earl of *Rutland*, (Eldeſt Son to the Duke of *York*) Robert ~~the Archbiſhop of Dublin, the Biſhop of Ely, the Lords Clifford, Beaumont~~, and ~~Spenſer~~, ſhould be ſent Ambaſſadors into *France*, to Treat of a Marriage between the King, and the Lady *Iſabel*, Daughter to the King of *France*, ſhe being then but between Seven and Eight Years of Age. These Commiſſioners being Arriv'd there, were very well receiv'd; [2.] but the French King's Anſwer was, *That He thank'd His Brother of* England *for His good will, yet beſides that the Lady was too young to Marry, there was an Agreement between Himſelf and the Duke of* Bretaigne, *that he ſhould Marry her; and therefore this Affair could not proceed further as yet, 'till the former Agreement was diſſolved*; whereupon the Ambaſſadors return'd home, and gave the King an Account of it, who ſtill continued very fond of this Alliance with *France*; but before the end of this Year, the *French* King ſent into *England* as His Ambaſſador, a *Norman* Gentleman called *Robert the Hermite*, who pretended that he was order'd by a Viſion, and a Voice in his Voyage from the *Holy-Land*, that he ſhould warn the King's of *England* and *France* to make Peace. He being Arrived, the Treaty of Marriage was again renew'd, and the Ambaſſadors declar'd their Maſter's conſent to it; but theſe things could not be finally agreed on 'till the beginning of the next Year, by reaſon of the great difficulties and oppoſition that the Duke of *Glouceſter* made ~~in~~ to this Treaty; 'till at laſt the King inclining more to the Advice of His Uncles of *Lancaſter* and *York*, reſolv'd to conclude the Marriage with the Daughter of *France*, notwithſtanding all the oppoſition that was made to the contrary.

Anno Dom. new 1396.

[3.] *Froiſ. ib. Cap.* 64. *Rot. Franc.* 19 *Rich.* 2. *m.* 19.

bearing date 30th of December 1395 above.

To this ~~end~~, [3.] in ~~the beginning~~ February of this Year, the King ſent ~~the Earl of Rutland, and Nottingham, the Lord Scrope, and ſome Biſhops,~~ His Ambaſſadors to *Paris*, with a full Commiſſion to conclude the Treaties of Peace, and Marriage above-mention'd; but not being able to make up an Abſolute and Final Peace, they Treated with the Dukes of *Burgundy*, *Berry*, and *Orleans*, Commiſſioners from the *French* King, concerning the Continuation of a General Truce for both Kings, and their Confederates, which was at laſt Concluded on theſe Conditions: That when the Truce lately made at *Leulingham* ſhould expire, in the Year 1398, it ſhould be again continued for Twenty Eight Years longer. But we have a more exact Account of the Articles of this Truce from the Original Inſtrument, under the Seal of the King of *France*, preſerv'd in the Chapter Houſe at *Weſtminſter*; by

untill the year 1426.

bearing date at Paris [illegible] March [illegible] which it is expreſly Provided, that, during the ſaid Truce, the taking of Priſoners, Goods and Chattels, Fortify'd Towns, Fortreſſes, and other Places, together with all Pillages, Robberies, Burnings, Demoliſhing Houſes, &c. and all other Acts of War, were to ceaſe between the two Kingdoms, their Lands and Seigniories on both ſides; as alſo between the Kingdoms, Lands, Seigniories, and Subjects of their Friends, Allies, and Adherents whatſoever; and that there ſhould be freedom of Intercourſe, Commerce and Merchandizing between the People and Subjects of one Party and the other, during the ſaid Term. In this Truce there is not any mention of any Homage, Liege-Sovereignty or *Reſſort* reſerv'd to the *French* King. This Treaty, ~~or~~ Agreement was Ratified by the King of *France*, on the ~~Eleventh~~ of *March* this Year; and ~~not long after~~ by the King of *England*, and the Ratifications were exchanged on both ſides, ~~on the Feaſt of St. *Simon* and *Jude*, when both~~ King's Swore to the Performance of them, as you will find ~~hereafter~~.

Anno Dom 1396.

x as by the Articles of the marriage they ~~for any territories relinquishing in France~~ and that the Princess [illegible] as by 8000 [illegible] discharg'd. [illegible] of [illegible] 1396.

All things being thus Concluded; the [1.] Earl of *Nottingham*, Lord Marſhal, Eſpouſed the young Princeſs *Iſabel*, by Vertue of certain Letters of Procuration he had brought over for that Purpoſe, on the behalf of his Maſter King *Richard*, and thereupon ſhe was immediately ſtil'd Queen of *England*, and ſo the Ambaſſadors return'd home, and found the King and His Uncles, except the Duke of *Glouceſter*, (who remain'd ſtill averſe to it) very well ſatisfied with their Proceedings; but for all this, the *French* King would not truſt his Daughter to come over into *England*, 'till the Princes of the Blood Royal, *viz.* the Duke of *Lancaſter*, and his two Brothers of *York*, and *Glouceſter*, as alſo the Earls of *Derby*, *Warwick*, and *Nottingham*, with ſome others of the Chief Noblemen of the Kingdom, had Seal'd an [2.] Inſtrument, whereby they promis'd and engag'd, that if after the Conſummation of the Marriage, the Lady *Iſabel* of *France* ſhould happen to ſurvive the King, they would no ways hinder her return Home with all her Jewels, and other Moveables. This was Dated at *Windſor*, the firſt of *May*, not long after the return of the ſaid Ambaſſadors.

[1.] *Froiſſ.* ib.

[2.] It is Printed in *Leibnitz*, Codex Diplomat. p.

I muſt here inſert a Remarkable Tranſaction, which ſhould have been mention'd in the beginning of this Year, when indeed it happen'd, but that I would not break into the Relation of the late Truce. [3.] The Duke of *Lancaſter* being ſent for over from *Gaſcoigne* about *Chriſtmaſs*, immediately waited on the King, who kept that Feſtival at *Eltham*; where being receiv'd with more Honour than Affection, he gave the King his poſitive Reſolutions concerning that Province; that ſince the People were not willing to accept him for their Prince, and that it was not to be maintain'd againſt the *French* King, by his own Power and Revenues, he was therefore willing to comply with the Peoples Deſires, as well as His Majeſtie's Commands, and reſign his Title to the Dutchy of *Aquitain* into His Majeſty's Hands. But within a while, looking upon himſelf ſlighted at Court, he took his leave, and retir'd to the City of *Lincoln*, where he preſently after Married the Lady *Catharine Swinford*, Widow to Sir *Robert Swinford*, his old Miſtreſs, by whom he had already had ſeveral Children; tho' he had hitherto kept her under the Title of Governeſs to thoſe he had by his deceaſed Lady; but this Match very much diſcontented his Brother the Duke

[3.] T. W. The Duke of *Lancaſter* returns into *England*, and reſigns his Donation of *Aquitain* to the King.

x so that he [illegible] considers these Articles will quickly see that the French notwithstanding their seeming unwillingness at first had sufficient reason to be satisfied [illegible] so much for their [illegible] and so [illegible] of England. For besides what has been already recited it was expressly provided by these Articles that the young Princess as soon as she came to an age capable should renounce all further pretences to any appennages or other successions that might fall to her within the kingdom of France and particularly any claim to that crown that might come to her or hers heirs of her body. And after the Truce [illegible] years to come it was as good a Renunciation of any [illegible] war any more for the [illegible] of the King's right to that crown.

Anno Dom. 1396.

Duke of *Glouceſter* and his Dutcheſs, who looked upon it as a diſparagement to the Royal Family.

Id ib. The King goes over to *Calais*, to Marry the *French* King's Daughter. and has an Enterview with the *French* King, between that and *Ardres.*

Nothing happened conſiderable all this Summer, after the concluſion of the Peace with *France*, the Kings time being almoſt wholy taken up in raiſing Money, and making great Preparations for his intended Mariage and Voyage into *France*: And then about the middle of *October*, all things being now ready, the King went down to *Dover*, and paſſed over to *Calais* with his Uncles, and a magnificent Retinue; and when He had repoſed Himſelf a few days, He went to meet the *French* King, who was come to *Ardres* for the like Purpoſe; between which Town, and *Calais*, a place was appointed for their Enterview, where two ſtately Pavilions were erected for their Reception. But firſt both Princes took an Oath, truly and Religiouſly to obſerve the ſtrict Laws of Amity during this Congreſs; and that neither by themſelves, nor any of their Subjects, Friends, Allies, nor any other, to their Privity, nor with their Allowance, there ſhould be continued or practiſed any Hoſtility, Surpriſe, Damage, or Diſturbance by either Party to the other. And for their further ſecurity, the Space between the two Royal Tents was Guarded on each ſide by eight hundred armed Knights, or Gentlemen, four hundred of each Nation, who being drawn up in two Lines, the Kings of *England* and *France*, having Met and Saluted each other, paſſed between them to King *Richard*'s Pavilion, on the twenty ſeventh of *October* attended by the Princes of the Blood, on both ſides; four of the *French* Duke's being order'd to wait upon the King of *England*; and the Dukes of *Lancaſter* and *Glouceſter*, beſides three Earls, *viz.* of *Derby*, *Rutland* and *Northampton*, at the ſame time attending the *French* King.

The Enterview between the two Kings.

[2.] *Id ib.* A Chappel to be built on the Place of their meeting.

Then [2] after a mutual exchange of Complements between their Majeſties, it was alſo agreed, that a Chappel at both their Charges, ſhould be erected in the place of their Enterview, which ſhould be call'd the Chappel of our Lady of Peace; and on *Saturday*, the Feaſt of St. *Simon* and *Jude*, on another Treatie it was alſo further agreed and Solemnly Sworn to by both Kings, that the former Truce and Ceſſation of Armes for eight and twenty Years, ſhould be prolonged to thirty Years to come. But the Chief Bond of their Peace and Agreement was, that King *Richard* was now to Marry the *French* King's Daughter, and the former having Invited the latter to Dine with Him at his Pavilion, the day [3] following, being *Monday*, He was magnificently Treated and took the upper hand of the King: after Dinner the young Queen being brought thither was delivered to King *Richard* by the King her Father, and was then committed to the Care of the Dutcheſſes of *Lancaſter* and *Glouceſter*, who convey'd Her with a Noble Retinue to *Calais*; then after theſe two great Princes had taken their leaves of each other, with all the tokens of Reſpect and Amity, King *Charles* went back to *Ardres*, and King *Richard* to *Calais*, who from thence paſſed over [4.] into *England* with his young Bride in great State and Magnificence. And my Author further tells us, that beſides, the Preſents made by King *Richard* to the *French* King and his Nobles, amounted to the value of three hundred thouſand Marks, which was much more than all the Portion He received with Her.

[3.] The Marriage concluded between King *Richard*, and the Daughter of *France*, who is deliver'd to him.

[4.] The two Kings take leave, and return home.

Anno Dom. 1396.

Id. ib. The King arrives in *England.* *Chron. de Lambeth.* The Queen Crown'd. The Duke of *Glouceſter* is diſcontented at the Match, and Truce.

The King being ſafely Landed at *Dover* with his young Spouſe (tho' He loſt His Tents, and much of His Equipage in the paſſage) came to *London* on the 23*d* of *November*, where the Crowd was ſo great, at the end of *London-Bridge*, that many were ſtifled to death; and immediately after their Arrival, the young Princeſs was Crown'd Queen at *Weſtminſter*, by the Archbiſhop of *Canterbury*, with all the Solemnity that had been uſual on ſuch Occaſions. But it ſeems the Duke of *Glouceſter* was not at all ſatisfied either with the Truce, or the Match, ſaying, *That it had been more proper to recover by Arms what the King's Father and Grandfather had loſt in* France, *than to enter into new Alliances with that Crown, which had commonly better Succeſs in Treaties than Wars with* England: And theſe private Diſcontents drew on His Ruin, which happen'd ſome time after.

[1] *Grafton's* Chron. *Ad hunc An.* What paſſed between the King and the Duke, about the Delivery of *Breſt.*

But [1.] tho' I do not give any great Credit to a Story in *Grafton's* Chronicle, concerning this Duke, yet being to the Matter in hand, I ſhall here inſert what is related to have paſſed between the King and him. About this time *Breſt* being deliver'd to the Duke of *Bretagne*, the King obſerving a mighty number of mean ſort of Fellows that had Crowded into *Weſtminſter-Hall*, at a great Feaſt, asked the Duke of *Glouceſter* who they were? he Reply'd, *They are, Sir, the Soldiers, who by your Surrendring of* Breſt, *are ſent Home, and muſt now either Steal, or Starve*; and ſo went on to Tax the King as guilty of a raſh and unadviſed Action. Hereupon in great Anger, He *asked His Uncle whether he took Him for a Merchant, or a Fool, to ſell His Caſtles for Money*? and ſaid further, *How could I refuſe to Surrender that Town,*

✕ viz. in April this year.

Rot. Fran. [illegible] m. 4. [illegible] 83

~~[illegible]~~

[2] *Ib. C.* 63. Yet it ſeems to be a falſe Story.

Stet

story needs no other evidence to prove ~~the~~ its ~~falsity~~ forgery
Patent Rolls of this year, ~~wherein~~ by a ~~Grant~~ Charter of Grant made
King to the Duke of Bretaigne of the Mannor of Seven
nd the Hundred of Heworth in Wiltshire to be held
Duke and his Dutchess (the Kings ~~sis~~ Aunt) untill
s the Castle of Brest should remain in ~~the Kings~~ his
his heirs date July 9 K. ~~this~~ 1397 year. whereas the Duke
cester ~~had been~~ was arrested by the Kings order ~~the~~ upon
e time and when that Castle was not ~~then~~ yet restord, altho
g had given orders for its delivery the 28th of March
ear, and therefore he could not see those Soldiers at Westminster who were still in France.

Stet

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[3.] T. W. The Pope Writes to the King about the *Lollards.*

he declared to be falſe and unfaithful both to the Church, and King Himſelf; and therefore earneſtly preſſed him, that whatſoever Perſons the Biſhops ſhould declare to be Hereticks, He would forthwith cauſe to be Executed by His Royal Authority. But the King's thoughts being then taken up with His intended Voyage into *France*, I do not find there was any thing further done in it. [4.] And beſides, perhaps the Sickneſs and Death of *William Courtney*, Archbiſhop of *Canterbury*, who deceaſed about the latter end of *July*, might put ſome ſtop to thoſe Proceedings. But thereupon the Monks of *Canterbury*, not long after, Elected *Thomas Fitz-Alan* (commonly call'd *Arundel*, becauſe he was younger Brother to that Earl) to be Archbiſhop, he

[4] *Id. ib. Vid. Ang. Sacra* 1 Vol. *p.* 121. The Death of the Archbiſhop of *Canterbury.*

he being then Archbiſhop of *Tork*, and Lord Chancellor. But upon his Confirmation by the Pope in this New Dignity, he deliver'd up the Great Seal to the King, which He immediately beſtow'd upon Mr. *Edmund Stafford*, a Clergy-Man, of a Noble Family.

Anno Dom. 1397.

Rot Parl. 20. *Rich.* 2. *part* I. *M.* 27. *dorſ.*

A Parlim[ent] in which the commons [illegible] [illegible] form Articles into a Bill [illegible] [illegible] Ladies [illegible] King [illegible]

This Year being the Twentieth of the King's Reign, begins with a Parliament; which by Writs bearing Date the Thirtieth of *November* laſt, was to be holden on the Feaſt of St. *Vincent*, or Twenty ſecond of *January*; which being Aſſembled accordingly, the firſt thing that occurs upon the Roll is, that the Commons fram'd certain Articles into a Bill, the intent of which was to Regulate the extravagant Expences of the King's Houſhold, and to forbid Biſhops and Ladies that had no particular Buſineſs there, from frequenting the Court. What was the Occaſion of inſerting this Clauſe into this Bill, I cannot tell; only the Deſign of it ſeems to have been, to keep the Biſhops to Reſidence at their own Dioceſſes, and not to come to Court only to ſeek new Advancements; as alſo the Ladies from coming to a Place, where they might either tempt others, or themſelves be liable of too much temptation. But the King being inform'd of the Contents of this Bill, was much incenſed, and thereupon told the Peers, That they were againſt thoſe Royalties and Liberties His Progenitors had enjoy'd, and which He was reſolv'd to uphold, and maintain; and therefore Commanded the Lords Spiritual and Temporal to let the Commons know it: And further Order'd the Duke of *Lancaſter* to Charge Sir *John Buſſy* the Speaker, upon his Allegiance, to tell Him who brought in the ſaid Bill; for that which chiefly provok'd the King, was, that it deſign'd to Regulate the Expences of His Houſhold, which was then very diſorderly.

[1.] *Ib.N.* 16. The Commons make their Excuſe and Submiſſion to the King, and the Form of it. *Thomas Haxey* Clerk, is Accuſed for bringing in the ſaid Bill.

The [1.] Commons made their Excuſe and Submiſſion to the King in manner following. On *Saturday*, the Morrow of the Feaſt of *Candlemas*, the Lords *Spiritual* and *Temporal* had a Conference with the *Commons*, and ſhewed them the Will and Command of the King, and then they deliver'd in the Bill to the Lords, with the Name of him that brought it to them, to wit, *Thomas Haxey* Clerk; which Bill was afterwards deliver'd to the Clerk of the Crown, by the Clerk of the Parliaments, according to the King's Command; and preſently after the *Commons* came before the King in Parliament, and there, with all the Humility and Obedience they could, ſhew'd great grief for that the King had taken ſuch a Reſentment againſt them, humbly praying Him to hear and accept their Excuſe, *For that it never was their intent or will to ſpeak, ſhew, or do any thing which ſhould be an Offence or Diſpleaſure to His Majeſty, nor againſt His Royal Eſtate or Liberty, and eſpecially about this Matter touching His Perſon, and the Government of His Houſe, or about the Lords and Ladies of His Court, nor of any other Matter that touched Himſelf, knowing well that ſuch things do not belong to them, but ſolely to the King Himſelf, and His Ordering; and that their Intention was for the great Affection they bare to Him, as faithful Lieges; that the Lords might pray the King to conſider His Honourable Eſtate, and do concerning it what He pleaſed. And upon this,* the Commons *ſubmitted themſelves to the King's Will and Favour, humbly praying His Majeſty to have them graciouſly excuſed, being always ready to ſave His Royal Eſtate and Liberty, and to perform* *with Body and Goods, as Loyal Lieges are bound, what ſhall be for the Honour and Safety of His Royal Majeſty.*

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Whereupon the Chancellor, by Command of the King, told the *Commons*, that upon His Royal Benignity, and Gracious Seigniory, He had then fully excuſed them.

On [1.] *Wedneſday* after *Candlemaſs*, *Thomas Haxey* Clerk, was in Parliament Condemn'd to die as a *Traytor*; yet ſoon after his Sentence, the Archbiſhop of *Canterbury*, and all the other Prelates came before the King in Parliament, with great humility, and made *Proteſtation*, that their entire and full Intention was, and always ſhould be, that His Royal Eſtate and Power ſhould be always ſaved and preſerved without diminution. [2.] And then they pray'd the King to grant them the Life of *Thomas Haxey*, and the Cuſtody of his Body, not as of *Right* belonging to them, but of His *Special Grace*; both which the King Granted.

[1.] *Ib.* *Thomas Haxey* is Condemn'd as a Traytor for bringing in the ſaid Bill.

[2.] Yet upon the Interceſſion of the Prelates, his Life is ſpared.

Then [3.] the King, by Aſſent of the Lords *Spiritual* and *Temporal*, and the *Commons*, of His Special Grace, alſo granted to *Robert Belknap*, *John Holt*, and *William Burgh*, Knights, who had been Baniſhed into *Ireland*, that they might return into *England*, and Practice Law, without Impeachment, notwithſtanding the Statute made in the Eleventh Year of that King's Reign; **ſaving** always againſt them all the other Points contain'd in the ſaid Statute.

[3.] *Ib.* *Robert Belknap*, and the reſt of the late Judges that had been ſent into *Ireland*, have leave to return, and Practice the Law.

Thus the King having gain'd a Parliament to His Mind, now got to be Reverſed what had been done in a former Parliament Nine Years ago; ſo uncertain things have Parliaments been, when Managed either by Court-Intrigues, or Popular Factions. In this Parliament there [4.] was granted to the King by the Clergy *half* a *Tenth*; and the *Commons*, with the Aſſent of the Lords *Spiritual* and *Temporal*, alſo granted Him Twelvepence in the Pound of all Merchandiſe Imported, and Three Shillings *per* Pound for every Tun of Wine, for Three Years.

[4] *Rot. Parl.* 21 *Rich.* 2. The Clergy grant the K. half a *Tenth*, and the Commons 12*d per* pound on all Merchandiſe.

Having [5.] given you all that is conſiderable concerning this Parliament, I ſhall now add ſome other Matters of leſs moment, *viz.* That the Duke of *Lancaſter* procured the Iſſue he had before Mariage begot on the Lady *Katherine Swynford*, to be Legitimated, and made capable to Succeed to and Enjoy all Dignities, Lands and Inheritances that might deſcend from the Duke their Father; but the Crown is not mention'd in it, as appears by the Charter of Legitimation, confirm'd by an Act un-printed, which yet remains upon [6.] Record. The King alſo at the ſame time, out of His particular Grace and Favour, confirmed by the ſame Parliament, Created *Thomas de Beaufort*, Eldeſt of the ſaid Duke's baſe Sons, Earl of *Somerſet*, from whom the preſent Duke of *Beaufort* is deſcended, by a Natural Son of *John* the ſecond Earl of *Somerſet*. By all which Proceedings, it appears, that notwithſtanding all the Secret Intrigues of the *Anti-Court* Party, the King had now ſo well ſatisfied the greater part of the Nobility, and had ſo over-awed the Houſe of Commons, that they wholy ſubmitted themſelves to His good Will and Pleaſure, and granted Him whatever He demanded of them.

[5.] T. W. *Ad hunc An.* The Children by *Catherine Swynford* Legitimated in Parliament: The Eldeſt of them is made Earl of *Somerſet*.

[6.] *Rot. Parl.* 20. *Rich.* 2. *N.* 28, 29.

x by the Kings Letters Patents to be confirm'd by this Parliament whereby [illegible] Rot. Parl. [illegible] R. 2. pt. 2 m. [illegible] [illegible]

But all this did not ſatisfie the King's Occaſions; [7.] for upon certain idle Reports ſpread abroad on purpoſe, that He either was now, or elſe very ſhortly to be choſen Emperor, He thereupon began to take

[7.] *Id ib.*

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The King alſo borrows great Sums of all ſorts of Men, which He never paid.

take upon Him greater State, and a higher way of Living than ever before; to maintain which, He Fleec'd His Subjects, and Borrow'd almoſt of every body great Sums of Money; ſo that there was no Prelate, Man of Quality, or Citizen of any Eſtate in the whole Kingdom, but who were forced to lend the King Money out of their own private Purſes, tho' much againſt their wills: which was one of the main Reaſons of turning the Trading part of the Nation againſt Him.

[1.] *Id. ib.* The King reſolves to take off all thoſe who might oppoſe Him.

When [1.] the King had thus far compaſſed His Deſigns, He was reſolv'd to go thro' with them, and to take off all thoſe that either had, or might oppoſe Him.

[2.] The King reſolves to begin with the Duke of *Glouceſter.*
[3.] *Lib.* IV. *Cap.* 103.
[4.] *Lib.* 20.
[5.] The K. complains to the Dukes of *Lancaſter* and *York,* of their Brother's carriage towards Him.

And [2.] ſeeing His Uncle the Duke of *Glouceſter* ſtood moſt in His way, He deſigned to begin with him, and deſtroy him firſt, not by Law, but by ſecret Violence, and Treachery. What moved the King to act thus Arbitrarily, is variouſly Reported. [3.] *Froiſſart,* and [4] *Polydore Virgil* relate, with ſome probability, that the Duke carrying himſelf with too great Pride and Moroſity towards the King, He ſometimes [5.] complain'd to His two Uncles, the Dukes of *Lancaſter,* and *York,* of their Brother the Duke of *Glouceſter's* haughty and diſobliging Carriage towards Him. They, who endeavour'd to excuſe him, and to pacifie the King, alledged, that their Brother indeed, was more hot and vehement than became him, but they durſt aſſure His Majeſty that his Heart was Dutiful and Loyal, and that this vehemency proceeded from a Zealous regard, leſt His Majeſty and Kingdom ſhould ſuffer, either in Honour, or Revenue; and therefore He had no Cauſe, to be afraid of him; with which the King ſeem'd to be ſatisfied for the preſent. But however, theſe Dukes not knowing how they might be involv'd in that diſpleaſure, which they ſtill perceiv'd He retain'd againſt their Brother, thought fit for avoiding the worſt, to retire from Court, thereby giving the Duke of *Glouceſter's* Enemies the greater Opportunities to incenſe the King againſt him.

[6.] T. W. *Ad hunc An.* The Converſation between the Earl of St. *Paul,* and the King, concerning the Duke of *Glouceſter,* and E. of *Arundel.*

But [6.] that which was ſuppos'd much to promote the Duke of *Glouceſter's* deſtruction, was, that ſome time before, the Earl of St. *Paul* having been ſent over Ambaſſador from *France,* to the King and Queen, to Congratulate Her Mariage, and Coronation; the King took an Opportunity, being alone with him, to make great Complaints of the Duke of *Glouceſter,* as that he had been very earneſt with Him to break the Truce with *France,* and renew the War with that King; and when he found he could not obtain that, he had made it his Buſineſs to ſtir up the People to Sedition, and to raiſe a Civil War at Home, ſince he could not make one Abroad. He likewiſe related, how that ſome Ten Years ſince, he had rais'd ſuch a Faction againſt Him, that he cauſed divers of His faithful Friends and Servants to be put to death, againſt His Will, and did ſtill contrive his deſtruction. To which Diſcourſe, the Earl preſently anſwer'd; That he thought ſuch great Injuries were no longer to be endur'd, but ought ſpeedily to be reveng'd, and the Miſchief to be prevented before it was too late. From this time forward, King *Richard* reſolv'd to deſtroy the *Duke* of *Glouceſter,* and Earl of *Arundel,* who had been Partner in all his Deſigns; and He only waited for a fit Opportunity to put what He had reſolv'd in Execution. [7] *Froiſſart* relates this Converſation much to the

[7.] *Ib. id.*

ſame effect; but lays the time of it not after, but a little before the King's Mariage, when he alſo came over Ambaſſador into *England*.

[1.] *Froiſſ. Ib.* *Froiſſart's* Account of the Plots laid to the Duke of *Glouceſter*.

But [1.] ſince this Author who lived at that very time, has laid ſeveral ſtrange Plots and Conſpiracies againſt the King to this Duke's Charge, I ſhall from him give a brief Account of them, and leave them to the Reader's Judgment to conſider how far he was guilty of them. This Author relates, that the Duke had much diſpleas'd the King by his ſharp and undutiful Speeches, tho' His Majeſty ſtill endeavour'd to oblige him, by all the Favours He could heap upon him; ſo that he proceeded not only to ſecret Caballs, but open Conſpiracies. And to this end, ſo ſoon as the Peace was made, thoſe Subſidies and Aids, which had been granted and agreed to in Parliament for Twenty years, being ſtill paid, he began again Artificially to inſinuate into the Citizens of *London*, that the War with *France* being now ended, they ought to be exempt from thoſe Taxes which had been laid during the War, and for which, the Court could not without injuſtice deny them ſome Redreſs. In ſhort, he puſhed the Buſineſs ſo far, that the City deputed certain Perſons to the King, to deſire Him to be diſcharged from them; wherefore it behoved the King and His Council to avoid this Miſchief; to ſhew them the King's great Neceſſities, and more than Ordinary Occaſion for Money, and how much more gently they were Taxed, than the People of other Countries; and the Duke of *Lancaſter* was alſo by gentle words, fain to ſhew them the unreaſonableneſs of that Requeſt; ſo that when the Duke of *Glouceſter* ſaw his deſign did not take effect, he went down to his Houſe at *Pleſhey*, there to conſider how to raiſe freſh diſturbances.

[2.] The Accuſations againſt him conſider'd.

But [2.] this Accuſation ſeems very improbable; for beſides that it is but the ſame which this Author hath laid to his Charge ten Years before, and it is not likely he ſhould play the ſame Game over again; neither were the City of *London*, or any other Trading Towns in *England* then burthen'd with any other Taxes, than thoſe Duties granted upon *Wines*, *Wools*, and other Commodities, which the Buyers paid, and not the Merchants.

[3.] *Id. ib.*

The next Point, which this [3.] Author lays to the Duke's Charge is, that upon the Arrival of the Earl of St. *Paul* as Ambaſſador from *France*, the Duke cauſed a Rumour to be ſpread all over *England*, that this Nobleman was come over to Treat with the King concerning the Surrender of *Calais*; upon which the Duke incited another Deputation, to be ſent up, not only from *London*, but many other Towns of the Kingdom, to joyn with him to know of the King whether it were true, or not; and to Requeſt Him not to enter into any ſuch Treaty. This alſo ſeems a falſe Report, for none of our Hiſtorians mention any ſuch thing; tho' it is certain, the King would have made ſuch an Agreement for the delivery of *Calais* to the *French* King nine Years before, provided He would or could have aſſiſted Him againſt the Duke of *Glouceſter*, and the reſt of the Confederate Lords.

[4.] *Froiſſ. ib.* *Froiſſart's* Account of the Duke of *Glouceſter's* Propoſal to the Earl of *Marche*.

The [4.] next thing laid to this Duke's Charge, is, that upon a pretence of the King's Evil Government, he propoſed to *Roger Mortimer* Earl of *Marche*, (Right Heir to the Crown, if the King ſhould die without Iſſue) that in caſe he would joyn with and follow his Direction, he would place him immediately upon the Throne. But the

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Earl being a Man of a Peaceable and Timorous Temper, utterly refus'd it; and that the horror He conceiv'd for this Traiterous Propoſition, made him by his Uncle, was the Cauſe he retir'd into *Wales*, and utterly declin'd all further Correſpondence with Him. And that when the Duke ſaw himſelf thus diſappointed of his Hopes, he again renew'd his former deſigns, of privately exciting ſome of the Great Men, and Commons, againſt the King, as one wholy uncapable to Govern; and that he enter'd into a freſh Conſpiracy againſt Him, with the Earl of *Arundel*, and *Warwick*.

[1.] *Ad hunc An.* *Fabian*'s Account of the Crimes laid to the charge of the Archbiſhop, Duke of *Glouceſter*, and Earls of *Arundel*, and *Warwick*.

[1.] *Fabian* in his Chronicle, relates this Conſpiracy very differently from the former, that about this time the Duke of *Glouceſter* had held a ſecret Council with the Archbiſhop of *Canterbury* and Earls of *Arundel*, *Warwick* and others at *Arundel* Caſtle, where after an Oath of Secrecy taken, they reſolved to raiſe a ſufficient Power to remove the Dukes of *Lancaſter* and *York*, (who were now both come over to the King's Party) from his Council and Preſence, as likewiſe divers other Councellors and Favourites; and when they had got a Parliament to their Minds, therein to make a thorough *Reformation* after their own way; the others mention a much worſe deſign theſe Lords had, of impriſoning the King and the above mentioned Dukes, and puting divers of his Privy Council to death, which is very unlikely.

From whence theſe Authors received theſe Informations I canno tell, for none of our Hiſtorians at that time (except *Froiſſart* who wa a Foreigner) mentions any ſuch Conſpiracy; and as for what He relates, it is very Strange (had it been true) that the Earl of *Marche* who alone could make this Diſcovery of what in private paſſed betwee the Duke his Uncle and himſelf, ſhould not have impeached him of i neither in the great Council at *Nottingham*, nor in the following Parliament; whereas nothing appears to be then laid to his charge, or to th Earls above mention'd; then the old buſineſs of their appearing in Arm at *Haringay-Park*, as hath been already related.

[2.] The whiſpers of the Earl of *Huntington* accelerate the Duke's ruin.

But *Froiſſart* I believe is ſo far in the right, that nothing mor accelerated the Ruin of this unfortunate Prince, than the conſtan Whiſpers of *John Holland* [2.] Earl of *Huntington*, the King's hal Brother, who either by reaſon of the Perſonal Enmity he had lon born to him, or out of real Love and Concern for the King's Perſon often told Him, that the Duke was hatching a Conſpiracy to depoſ Him; to which may be alſo added, that certain young Councellor about the King, fearing to be call'd to an Account, and loſe their Head as Sir *Simon Burley* and others had remonſtrated to Him, that his Uncl the Duke of *Glouceſter* had Spread abroad certain Rumors that the Kin having ſeemingly ſubmitted Himſelf to the *French* by the late Truce an Mariage, was not fit any longer to wear the Crown, and that it wa much to be fear'd, leaſt the Duke, joyning with the *Londoners* and othe Male-Contents in *England*, ſhould not one time or other depoſe Him.

[3.] The K. conſults with His Confidents how to deſtroy the Duke.

Whither theſe Suſpicions had any real grounds or not, it is ſufficien that they put the King under ſuch great apprehenſions, that He conſulted with thoſe Noblemen in whom He put moſt confidence, how t prevent thoſe deſigns which He ſuppoſed to be formed againſt Hi And to this end, [3.] He asked the Advice and Aſſiſtance of the Ea of *Nottingham*, Lord Marſhal, who ſecretly hating the Duke, help'd th

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King how to lay a Plot to ſurpriſe and apprehend him, which was thus executed.

at the ~~middle~~ beginning

[1] *Id. ib.* The manner of putting that Deſign in Execution.

The [1.] Duke being now return'd to his Mannor of *Pleſhy* ~~(as hath been already related)~~ the King went after dinner from a Hunting Seat, called *Havering the Bower*, and came one Summers Evening about five of the Clock to the Duke's Houſe, as if it were to give him a Viſit, where He was receivd by him and his Dutcheſs, with all due honour and reſpect, the Duke preſently order'd ſupper to be got ready for the King, but when He had eaten a little, He Commanded the Duke to order ſome of his Horſes to be Sadled, to bear Him Company that night to *London*, for that he himſelf with his two other Uncles, were to hold a Council the next day, in which He deſired his Advice, what anſwer to give the *Londoners* to a certain Petition they had offered to Him, Upon this the Duke, not taking more then five or Six Attendants; (as not at all ſuſpecting the King's Deſign laid againſt him) preſently mounted and accompanied Him towards *London*, who, under pretence of avoiding the beaten Rode, becauſe of the Duſt, left the Towns, and went about by the Foreſt of *Epping*, ſtill talking familiarly with the *Duke*, as they rode along; but when they came near *Stratford*, where there was an Ambuſh laid to apprehend him) the King on the ſudden took occaſion to clap Spurs to His Horſe, and Ride away from him, as faſt as He could, the *Duke* followed him, but preſently the Earl of *Nottingham* (then Marſhal) with a great number of Horſemen ſallying out upon him, Arreſted him in the King's Name: So ſoon as the *Duke* ſaw he was betray'd, he called after the King, but it was then to no purpoſe, for they hurried him away to a Barge which convey'd him on Board a Ship, that was ready in the River for that purpoſe; and the Lord Marſhal conveyed him to *Calais*, where he was kept Cloſe Priſoner, till he was made away not long after, of which you will hear more in due time.

[2.] T. W. *Ad hunc An.* The Earls of *Arundel* and *Warwick*, and others, Arreſted for Treaſon.

The [2.] King being now reſolved to go thro' with his intended deſigns, proceeded much after the ſame manner with the reſt of the Lords and Gentlemen, who were of the *Duke's* Party; and to this End He ſent for the Earls of *Warwick* and *Arundel* to Court, and at firſt gave them fair words, and Gracious Promiſes; but in their return home they were Arreſted for Treaſon, and ſent to the Tower, as were alſo, not long after the Lord *Cobham*, and Sr. *John Cheyney*, with ſeveral other Gentlemen, who had bin of the ſame Faction. The Nobility, as well as the Common People being much diſturbed at theſe violent and Arbitrary proceedings, the [3.] King to quiet their minds iſſued out a ~~Declaration, wherein He ſat forth, that the Lords lately apprehended were not thus dealt with for any former Offences, but for certain new Treaſons by them Committed, which ſhould be made out in due time, tho' I do not find they ever were, for~~ I ſhall here ſet down all that remains upon [4.] Record relating to this Subject; whereby it appears, that the King, the better to ſatisfie the People's minds and ſtrengthen his Party amongſt the Nobility, thought fit to call a great Council of Peers at *Nottingham*, on the firſt of *Auguſt*, where certain Earls and Barons of the King's Party undertook to accuſe the Duke of *Glouceſter*, and the two other *Earls* above mention'd of High Treaſon; the Proceedings againſt whom I ſhall here inſert from the Rolls, as they are abridged by [5.] Dr. *Brady* in his laſt Volume, tho' he hath by miſtake

[3.] The K. iſſues out a Declaration of the Juſtice of His late Proceedings.

[4.] *Placit. Parl.* 21. *Rich.* 2. A Council of Lords Summon'd to appear at *Nottingham.*

[5.] P. 405.

~~leaving them un-~~ [illegible] that whereas the King by the assent of his [illegible]
[illegible] the Earls of Rutland and Huntingdon, as also of [illegible]
[illegible] Mareschal, the Earls of Somerset and Salisbury, the [illegible]
[illegible] he had caused Thomas Duke of Glocester, Richard Earl of Arundel
Thomas Earl of Warwick for very many [illegible]
[illegible] doings by them committed, to be arrested and kept in safe custody [illegible]
[illegible] there were divers who believed [illegible] was made, because [illegible]
Duke and Earls, he formerly had some meetings and ridings [illegible] within the Kingdom

these were therefore [illegible] strictly command and enjoyne them upon forfeiture [illegible]
it to be publickly proclaimed that the aforesaid Arrest of the sd. Dukes
was [illegible] the assent of the Lds. above named, as allso of the assent of [illegible]
Dukes of Lancaster and York [illegible] his Cosin the Earl of Derby. whereby

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ſtake miſplaced them after the Parliament at *Shrewsbury*, which was held the Year enſuing. The Record or Appeal of Treaſon begins thus.

[1.] Ib. id. The Proceedings of the great Council at *Nottingham*.

On [1.] the firſt day of *Auguſt*, this Year at *Nottingham*, before the King, ſitting with His Crown on His Head in the great Hall of the Caſtle there, *Edward* Earl of *Rutland*, *Thomas* Earl of *Kent*, *John* Earl of *Huntington*, *Thomas* Earl of *Nottingham*, *John* Earl of *Somerſet*, *John* Earl of *Salisbury*, *Thomas* Lord *Deſpenſer*, and *William le Scrope*, the King's Chamberlain, brought a Bill of Appeal of Treaſon againſt *Thomas* Duke of *Glouceſter*, *Richard* Earl of *Arundel*, and *Thomas* Earl of *Warwick*. This Bill having been read, by Advice of the Lords, and thoſe of his Council about the King, the Lords Accuſed had a day given them to Anſwer in the [2.] next Parliament, which was to begin on the Monday after the *Exaltation* of *Holy-Croſs*, or fourteenth of *September* (being this Year on a Friday) ſo that the Parliament began the ſeventeenth of that Month.

[2] Rot. Clauſ. 21 Rich. 2. Part I. m. 27 Dors.

But before I proceed further with the Tranſactions of this Parliament, I ſhall take notice what our Hiſtorians obſerve of it, (and which will ſhew the Illegal and Arbitrary Proceedings againſt the Impeached Lords) that the King by certain indirect Practices, and tampering with the [3.] Sheriffs of ſeveral Counties, whom He had now made for this Purpoſe, cauſed them to Return ſuch Knights of Shires without any due *Elections*, as He had before named, and ſent down to them; and this is worth our Obſervation, becauſe it is the firſt *Example* of any King's making uſe of an Arbitrary and Illegal Power in this kind, and was afterwards made one of the Chief Articles for this King's Depoſition, and for which alſo the whole Proceedings of this Parliament were annulled and ſet aſide in the firſt Year of King *Henry* the Fourth. But I ſhall here inſert what happen'd before their Meeting.

[3.] The King by tampering with the Sheriffs, cauſed whom he pleas'd to be return'd Knights of Shires.

In [4.] this Interval between this Great Council, and the enſuing Parliament, *the Duke of *Glouceſter* was privately Murther'd at *Calais*, ſome time after his Impriſonment, by the King's Command; the reaſon of which cruel and extraordinary Proceeding ſeems to have been, becauſe He was afraid to bring him to his Tryal in Parliament, leaſt by his Innocency, or Popularity and near Relation to the King, he ſhould have got off; but the manner of perpetrating this Murther is not commonly known, and is falſly related by *Froiſſart*, and other Writers, who had it only from ſome common Reports then current, that he was Strangled one day preſently after Dinner with a Towel, as he was about to waſh his hands. Tho' it is very probable what this Author relates, that the Duke fearing his Life was in danger, Confeſſed himſelf, and Received Abſolution from a Prieſt the day he was Murther'd; [5.] the true manner of which, appears from a Depoſition upon [6.] Record, of one *John Hall*, then a Servant to the *Earl* Marſhal, who was aſſiſting at this Murther, as he confeſſed before King *Henry* the Fourth in Parliament; that being call'd out of his Bed for that purpoſe, he went with ſeveral others to our Ladie's Church in *Calais*, where they all were made to take an Oath of Secrecy upon the *Hoſt*, that they would not diſcover any thing relating to their preſent Deſign; and that then the Duke, being convey'd from the Caſtle to a certain Hoſtel called the *Prince's Inn*, was carried by one

[4.] Froiſſ. ib. The Duke of *Glouceſter* privately Murther'd at *Calais*.

[5.] The true manner of doing it.

[6.] Placit. Parl. 2. Hen. 4. N. 12. ad 16.

into his prison, it being for great crimes by them committed agst. his Royall Majesty, as shall be more fully declared in the next Parliament, and no other ~~former~~ any such assemblies or ridings [illegible] not his Intention that any of the Family of the sd. Duke and Earls should be for that cause trouble or molested. Rot. Claus. 21 R. 2. p. 1 m. 25. [illegible] Cott. Abrid. 111 p. 6. And then fearing there might be some risings in the countries where * viz. at end the [illegible] of August these Lords [illegible] chiefest [illegible] the King after issued other writs directed to the Justices of the Peace of Sussex, Surrey, Kent and Essex, setting forth that since the [illegible] being under [illegible] some being [illegible] with which had [illegible] recited [illegible] other [illegible] to the sd. Dukes and Earls went from town to town in the said Countys before giveing out malevolent speeches agst. the Kings person on [illegible] of the sd. arrest and endeavouring as ~~fast~~ thereby to move and excite the people [illegible] he therefore commands the sd. Justices [illegible] to ~~take~~ seize all such [illegible] and finding any [illegible] them in the next gaole [illegible] to ~~remain~~ be kept &c. ibid. m. 25. turn back former Page

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one *John Lovetoft* into an inner Chamber, where he was told by him, and two others, *Serle* and *Francis,* that it was the King's Pleaſure he ſhould immediately be put to death; whereunto he Anſwer'd, *That if it were ſo, he muſt ſubmit*; ſo laying him down upon the Bed, they with two or three others, laid another Bed over him, holding it hard down upon his Face and Mouth, 'till they had ſtifled him, whilſt the ſaid *Hall* held the Door, that none ſhould come in 'till he was dead; and then they took his Body, having ſtrip'd it, and put it into Bed and gave out, that the Duke died ſuddenly of an Apoplexy; but for this horrid Murther, not only this *Hall,* but as many of the reſt of his Accomplices as could be found, were Executed in the beginning of the next Reign. x¹

x¹ as for his body after it had ~~remain~~ at [illegible] for some weeks ~~privately~~ at Calais ~~till the Parliament were~~ ~~dissolved~~ the King to make some atonement for so horrid a fact [illegible] directed to the [illegible] of Canterbury and York ordered them that [illegible] of Solemn [illegible] should be made for his soul in all the churches and publick acts of devotion; and also his ~~being~~ brought over, ~~to be~~ be delivered to his Dutchess to be [illegible] in St. Peters Church at Westminster: tho afterwards the King altering his mind [illegible] ~~her~~ [illegible], to bring his body in the [illegible] of the Priory of Bermondsey. Rot. Claus. 21. R. 2. p. [illegible] m. [illegible] ib: 18. 24. [illegible] [illegible] p. 19. 21. 24.

[1.] A Character of the Duke of *Glouceſter.*

I ſhall conclude this ſad Subject with a brief [1.] Character of this Prince, and his diſpoſition; he was for his Perſon very Comely, and Majeſtick, Vertuous, Valiant, and undertaking the greateſt dangers, where he ſaw his own Honour, and the Publick Good concern'd; but being of a reſtleſs and turbulent Temper, was not much beloved by his own Brothers, much leſs by moſt of the Nobility, except ſuch as were engaged with him in the ſame Party. So on the other ſide, he was highly beloved, and honoured by the Common People, becauſe he ſtood up for their Liberties, againſt their being oppreſſed by the Great Ones; ſo that when he was taken off, the People's Spirits fail'd them for (as my [2.] Author has it) *they ſuppos'd the Common Hope and Support of the Nation againſt Tyranny, expir'd with him.* But this good Quality of his did him no Service, but on the contrary, haſten'd his Ruin; that being the Son of one King, and Uncle to another, it made him to be at once both feared and hated by his Enemies.

[2.] *Thom: Walſingham, Ad hunc An.*

[3.] *Ib. id. Cap.* 134. Upon the News of the Duke's death, his Brothers raiſe Forces, and march to *London,* where they are admitted.

I ſhall here add a Remarkable Tranſaction, which muſt have been done about this time (if it were ever done at all) which I have ſome reaſon to doubt it was not, becauſe our own Hiſtorians are wholy ſilent in it; but however, ſince it is related by [3.] *Froiſſart,* I ſhall here briefly mention; it is, That when the unexpected News of the Duke of *Glouceſter*'s death was brought into *England,* it highly provoked not only the Common People, but divers of the Nobility, and eſpecially his Brethren the Dukes of *Lancaſter,* and *York,* who with all the ſpeed they could, haſten'd up to *London* with ſome Forces; which notwithſtanding all the King's Commands to the contrary, open'd their Gates to them. x²

x² But this is [illegible] tradition [illegible] our Historians [illegible] both these [illegible] from engaging themselves in this affair [illegible] whether [illegible] ~~out~~ of [illegible] had [illegible], they not only kept themselves quiet, but [illegible] opposition agst their Brothers [illegible] in Parliament [illegible] which [illegible] not [illegible]

[4.] The K. reinforces His Guards.

But the [4.] King had provided againſt whatſoever might happen of that kind, by Reinforcing His Guards with Ten Thouſand Archers, and had Ten Thouſand Men more in Arms about *London,* under the Command of the Earls of *Huntington,* and *Saliſbury,* beſides a great number of Barons, and Knights, with whom He kept Himſelf cloſe at *Eltham.*

[5.] *Id ib.* The Earl of *Rutland* mediates a Peace between the King and the Dukes.

But [5.] tho' the *Londoners* were then very much inclin'd to Revenge the death of the Duke of *Glouceſter,* and had given his Brothers entrance into the City for that Purpoſe, yet the Earl of *Rutland,* Son to the Duke of *York,* who was much in the King's Favour, uſed all his Power with his Father and Uncle to Accomodate theſe Differences (which might otherwiſe have proved Fatal to the Publick Peace) by repreſenting to them, that tho' it is true, his Uncle of *Glouceſter* had hard meaſure, yet what was now done, could not be remedied; and that

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that if they endeavour'd to Revenge it, the King of *France* might intereſt Himſelf in the Quarrel, and ſend over Forces to join with thoſe in *England*, to Support the King's Authority; ſo that the Duke of *Lancaſter* had ſome thoughts of ſending to his Sons-in-Law the Kings of *Caſtile*, and *Portugal*, for Aſſiſtance; yet upon the interceſſion of the Earl his Nephew, and the inſtant Requeſt of ſome Wiſe and Moderate Prelates, he was contented to come to an Agreement with the King, upon this [1.] Condition, that He ſhould for the future do nothing of Moment without the Duke's Knowledge, and Advice; but this Condition the King did not think fit long to obſerve, but gave Himſelf up to be wholy Govern'd by Evil Counſellors, as you will find hereafter.

[1.] Which is at laſt concluded, and on what Conditions.

^(for it is mention'd in no other Historian)

[2] *Chron. de Lambeth, Ms.* The Biſhop of *Exeter* at the opening of the Parliament, makes a Speech for the King's Prerogative to be above Law.

This Relation, whether true or falſe, ^ I ſhall leave to the Reader's Judgment, and proceed to what is ^ more certain. [2.] The Parliament being met at *Weſtminſter*, according to the Summons, at the opening of it, the Biſhop of *Exeter*, then Lord Chancellor, made a Speech, or rather Sermon, upon a Text of Scipture, and like a true Court-Chaplain, ſhew'd that the Royal Power, or Prerogative of the King was the only true and real Power, and that thoſe who went about to take it away or reſtrain it, deſerved the ſevereſt Penalties the Law could inflict.

[3.] T. W. Sir *John Buſſy* is choſen Speaker. He, and Sir *William Bagot*, and Sir *Henry Green*, are the great Managers in this Parliament, to procure the former Pardons to be reverſed.

Then [3.] Sir *John Buſhy* (a Creature of the King's) was by His Nomination Choſen Speaker, who, together with Sir *William Bagot*, and Sir *Henry Green*, are noted for Proud, Covetous and Ambitious Perſons; they by their Artificial and Cunning Speeches in Parliament, procured the Charters of Pardon formerly granted in the eleventh of this King's Reign to be reverſed, which (ſaith my Author) was too eaſily agreed to by the Prelates, *who declar'd they thought they ought to be Revoked, not conſidering that the Recalling ſuch a Grace, does chiefly reflect upon the King's Honour; for ſince Mercy is the ſtrength of the Royal Throne, whoever takes away that, deſtroys the main Foundation of it.* Thus far my Author.

[4.] *Vid. Stat.* at large. 21 *Rich.* 2. Cap. 1. The Chief Acts and Proceedings in this Parliament.

I ſhall now give you the effect of the Proceedings of this Parliament, as they are enter'd on the Roll, where one of the firſt things I find to have been Enacted in it, [4.] was, that Holy Church, the Lords Spiritual and Temporal, and all Cities, *Burghs* and *Commonalities* of the Realm, ſhould have and enjoy all their Liberties and Franchiſes, as they reaſonably had and enjoyed them in the time of his Noble Progenitors, Kings of *England*.

[5.] *Rot. Parl.* 21 *Rich.* 2. *N.* 9 The Commons deſire the Clergy might appoint a general *Procurator* to act for them, and Sir *Tho. Piercy* is choſen.

And [5.] for that ſeveral Judgments were heretofore undone, becauſe the *Clergy* were not preſent, nor conſenting to them, the *Commons* prayed the King that they might now appoint a General Proctor, who might have ſufficient Authority to Act for them; whereupon the two Archbiſhops, and the Clergy of both Provinces, conſtituted and appointed Sir *Thomas Piercy* their *Procurator*, as by their Inſtrument doth appear.

[6.] *Vid. Stat.* at large, *Ib.* which agrees with the Record. The Commiſſion and Statnte made in the 11th year, are repeal'd.

Then both the [6.] *Commiſſion* and *Statute* perſuant to it, made in the Eleventh Year of this King were repealed and made void, at the Prayer of the *Commons*, *as being made Traiterouſly, by Conſtraint, and Compulſion, againſt the King's Will, His Royalty, Crown and Dignity*; and it was Ordained and Eſtabliſhed by the King, with the Aſſent of the *Lords* and *Commons*, that no ſuch Commiſſion, or the like, ſhould

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e made for the future, and that he that ſhould endeavour or procure ny ſuch, or the like to be made in time to come, and being thereof duly *Convict*, ſhould ſuffer as a *Traytor*.

[1.] *Rot. Parl. ib. N.* 12, 13. As alſo the Pardons they granted to the Duke of *Glouceſter*, and the reſt of his Party.

Then [1.] the Pardons granted to the Duke of *Glouceſter*, and Earls of *Arundel* and *Warwick*, in the Parliament of the eleventh Year of this King, were made void, as being got by force, againſt the King's Will; as alſo the Pardon granted to the *Earl* of *Arundel* at *Windſor*, in the Seventeenth Year of the King, was revoked, and annulled.

[2] *Ib. N.*14. The Proteſtation of the Commons, concerning Impeachments.

On the [2.] Twentieth of *September*, the *Commons* made *Proteſtation* to the King in full Parliament, that tho' they would ſhew and declare certain Matters and Articles they had then Adviſed of, and agreed amongſt themſelves, yet nevertheleſs it was, and is their intent and will, by leave of the King, to Accuſe or Impeach any Perſon or Perſons, as often as they ſhould think fit, during the time of this Parliament; and they prayed the King that He would pleaſe to accept their *Proteſtation*, and that it might be entred of Record on the Parliament-Roll, which the King granted, and Commanded it to be done.

[3] *Ib. N.*15. They Impeach the Archbiſhop of *Canterbury* of Treaſon, and the Articles of it.

Then on the ſame day before the King in full Parliament, [3.] the Commons Accuſed and Impeached *Thomas Arundel*, Archbiſhop of *Canterbury*, of *High Treaſon*; for that he being the Chief Officer of the King (to wit) His Chancellor, (when he was Biſhop of *Ely*) was Traiterouſly Aiding, Procuring and Avdiſing, in making a *Commiſſion*, directed to *Thomas* Duke of *Glouceſter*, *Richard* Earl of *Arundel*, and others, in the Tenth Year of His Majeſty's Reign; and made and procured himſelf, as Chief Officer of the Realm, to be put into it, to have Power with the other Commiſſioners to put it in Execution; which *Commiſſion* was made in prejudice of the King, and openly againſt His Royalty, Crown and Dignity; and that the ſaid *Thomas* put in Execution the ſaid *Commiſſion*.

[4.] *Ibidem.*

Alſo [4.] for that the ſaid *Thomas* Archbiſhop, in the eleventh Year of the King, procured and adviſed the Duke of *Glouceſter*, and the Earls of *Warwick* and *Arundel*, to take upon them Royal Power, and to Arreſt the King's Lieges, *viz. Simon Burley*, and *James Barners*, Knights, and adjudge them to death, contrary to the Will and Aſſent of the King; thereupon the ſaid *Commons* prayed the King, that the ſaid *Thomas* might be put in ſafe Cuſtody, and in an honeſt manner. And the King anſwer'd, *Becauſe the Accuſation and Impeachment touched ſo high a Perſon, and a Peer of the Realm, He would be Adviſed.*

[5.] *Ib. N.*16. The Commons Petition for Judgment againſt the Archbiſhop.

Then [5.] on the Twenty firſt day of *September* next following, the *Commons* prayed the King, that as they had Impeached and Accuſed the Archbiſhop of *Canterbury*, that he had Aſſented, or was in the Contrivance, to cauſe the *Commiſſion* to be made on the Nineteenth of *November*, in the Tenth Year of the King, and agreed to the Execution of the ſame, which was expreſly againſt His State and Dignity, that He would pleaſe to ordain ſuch Judgment againſt the Archbiſhop, as the Cauſe required. Hereupon the King Commanded to be Recorded in Parliament, that the Archbiſhop being before Him, in the preſence of certain Lords, confeſſed that he was Miſtaken, or Erred in the exerciſe of the *Commiſſion*, and therefore put himſelf under the King's Grace.

Thereupon,

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[1.] *Ibidem.* The Archbiſhop declared a Traytor by the Lords, and the Procurator of the Clergy, and Sentenc'd to be Baniſh'd, and his Eſtate Forfeited.

Thereupon [1.] the King and all the Lords Temporal, and Sir *Thomas Piercy*, having ſufficient Power from the Prelates, and Clergy, (as appears upon Record in the ſaid Parliament) adjudged and declared the ſaid Article (which the Archbiſhop had confeſſed) to be *Treaſon*, and that it touched the King Himſelf, and alſo adjudged and declared him a *Traytor*. Upon which it was Awarded in Parliament, that he ſhould be Baniſhed out of *England*, his Temporalities ſeized, and his Goods and Chattels Forfeited to the King, who was alſo to appoint the time of his Exile.

[2.] *Ib.N.*17. The Archbiſhop has a time ſet for his departure.

And [2.] then the King Aſſigned him a time of Paſſage, *viz.* from the Eve of St. *Michael*, until Six Weeks next enſuing, to paſs from the Port of *Dover* into *France*; and further, that he ſhould Forfeit to the King all his Lands, Tenements, and Poſſeſſions, which he had in Fee-Simple, by Deſcent, Purchaſe, or otherwiſe, at the day of the Treaſon Committed, or after, or that any one held to his Uſe.

[3.] T. W. *Vid.* the 33d Article of the Parliament's Charge againſt King *Richard.*

The Archbiſhop is prevail'd with by the King to be abſent this Parliament, and is Condemn'd unheard.

But [3.] now to ſay ſomewhat further from our Hiſtorians, concerning the Archbiſhop's Sentence, *Walſingham*, with whom alſo agrees the *Tower-Record*, gives a more particular Account of the manner of it thus. That the King, pretending a Kindneſs for him, aſſur'd him that nothing ſhould be done, that might turn to his Prejudice. Upon this aſſurance, he (after his Confeſſion, and being privately Pardon'd) abſented himſelf from the Parliament, at the King's Command, yet notwithſtanding that, he was Condemn'd to Baniſhment, tho' abſent, and unheard; with a Clauſe, that he ſhould remain in *England* but Forty Days after the Sentence given; and that not long after, the King ſent privately to the Pope, and not only obtain'd the Archbiſhop's Deprivation, but alſo ~~one~~ *Roger Walden* the King's Treaſurer, was Nominated Archbiſhop in his room. This is the next Example of any Archbiſhop, who (after *Thomas Becket*) was Baniſh'd by Sentence of Parliament.

[4.] *Placit. Coron.* 21 *Rich.* 2. The reſt of the Proceedings againſt the Duke of *Glouceſter*, and Earls of *Warwick*, and *Arundel.*

I ſhall now go on with the reſt of the Proceedings in this Parliament againſt the Duke of *Glouceſter*, and the Earls of *Arundel*, and *Warwick*, as they are contained in the [4.] Pleas of the Crown, entred on the ſame Parliament-Roll; and ſhall begin with the Articles of Impeachment then brought againſt them by way of Bill from the Lords Appellants (already mention'd) This Bill, or Impeachment was (as appears by the Title) directed to the King in Parliament, and is to this effect.

I.

[5.] *Placit. Coron.* 21 *Rich.* 2. The Articles of Impeachment againſt the Lords appealed.

In the firſt Place, it [5.] ſets forth, that the Duke of *Glouceſter*, and Earl of *Arundel*, deſigning to encroach, and have the Government of Your Royal Perſon and Kingdom, with the Liberties and Dignities thereof, as well within this Kingdom, as without; when the Parliament ſat at *Weſtminſter*, in the Tenth Year of Your Reign, they ſent a Peer of the Land to You, who on their behalf, and by their Command, told your Majeſty, that if You would not conſent to make to them, and others whom they ſhould name, ſuch a Commiſſion, whereby they might have the Government in the manner as is above related, You ſhould be in danger of Your Life, and the Lords and Commons of Parliament would depart without Your leave; and that then You ſhould ſee in what a miſerable Condition You would be; ſo that in very fear of their Power, You then granted ſuch a Commiſſion as they

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deſired. Then follows the Commiſſion it ſelf, recited at large (which I here omit) Dated at *Weſtminſter*, the Nineteenth of *November*, in the Tenth Year of His Reign; by Vertue whereof, the Twelve Commiſſioners took the Government upon them.

II. [1.] *Ib.* Alſo [1.] the ſaid Duke and Earl of *Arundel*, to Accompliſh their Traiterous Purpoſes, and to have Your Royal Perſon in their Power, Ordered as they pleas'd the Government of Your whole State, with the Laws and Dignities thereof, and prevailed with *Thomas* Earl of *Warwick*, and *Thomas Mortimer* to join with them in their Traiterous Deſign; who by Agreement, as *Traitors to the King, and Kingdom*, all Met, and Aſſembled on the Thirteenth of *November*, in the Eleventh Year of Your Reign, at *Haringay-Park* in *Middleſex*, with a great Number of People Armed and Arrayed, and made divers of Your Liege-People in ſeveral Parts of Your Realm, to Riſe, and March with them againſt Your Royal Perſon, contrary to their Legiance, and would not come before Your Preſence, until they were ſecured by Your Oath that they might come, and return ſafely; and then they all appeared before You in Your Palace at *Weſtminſter*, with a great Force of Armed Men, and Traiterouſly Conſtrained You to take them into Your ſafe Protection, againſt Your Will and Pleaſure.

III. [2.] *Ib.* Alſo [2.] the ſaid Duke, the Earls of *Arundel* and *Warwick*, and *Thomas Mortimer*, continuing their Traiterous Purpoſes, by Force and Violence did take and Impriſon divers of Your Liege People, and amongſt others, Sir *Simon Burley*, and brought him to Your Parliament, held on the Morrow of the *Purification*, in the eleventh Year of Your Reign, and there ſuggeſted divers Points of High Crimes and Treaſon againſt him, and the Advice of every Lord then preſent was asked concerning the Crimes of the ſaid *Simon*, and afterwards the Duke and Earls would know Your Advice, and Opinion; and You Anſwer'd plainly, he was not Guilty in any Point objected againſt him. And after that, the Duke and Earls cauſed You to come into a ſecret Place at *Weſtminſter*, and there ſhewed You the Particulars of the Crimes aboveſaid. To whom You then Anſwer'd likewiſe, that the ſaid *Simon* was not Guilty in any of thoſe Points. And there they took upon them Traiterouſly to have You by Force conſent to the Judgment they had deſigned againſt him; and yet You would not conſent to any Judgment to be given againſt the ſaid *Simon*. Yet nevertheleſs, the ſaid Duke and Earls took upon them Royal Power, in prejudice of You, and in derogation to Your Crown, and without Your Aſſent, and contrary to Your Will, in Your Abſence, and in the Abſence of many other Peers of Parliament, without their Aſſent, and againſt their Wills, they Awarded that the ſaid *Simon* ſhould be Drawn, Hanged and Beheaded; and thereupon they Traiterouſly cauſed his Head to be ſtruck off, againſt Your Peace, Crown, Majeſty, and Dignity.

IV. [3.] *Ib.* Alſo [3.] the foreſaid Duke, Earls, and *Thomas Mortimer*, continuing their Malicious, Falſe and Traiterous Purpoſes and Force, at *Huntington*, on Thurſday after the Feaſt of St. *Nicholas* (or Sixth of *December*) in the ſaid eleventh Year, Traiterouſly agreed, and intended to have gone with their Forces to any place of the Kingdom, where they might have found Your Royal Perſon, to have ſurrendred

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to You their Homage-Liege, and to have depos'd You ; and this they would have done, had they not been hindred by *Henry* of *Lancaſter* Earl of *Derby*, and *Thomas Mowbray* Earl of *Nottingham.* And the ſaid Duke and Earls continuing their Traiterous Intention and Force, by Agreement between them, cauſed the Records in your Treaſury, of the time of Your Great Grandfather King *Edward* to be ſearched, how He demiſed (or quitted) His Crown ; and they ſhew'd to You in Writing the Cauſes of the demiſe of His Crown in Your Palace at *Weſtminſter*, in the time of Parliament, in the ſaid eleventh Year, and they ſaid Falſly and Traiterouſly that they had cauſe ſufficient to depoſe You, but for the Reverence they had for Your moſt Noble Grandfather, and Father ; and they ſaid alſo, that in hopes of your better Government, they would ſuffer You to continue in Your Roya Eſtate, and Regality.

V. *Ib.*

Which Treaſons ſo imagined (or contrived) done and perpetrated by the aforeſaid Duke, Earls, and *Thomas Mortimer*, againſt Your Royal Perſon, Eſtate, Majeſty, and Dignity, as is above declared; We the *Appellants* (there named) Your Loyal Lieges, have been and are ready to prove againſt the ſaid Duke, the Earls of *Arundel* and *Warwick*, and *Thomas Mortimer* as You, our moſt dread Lord, and this High and Honourable Court, Your Parliament, ſhall Order. Thus much for the Articles of this *Appeal* againſt theſe Four Noble-Men.

[1.] *Ib.* The Lords Appealed are ordered to be brought into Parliament. The Earl of *Arundel* is firſt Tryed.

And [1.] now they having been read in Parliament, the *Appellant* prayed the King that the *Appealed* might be brought before Him i Parliament, to make their Anſwer ; and accordingly, *Ralph* Lor *Nevil*, Conſtable of the Tower, there preſent, had Orders to bring be-fore the Parliament *Richard* Earl of *Arundel*, then his Priſoner, and he did ſo on the One and twentieth of *September*, on the Fourth da of the Parliament, and then by Command of the King, and th Peers, the Duke of *Lancaſter* being Lord Steward of *England*, tol him, that he was *Appealed* of divers High Treaſons ; and the *Appea* having been read to him, his Anſwer was [2.] That he had a General Pardon, in the Parliament holden in the eleventh Year of the King's Reign, as alſo a Charter of Pardon made to him within Six Years la paſt, and prayed the Allowance of them. To whom it was ſaid b the Duke of *Lancaſter*, by Command of the King, and with Advice of al the Peers of Parliament, that the Pardon granted in that eleventh Yea was made by Conſtraint upon the King, by the ſaid Duke, Earls, an others of their Party, accroaching to themſelves Royal Power, in prejudice of the King, His Royal Eſtate, Crown and Dignity ; and tha the Charter of Pardon was made in deceit of the King, and expreſſ againſt Him, and His Royal Dignity ; wherefore the ſaid Pardon an Charter by Aſſent of the King, and all Eſtates of Parliament, upon th Requeſt of the Commons, had been in this Parliament Repealed and made void. And then the Earl was asked if he would ſay any thin more ; and Sir *Walter Clopton*, Chief Juſtice of the King's-Bench, b the King's Command, declared to him the Law, and the Puniſhmen he muſt undergo, if he Pleaded nothing elſe ; and told him, if he di not Plead further, he would be Convict and Attainted of all the Matters objected againſt him. Yet notwithſtanding this, and the Repea

[2] He pleads the General Pardon by Act of Parliament.

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of the Charter and Pardon, he demanded the Allowance of them; whereupon the *Appellants* in their proper Perſons, prayed the King that it would pleaſe Him to give [1.] Judgment upon him, as Convict of all the Points on which he was *Appealed*.

[1.] Upon his not making any other Plea, the *Appellants* demand Judgment.

Whereupon [2.] the Duke of *Lancaſter*, by Command of the King, and all the Lords Temporal, and Sir *Thomas Piercy*, having Power ſufficient from the Prelates and Clergy (as appears by Record in this Parliament) Adjudged the ſaid Earl of *Arundel* Guilty and Convict of all the Points of which he was *Appealed*, and Adjudged him a *Traytor to the King and Realm*, and that he ſhould be Drawn, Hanged, Beheaded, and Quartered: And becauſe the Treaſons were ſo high, as to have gone about to ſurrender their Liege-Homage, and Depoſe the King, and the Levying of War having been ſo Notorious, the ſaid Duke of *Lancaſter*, by Command of the King, the Lords Temporal, and Sir *Thomas Piercy*, having Power as above, by Aſſent of the King, Awarded, that all the Caſtles, Mannors, Lands, Tenements, Reverſions, Fees, and every other Mannor of Inheritance, as well in Fee-Tail, as Fee-Simple, which were the ſaid Earl of *Arundel's* on the Nineteenth of *November*, in the Tenth Year of the King, or afterwards; and alſo all the Lands and Tenements, of which other Perſons were infeoffed to his Uſe the ſaid Nineteenth of *November*, or afterwards, with all his Goods and Chattels ſhould be Forfeited to the King, and His Heirs; yet He Graciouſly remitted that part of his Judgment, of being Drawn, Hang'd, and Quartered. Then (to ſhew ſome Equity, as well as Rigour) the King and Lords, both Spiritual and Temporal, declared that it was not their intention that the Lands and Tenements, Fees, or any other Inheritance, of which the ſaid Earl ſtood infeoffed, to the Uſe of another, by reaſon of this Judgment, ſhould in any manner be Forfeited.

[2.] *Ib.* The Lords Temporal, and Procurator of the Clergy, adjudge the ſaid Earl guilty of the Articles of which he was accuſed, and paſs Sentence upon him as a Traytor.

Then [3.] on the ſame day that the Earl of *Arundel* was brought into Parliament, and Tryed and Convicted, the King directed His Warrant to *Thomas* Earl Marſhal, Captain of the Town of *Calais*, and to his Lieutenant, ſignifying that he ſhould bring over ~~the Body~~ of *Thomas* Duke of *Glouceſter* with all the ſpeed he could, to anſwer to divers Articles of Treaſon in Parliament objected againſt him by the *Appellants*; according to the Law and Cuſtom uſed in *England*, and further, to receive what ſhould be Order'd by the King, and His Council, concerning him in Parliament. This was dated at *Weſtminſter* the Twenty firſt of *September*, in the One and Twentieth Year of His Reign, by the King and Council in Parliament.

[3.] *Ib.* The King orders the Duke of *Glouceſter* to be brought over from *Calais*.

* Rot: Claus 21. R 2. p. 1. m 22. RS. Col: p. 15.

The [4.] Anſwer or Return of the Earl Marſhal to this Warrant was, That he could not bring the ſaid Duke before the King and His Council in that preſent Parliament, for that being in his Cuſtody in the King's Priſon at *Calais*, he died there. This Return was made *September* the 24th.

[4.] *Ib.* The E. Marſhal returns that the Duke is dead.

Ib.

Wherefore upon Reading of this Warrant, and Return in Parliament, the *Appellants* in their proper Perſons prayed the King that the ſaid Duke of *Glouceſter* might be declared a [5.] Traytor, and Enemy to Him, as having Levied War in the Kingdom againſt His Perſon, contrary to his Allegiance, and that all his Lands, Tenements, Goods and Chattels, as they ought in this Caſe, notwithſtanding his death, might be Forfeit. Then alſo the Commons of this Parliament prayed

[5.] Whereupon the Appellants pray that the ſaid Duke ſhould notwithſtanding be Attainted.

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the King and Lords, that it being notoriouſly known to the King, and all the Eſtates of the preſent Parliament, and to all the Kingdom, that the ſaid Duke, and others of his Party Aſſembled at *Haringay* in the County of *Middleſex*, with a great Number of People Armed and Arrayed to make War againſt the King, contrary to their Allegiance, and came with ſuch Force into the preſence of the King, which was to Levy War againſt their Liege-Lord, that he might thereupon be adjudged a Traytor, and that his Lands, Tenements, Goods and Chattels might be Forfeit, notwithſtanding his death, as they ought in this Caſe. Upon this all the Lords Temporal, and the ſaid Sir *Thomas Piercy*, thro' the Power as aboveſaid, having been fully Examined, declared, that the ſaid Crime and Treaſon were notoriouſly known to them, and the whole Kingdom; wherefore all the Lords Temporal, and the ſaid Sir *Thomas Piercy*, by aſſent of the King, declared him guilty of Levying of War, as a Traytor, and adjudged all his Caſtles, Mannors, Lands, &c. which He was Poſſeſſed of on the Thirteenth of *November*, in the eleventh year of this Reign, as in the Earl of *Arundel*'s Judgment to be Forfeit to the King and His Heirs, and that none of his Iſſue, or Heirs of his Body, or their Iſſue, or Heirs in time to come, ſhould ever bear the Royal Arms of *England* entire, nor with difference, or in other manner whatſoever, nor ſhould Inherit the Crown of *England*.

He is declar'd guilty of Treaſon.

[1.] *Ib.* The Appellants pray the King that if there were any confeſſion of the Perſon Appealed, it might be brought into Parliament.

Upon [1.] the 25th of *September*, the ſaid *Appellants* in full Parliament, prayed the King, that if there were any thing upon Record, whether by Confeſſion of any Perſon *Appealed*, or other Perſon whatſoever, touching their *Appeal*, that it might be openly known, and declared in full Parliament; then by Command of the King, and Advice of all the Lords Temporal, a Commiſſion bearing date the 17th of *Auguſt* laſt paſt, directed to Sir *William Rickhill*, one of the Juſtices of the Common Bench, together with a Confeſſion made before him by *Thomas* late Duke of *Glouceſter*, by Vertue of the aboveſaid Commiſſion, with the return of that Commiſſion, were then Read, which follow in theſe words in *Engliſh*.

Wheraupon Sir *William Rickhill* gives in this Confeſſion made before him by the late D. of *Glouceſter*.

**i.e.* declared.

This is the Anſwer of William Rickhill *to the Commiſſion of his Liege Lord the King.* Thomas *Duke of* Glouceſter, *be the Name of* Thomas Woodſtock, *the Zear of the King* Richard *Twenty one, in the Caſtle of* Cales, *by Vertue of a Commiſſion of the King, as it is more plainly declared in the ſame, directed to* William Rickhill *Juſtice, hath* * I know *and Confeſſed to fore the ſame* William *all the Matters and Points I wrote* (that is, wrot) *in this great Roll annexed to this Schedule, the which Schedule and great Roll both Sealed under the Seal of the aforeſaid* William, *and all the Matters and Points* I know (that is declared) *and Confeſſed by the foreſaid Duke in the Caſtle of* Caleys, *the foreſaid Duke be his own Hand fully and plainly I wrote, and delivered it to the ſame* William Rickhill *touching this Matter it was I doe* (*i. e.* was done) *in the preſence of the foreſaid* John, *and* John, *and in none other manner.*

Ib. The Confeſſion it ſelf.

I Thomas *of* Woodſtock, *the Zear of my Lord the King twenty one, be the Vertue of a Commiſſion of my Lord the King, the ſame Zear directed to* William Rickhill *Juſtice, the which is comprehendedmore painly in the foreſaid Commiſſion, knowleche that I was one with ſterynge of other Men,* *to Aſſent to the making of a Commiſſion, in the which Commiſſion I among other, reſtrained my Lord of His Freedom, and took upon me among other,* Power * Real, *truly not knowing ne witting, that time that I did againſt His Eſtate, nor His Royaltie, as I did after, and do now; and foraſmuch as I knew afterward that I had done wrong, and take upon me more than me ought to do, I ſubmitted me to my Lord, and cried him Mercy and Grace, and yet do as truly and as meekly as any Man may, and put me high and low in His Mercy and Grace, as He hath always been full of Mercy and Grace to all other.*

* i. e. Regal

Alſo, in that time, that I came Armed into my Lord's preſence, and into his Palace, howſoever that I did it for drede of my Life, I knowleche for certain, that I did Evil, *and againſt His Regalte, and His Eſtate, wherefore I ſubmit me lowly and meekly to His Mercy, and to His Grace.*

*Alſo, in that I took my Lord's * Letters of His Meſſages, and opened them againſt his leave, I knowleche that I did Evil, wherefore I put me lowly in His Grace.*

* Viz. At Radcot-Bridge.

Alſo, in that, that I Sclaundred my Lord, I knowlech, that I did Evil and wickedly, in that, that I ſpake to him in Sclaunderous wiſe, in Audience of other Folk; bot by the way, that my Soul ſhall too, I meant none Evil therein, nevertheleſs I wot and knowleche that I did Evil and Unkindly, wherefore I ſubmit me high and low in His Grace.

Alſo, in that I among other, communed and asked of certain Clercs, whither that we might give up our Homage for dread of our Lives or not, and whether that we were aſſentid thereto for to do it, trewly and by my troth, Ine have now none full mind thereof (that is, he did not remember it) *but I trowe rather yes, then nay, wherefore I ſubmit me high and low evermore in his Grace.*

Alſo, in that, that I was in place, there it was Communed, and ſpoken in manner of Depoſal of my Liege Lord, truly I knowlech well, that we were aſſentid thereto for two Days or three, and then we for to have done our Homage and our Othes, and put Him as Highly in his Eſtate as ever He was; but forſouth (that is ſooth) *there I knowlech that I did untruly, and unkindly as to Him, that is my Liege-Lord, and hath been ſo good and kind Lord to me, wherefore I beſeech to Him notwithſtanding myn unkindneſs evermore of His Mercy and of His Grace, as lowly as any Creature may beſeech it unto his Liege-Lord.*

And as of any new thing or Ordenance, that ever I ſhould have witting or known, ordained or aſſentid, privy or appert, that ſhould have been againſt my Lord's Eſtate, or his Luſt (that is, Will) *or any that longeth about Him, ſyth that Day, I Swore unto Him at* Langely, *on* God's Body *truly, and by that Oath that I there made, I never knew of gathering againſt Him, ne none other that longeth unto Him.*

And as touching theſe Points, that I have made Confeſſion of to Sir William Rickhill *Juſtice, in the which I wot well, that I have offended my Lord unkindly and untruly, as I have ſaid before, how that I have in all theſe Points offended Him, and done againſt Him, trewly and as I will Anſwer before God it was my meaning and my weaning* (that is, thinking) *to do the beſt for His Perſon and for His Eſtate; nevertheleſs I wot well, and know well nowe, that my Deeds and my workings were againſt my Intent; but by the way that my Soul ſhall too, of theſe Points and of all other the which that I have done of negligence and*

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of unkunning, it was never myne intent, ne my will, ne for my thought for to do a thing that ſhould have been diſtreſſe or harming againſt Salvation, (that is, ſafety) *of my Liege-Lords Perſone, as I will Anſwer before God at the Day of Judgment.*

And therefore I beſeech my Liege and Sovereign Lord the King, that He will of His Grace and Benignity accept me to His Mercy and His Grace, as I that put my Life, my Body, and my Goods, wholly at his Will, as lowly as meekly as any Creature can do or may do to his Liege Lord; beſeeching to His High Lordſhip, that He will for the Paſſion of Him that ſuffered for all Mankind, and the Compaſſion that He had for his Mother on the Croſſe, and the Pity that He had of Mary Magdalen, *that He will vouchſafe for to have Compaſſion and Pitty, and to accept me to His Mercy, and to His Grace, as He that hath ever been full of Mercy and of Grace to all His Lieges, and to all other that have nought been ſo nigh unto Him as I have been, though I been unworthy.*

Ib. At the deſire of the Appellants, Sir *William Rickhill* declares the manner of his taking the ſaid Duke's Confeſſion.

After this Return to the ſaid Commiſſion, and the late Duke's Confeſſion had been read, the *Appellants* prayed, that the ſaid *William Rickhill*, well approved for his Loyalty and Diſcretion, might be Commanded by the King upon his Ligeance, to declare the Truth touching this Commiſſion; who in the preſence of the King, the Lords Spiritual and Temporal, and Commons in Parliament, ſaid, and declared, that about eight of the Clock before Noon, he came within the Caſtle of *Caleys* to the Duke of *Glouceſter*, being then in good Memory, and out of Priſon, and ſhew'd him the Commiſſion, and the Cauſe of his coming to him, in the preſence of *John Lancaſter*, and *John Lovetoft*, and prayed him that what he had to ſay, he would put down in Writing, and then departed. Then returning to him about Nine of the Clock, in the Afternoon the ſame day, the Duke read in Writing the ſaid Confeſſion with his own Mouth, and gave the ſame to *William Rickhill* with his own Hand. 'And further, *William Rickhill* 'ſaid to the Duke, if there were any thing more touching this Matter, 'he would ſpeak it in ſatisfaction to the King, for the knowledge of 'the whole Truth of the Matter; whereupon the Duke ſaid, he had 'forgot one thing that then came into his Memory, *to wit*, that he ſaid to the King, *That if He would be King, He muſt not intercede for Sir* Simon Burley *to ſave him from Death; and prayed* William Rickhill *he would ſhew this to the King by word of Mouth.*

This Duke's Character.

I ſuppoſe this Confeſſion was made but a few days before the Duke was Stifled to death at *Calais*, as you have already heard; for when they had extorted this Confeſſion from him, they thought it ſufficient thereupon to Attaint him of High Treaſon in Parliament, as now was done.

The Duke was one that ſtood up highly for the Liberties and Rights of the People, for which he was very much beloved by them; tho' it cannot be denied, but that he was one of too high and Turbulent a Temper, by which he ſo exaſperated the King his Nephew, that it gave occaſion to thoſe who hated the Duke, to contrive his Ruin, to which alſo the King too readily aſſented. But to proceed with the Record, and Proceſs againſt the reſt of theſe Noblemen.

Ib. The Earl of *Warwick* is brought in and tried for the ſame Crimes.

On *Friday* the 28*th* of *September*, the Conſtable of the *Tower* brought into the Parliament *Thomas* Earl of *Warwick*, who was preſently told by the Duke of *Lancaſter*, Steward of *England*, by Command from the King, and all the Lords Temporal, that he was *Appealed* by *Edward* Earl of *Rutland*, and the other *Appellants* there named, of divers High Treaſons, which were comprehended in two only Articles, *Viz.* That of Aſſembling with Force and Armed Men at *Harringay*, &c. and that Charge about Sir *Simon Burley*, and were drawn up in the ſame words, as in the Earl of *Arundel*'s Caſe. To all which he Anſwer'd, That he well underſtood Thoſe Treaſons and Wicked Deeds, and that he was [1.] Guilty of them, and put himſelf into the King's Grace. Wherefore the Duke of *Lancaſter*, by Command of the King, all the Lords Temporal, and Sir *Thomas Piercy*, having Power as aforeſaid, Pronounced the very ſame Judgment againſt him in all things, as he had done againſt the Earl of *Arundel*; which the King moved with Pity, to the Reverence and Honour of God, at the Prayer of the *Appellants*, the *Commons* of Parliament, and the Lords *Spiritual* and *Temporal*, Remitted and Pardoned the ſaid Judgment, and [2.] granted him his Life; and his Sentence was, That he ſhould remain Priſoner in the Iſle of *Man*, as long as he lived; upon Condition, that if any means were made to the King, or His Heirs, for any further Favour, or if he ſhould make his Eſcape, then the Judgment ſhould be put in Execution, and the King's Grace ſhould be void.

[1.] The Earl confeſſing himſelf guilty, the ſame Judgment is given upon him, as upon the Earl of *Arundel*.

[2.] Yet the King grants him his Life, and he is order'd to perpetual Impriſonment in the Iſle of *Man*.

Then [3.] the Commons before the King in Parliament, affirmed all the ſaid *Appeals* to be good and Lawful; and further the *Appellants* Impeached *Thomas Mortimer* of The Treaſons compriſed in the ſame *Appeal*; but he being then in *Ireland*, fled unto the Mountains to the *Iriſh* Rebels. A Proclamation was thereupon order'd in Parliament to be made throughout *Ireland*, that he ſhould be brought into *England* within Three Months, to Anſwer to the Impeachment of the Commons, or elſe be declared a Traytor, and all his Mannors, Caſtles, Lands, Tenements, &c. which he was poſſeſſed of on the 13th of *November*, in the eleventh Year of the King, together with all his Goods and Chattels, ſhould be Forfeited to the King. Then the *Appellants* had time given them until the next Meeting of the Parliament, which was now Adjourned to the *Quinden* of St. *Hillary*, or 27th of *January*, to meet at *Shrewsbury*; but there the ſaid [4.] *Thomas Mortimer* not appearing, the Duke of *Lancaſter*, and all the Lords *Temporal*, and *William le Scrope* Earl of *Wiltſhire*, having ſufficient Power from the Prelates and Clergy, as appeared by Record in Parliament, by Aſſent of the King, gave Judgment againſt him, according to the Tenor of the ſaid Proclamation.

[3.] *Ib.* *Thomas Mortimer* is likewiſe Impeached, but being fled into *Ireland*, is Summon'd to appear within 3 Months.

[4.] *Ib. N.* But not Appearing, he is Attainted.

This I thought fit to inſert here, that I may not break the Thrid of this Relation, tho' it properly belongs to the Tranſactions at *Shrewsbury*, in the beginning of the next Year.

But before I proceed further, to Report what was done in the next Seſſion of this Parliament, at the Place laſt mention'd, I ſhall from the ſame Parliamen-tRoll give you the remainder of the Tranſactions of this preſent Seſſion at *Weſtminſter*.

After theſe ſevere Proceedings, [5.] the Commons interceded with the King for His Favour towards the Lords and Biſhops who were Named Commiſſioners in the former Commiſſion, in the Tenth Year of His Reign; but neither procured it, conſented to it, nor acted in the

[5.] *Ib.* The *Commons* intercede for the reſt of the Lords and Biſhops who had been named in the late Commiſſion, who are thereupon acquitted.

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the Execution of it; Three whereof were yet alive, *to wit*, the Duke of *York*, the Biſhop of *Winchester*, and *Richard le Scrope* Knight; and Four dead, *viz.* *William* late Archbiſhop of *Canterbury*, *Alexander* late Archbiſhop of *York*, *Thomas* late Biſhop of *Exeter*, and *Nicholas* late Abbot of *Waltham*, whoſe Loyalty and Innocency was acknowledged in Parliament, and the Declaration thereof was made a Statute by the King, with the Advice and Aſſent of the Lords, at the Prayer of the Commons.

[1.] *Ib. N.* 27. They likewiſe intercede for the Earls of *Derby* and *Nottingham*, as having not conſented to the Treaſons of the Perſons Attainted.

They [1.] further humbly beſeeched the King that He would pleaſe to Conſider, how at the time when *Thomas* Duke of *Glouceſter*, *Richard* Earl of *Arundel*, and *Thomas* Earl of *Warwick*, did riſe in Arms againſt their Allegiance to the King; the ſaid Duke and Earls would have come and ſeized the Perſon of the King, with intent to have killed a great Number of His Lieges, and would have accompliſhed their wicked Purpoſe and Intent, if they had not been diſturbed by thoſe Honourable Perſons of the King's Blood, *Henry* of *Lancaſter*, Earl of *Derby*, and *Thomas de Mowbray* Earl of *Nottingham*, conceiving and underſtanding the Actions of the Duke and Earls to be Notoriouſly againſt their Allegiance, and the Eſtate of the King; and being willing to do their Duty to Him, departed from their Company, and came to the Preſence of the King; therefore that it would pleaſe Him, that ſince the Commons had ſpecially recommended the Perſons of the Earl of *Derby* and *Nottingham* to His Favour, openly to declare in this Parliament the Eſtate, Name, and good Fame, and the Loyal Behaviour of them the ſaid Earls. [2.] Whereupon the King ſitting in His Royal Throne in Parliament, anſwer'd, That this Matter was better known to Him than any other, and then witneſſed and declared the good Behaviour, Loyalty and Fame of the ſaid two Earls, and held them for His Loyal Subjects, and that they ſhould be reported and taken for ſuch throughout the Realm, and that they ſhould be excuſed without any Impeachment, Moleſtation, or Grievance, for the Cauſe aforeſaid, in any time to come. And further, that the King by Aſſent and Advice of all the Lords in Parliament, and at the Prayer of the *Commons*, Ordained and Eſtabliſhed, that this Declaration and Grant ſhould have the Force of, and be holden for a Statute; [3] and that all Judgments, Ordinances, Declarations, and Eſtabliſhments made in this Parliament, ſhall have the Force of Statutes.

[2.] Whereupon the K. in Parliament declares the ſaid Earls to be Innocent, and this Declaration is paſſed into a Statute.

[3.] *Ib. N.* 32. All *Judgments* given in this Parliament, to have the Force of Statutes.

[4.] *Ib.* A great Advancement of ſeveral Earls to the Titles of Dukes, and divers Lords made Earls.

As [4.] for other Tranſactions of leſs moment, we find that on *Michaelmaſs-day*, being Saturday, the King Created *Henry* Earl of *Derby*, Duke of *Hereford*, *Edward* Earl of *Roteland*, Duke of *Albemarle*, *Thomas Holland* Earl of *Kent*, Duke of *Surrey*, *John Hollan* Earl of *Huntington*, Duke of *Exeter*, (who were His Half-Brothers and *Thomas Mowbray* Earl of *Nottingham*, Duke of *Norfolk*; then the ſame day, *John Beaufort* was made Earl of *Somerſet*, and Created Marqueſs of *Dorſet*, *Thomas* Lord *de Spencer* Earl of *Gloceſter*, *Ralp Nevil* Earl of *Weſtmoreland*, *Thomas Piercy* Earl of *Worceſter*, and *William le Scrope* Earl of *Wiltſhire*: which was done the more cloſely to engage them to the King's Intereſt, and Arbitrary Deſigns. [5.] S the Parliament being Adjourned to the *27th* of *January*, at *Shrewſbury* all things 'till then were to remain in the ſame State and Condition.

[5.] *Ib. N.* 36.

But to give you an account of ſome other Tranſactions of Moment after the Parliament was riſen.

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Then [1.] the next day, being *Sunday*, the Lords Spiritual and Temporal, after Maſs was Celebrated in the Abbey-Church at *Weſtminſter*, before the *Shrine* of St. *Edward*, made Oath in the preſence of the King. And the then Prelates, that is to ſay, all the Biſhops there preſent, with ſeveral Mitred Abbots and Priors (for the Names of whom, I referr you to the Roll) took likewiſe the ſame Oath in the Form following.

[1.] *Ib. N.* 37. The Biſhops and Lords take an Oath to obſerve all the Statutes of this Parliament.

Ib. N. 38. The Form of the Oath taken by the Lords Spiritual, &c.

YOu ſhall Swear, that well and truly you ſhall hold, ſuſtain and maintain, without Fraud or Deceit, all the Statutes, Eſtabliſhments, Ordinances, or Judgments made or given in this Parliament, without doing any thing to the contrary of either of them, or the Dependencies on, or Parcel of them; nor that you will ever Repeal, Revoke, make Void, Reverſe, or Annull, nor ever ſuffer them to be Repealed, Revoked, Caſſated, made Void, Reverſed, or Annulled, ſo long as you live, ſaving to the King, His Royalty, Liberty, and the Right of His Crown.

So [2.] ſoon as they had thus Sworn, the Lords Temporal, *viz.* Seven Dukes, Eight Earls, and One and Twenty Barons (for whoſe Names likewiſe I refer you to the Record) alſo took the Oath in the Form following.

[2.] *Ib.N.* 39.

Ib. N. 40. The Form of the Oath taken by the Temporal Lords.

YOu ſhall Swear, that in the time to come, you ſhall never ſuffer any Man living to do any thing contrary to the Statutes, Eſtabliſhments, Ordinances and Judgments made or given in this preſent Parliament, nor to any Dependencies on, or Parcel of them; and if any one ſhall do ſo, and be duly Convicted, you ſhall uſe your entire Power and Diligence, without Fraud and Deceit, to Proſecute him before the King, and His Heirs, Kings of England, **and cauſe him to have Execution** as an High and Falſe Traytor to the King, and Kingdom; **Saving to the King His Regalie, or Royalty, Liberty and Right of His Crown.**

Then [3.] the King asked the Knights of Shires there preſent, (for it ſeems they were not yet gone home) Whether they would hold and keep the ſame Oath? who promiſed with one Voice they would, holding up their Hands on high, as a ſign of their Agreement to the ſaid Oaths.

[4.] *Ib. N.* 41.

And [4.] immediately after, Sir *Thomas Piercy* took the ſame Oath the Lords Temporal had made, for, and in the Name of the whole Clergy, as their *Procurator-General*, and by Authority above-ſaid. This done, the King, Prelates, and Lords Temporal, went from the *Shrine* of St. *Edward*, and came before the High Altar of the Church, and there for the better Eſtabliſhment and Affirmance of theſe things, the Prelates and *Ordinaries* of the Provinces of *Canterbury* and *York*, with one aſſent did pronounce the Sentence of the *Greater Excommunication* againſt all and every of the Subjects of both Provinces, that

[4.] *N.* 43, 44. Sir *Thomas Piercy* makes the ſame Oath on behalf of the Clergy; and all that ſhould infringe the ſaid Statutes are declared Excommunicate.

openly

Mr

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openly or privately, by Deed, Counſel, or Advice, ſhould contravene or do againſt any of the foreſaid Premiſes, the King's Royalty and Prerogative in all things ſaved.

But I ſhall now (before I diſmiſs the Tranſactions of this Seſſion of Parliament) give you a further Account of the Execution of the Earl of [1.] *Arundel*, who ſuffer'd the ſame day on which he received his Sentence; that part of it, concerning his being Drawn, Hang'd and Quarter'd, was remitted by the King, becauſe of his Quality; ſo his Head was ſtruck off near the *Tower*.

[1.] T. W. An account of the Execution of the Earl of *Arundel*.

[2.] His Character.

This [2.] *Earl* in all his Tryal, Condemnation and Execution was obſerved to ſhew a great deal of Reſolution, without the leaſt Symptom either of Guilt or Fear; but ſeeing the *Earls* of *Nottingham* and *Kent* (of whom the firſt was his Son-in-Law, and the ſecond His Nephew) to be very well pleaſed at his *Execution*, he calmly ſaid thus to them: *Truly it might have became you, at leaſt, rather to have been Abſent; but the time will come e'er long, that as many ſhall marvel at your Misfortune, as they do now at mine.*

But *Froiſſart*, I know not from what falſe information, makes the *Earls* of *Warwick* and *Arundel* to have been Beheaded by the King's ſole Command, without any Legal Proceſs; and that the *Earl* of *Nottingham* not only tyed a Cloath before the eyes of the latter, but alſo *Executed* him himſelf; a Fact, which our Hiſtorians are wholly ſilent in, and which indeed ſeems too Cruel and Barbarous to be done by any Man of Quality, much leſs by a Son-in-Law. But it is very probable what the ſame Author there further Relates, that the King was preſent at his *Execution*; tho' it was certainly an Act unworthy His Royal Dignity, and ſavoured too much of Perſonal Hatred and Revenge, &c. to feed his eyes with ſuch a diſmal Spectacle.

[3.] The Stories that were raiſed after his Death.

This Earl being a great Aſſertor of the People's Liberties, was highly beloved by the Commons. And [3.] *Walſingham* affirms, that the King was afterwards Haunted with an Apparition, or Imagination of his Ghoſt at leaſt, for He no ſooner cloſed His eyes to Sleep, but ſtrait He fancied *Arundel* ſtood before Him. And the more to diſturb Him, a Miracle was Reported, That his Head of it ſelf was grown to his Body; and this was aſſerted with ſo much Confidence, that the King cauſed his Tomb to be opened, to diſprove the Fiction. And underſtanding that ſtill the People went on Pilgrimage thither, as to the Shrine of a Saint, or Martyr, He cauſed the *Auguſtin* Fryars in *London*, amongſt whom he was Buried, to take down his *Eſcutcheons*, and abſcond his Grave, by laying a new Pavement over it.

[4.] *Id ib.* The ſubmiſſive Carriage of the Earl of *Warwick* ſav'd his Life.

But the [4.] ſame Author tells us, That *Thomas Beauchamp* Earl of *Warwick*, upon his Arraignment, did not carry himſelf with ſo much Courage and Reſolution, but confeſſed with Tears that he had been a Traytor in joyning with the Duke of *Glouceſter*, and the other Lords, by Acting againſt the King's Pleaſure. Wherefore the King out of Pity Pardon'd his Life, and he was Condemn'd to perpetual Impriſonment in the *Iſle of Man*, as has been already related. But as for the Lord *Cobham*, he was alſo Baniſh'd, tho' there was no new Matter againſt him, but only that he had been appointed by Parlia-

ment

ment to be one of the Commiſſioners of Inſpection before-mention'd, in the Tenth Year of this Reign.

After [1.] theſe things were thus diſpatched, this Parliament being now made for the King's Purpoſe, was not Diſſolved (as Parliaments then uſually were) when the Buſineſs was over, but was further Prorogued, as has been already obſerved.

[1.] The Parliament made to the King's purpoſe.

In [2.] the beginning of this Year, on the 27*th* of *January*, the Parliament (according to the late Prorogation) met at *Shrewsbury*, which Place is ſuppos'd to have been pitch'd upon by the King, as being remote from *London*, and on the Borders of *Wales*, (a Country wholy devoted to Him) and ſo moſt proper for the carrying on the preſent Deſigns of the Court.

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[2.] The Parliament meets at *Shrewsbury*, and the reaſon of their ſitting there.

On the Day of their Re-aſſembling, the [3.] Chancellor put them in mind that this Parliament was firſt Summon'd to *Weſtminſter*, for the *Honour of God*, and that *Holy-Church* might enjoy all Her Liberties and Franchiſes; and that all the Lords, Knights, Citizens, and Burgeſſes, might have and enjoy all their Liberties, and Franchiſes, as they reaſonably enjoy'd and uſed them in former times: Alſo that there might not be more Governours in the Kingdom than One; and that the Laws might be duly obey'd, and executed, as was more fully contain'd in the ſetting forth and declaring the Cauſe of this Parliament.

Rot. Parl. 21. *Rich.* 2. *N.*44.

[3.] The Chancellor declares the Cauſes of their meeting.

Alſo [4.] the Chancellor ſhewed to the *Commons*, that the King would be Inform'd by them how the Charge ſhould be born for the Defence of *England*, *Ireland*, *Guyenne*, the Marches of *Calais*, and alſo thoſe of *Scotland*, in caſe they kept not the Truce made for Four Years, which was to end at *Michaelmaſs* next coming.

[4.] *Ib.*

Then [5.] the Lords *Appellants* in this Parliament, *viz. Edward* Duke of *Albemarl*, *Thomas* Duke of *Surrey*, *John* Duke of *Exeter*, *John* Marqueſs of *Dorſet*, *John* Earl of *Salisbury*, *Thomas* Earl of *Glouceſter*, and *William* Earl of *Wiltſhire*, ſet forth to the King, that certain Lords lately Convict and Attainted, *viz.* the Duke of *Glouceſter*, the Earls of *Arundel* and *Warwick*, by Coertion and Compulſion had made Him Summon a Parliament at *Weſtminſter*, on the Morrow after *Candlemaſs*, in the eleventh Year of His Reign; and then were particularly recited all the Queſtions and Anſwers formerly put to, and made by Sir *Robert Treſilian* Chief Juſtice, with the other Judges, and King's Serjeant at *Nottingham* (as are already recited) in the ſaid eleventh Year; and then by the Aſſent of the King, the Lords Spiritual and Temporal, and at the Requeſt of the Commons, the ſaid Anſwers were confirmed to be good in Law, and the whole Proceedings of the Parliament held in His eleventh Year, declared to be null and void.

[5.] *Ib. N.*47. The Lords Appellants deſire that all the Proceedings againſt the Anſwers of the Judges in the 11*th* Year, ſhould be declared void, which is done accordingly.

But ſince theſe Proceedings are more largely recited in the [6.] Parliament-Roll, than in the Printed Statute-Books (which are there very ſhort) I ſhall from the former, give you the whole Proceſs and manner of doing it.

[6.] *Ib. N.*44.

After [7.] the Reading the ſaid Queſtions and Anſwers, as well before the King and Lords, as Commons, all the Eſtates of Parliament were ſeverally asked what they thought of thoſe Anſwers? And they ſaid, they thought the Juſtices had made and given their Anſwers duly and Lawfully, as good and Liege People of the King ought to do; and Sir *Thomas Skelton* Learned in the Law, *William Hankeford*, and

[7.] *Ibidem.* The Proceſs and manner of the Proceedings of the 11*th* year declared null, and void.

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and *William Brenchly*, the Kings Serjeants, ſaid the Anſwers were good and Lawful, and that if the ſame Queſtions had been put to them, they would have given the ſame. *William Thirning* Chief Juſtice of the Common Bench, ſaid, *the Declaration of Treaſon not declared, belonged to the Parliament*; but were he a Lord or Peer of Parliament, and had been asked, he would have ſaid in the ſame manner. So likewiſe *William Rikhyll* a Juſtice of the Common-Pleas, and Sir *Walter Clopton* Chief Juſtice of the King's Bench anſwer'd and affirm'd the ſame things; wherefore the former Anſwers of the Judges in the eleventh Year were judged and held to be good and ſufficient in this Parliament.

[1.] *Ibidem.* The Parliament is now declared to be null and void.

Whereupon [1.] by Aſſent of the Lords Spiritual and Temporal, the *Procurators* of the Clergy, and Commons, by Advice of the Juſtices and Serjeants aforeſaid there preſent, it was Judged, Ordained and Eſtabliſhed, that the Parliament holden in the ſaid eleventh Year, ſhall be clearly annulled, and holden for none, as being done without Authority, and againſt the Will and Liberty of the King, and the Right of His Crown; and that all the Judgments, Statutes and Ordinances made in the ſame, with all things depending upon them, ſhall be revoked, and annulled, reverſed, and repealed, and holden for none; and that all Lands, Tenements, Fees, Advouſons, and other Poſſeſſions, ſeized as Forfeit by Colour of the ſaid Judgment, ſhall be reſtored and deliver'd to them, who were Condemn'd, or put out, or elſe to their Heirs, and to them that have any Cauſe of Action, or Title of Right, with all manner of Liberties or Franchiſes, as they had at any time, with Reſtitution of Goods and Chattels.

[2.] *Ib. N.* 51. The Speaker of the Commons deſires ſome further ſecurity for the maintaining the ordinances and Judgments of this preſent Parliament.

On [2.] *Wedneſday* the third day of their Meeting, *John Buſſy* the Speaker alledged, that before that time many Ordinances and Statutes made in divers Parliamenrs had been reverſed by diverſity of Opinions, and other Reaſons and Subtilties, and on behalf of the Commons, prayed the King, that the greateſt Security that could be given, might be taken for the not undoing the Ordinances and Judgments made in this Parliament. Whereupon the King charged all the Eſtates in Parliament to give Him their Advice, for the beſt and moſt firm Security in this Caſe. The Lords Spiritual and Temporal Anſwer'd, That they had Sworn before to hold and keep the ſaid Judgments, Eſtabliſhments, and Statutes, which they would maintain with all their power, as much as in them lay. The King alſo demanded of the Juſtices and Serjeants, if they knew any other more ſecure way for the keeping and obſerving of the ſaid Ordinances and Judgments? Who Anſwer'd, the greateſt Security that could be, was already eſtabliſh'd by Parliament; and then the Lords Temporal and Spiritual renewed their Oaths before the King in Parliament, upon the Croſs of *Canterbury*, and alſo the greateſt part of the *Commons* held up their Hands in Affirmance of the ſaid Oaths, as did likewiſe the *Proctors* of the Clergy, and the Knights about the King; and after Proclamation had been made in Audience of all the People, to know if they would conſent to this manner of Security? *They Anſwer'd, lifting up their Hands on high, and crying with loud Voices, that it pleaſed them well, and they fully conſented thereunto.*

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[1.] Ib. N. 55. to N. 66.

As [1.] for Private Buſineſs in this Seſſion of Parliament, *Thomas le Deſpenſer* Petition'd the King in full Parliament, wherein he recites the Petitions of *Hugh* the Father, and *Hugh* the Son, (his Grandfather and Great Grandfather) made to the King in a Parliament holden at *York* three Weeks after *Eaſter*, in the Fifteenth Year of *Edward* II.

In which Parliament, the Exile and Diſheriſon of both thoſe Earls were annulled for theſe Reaſons. *Firſt*, Becauſe they were not Appealed or called to Anſwer, nor due Proceſs made againſt them according to Law. *Secondly*, Becauſe the Prelates, who were Peers of the Realm did not conſent to the ſaid Exile and Diſheriſon. *Thirdly*, Becauſe it was againſt *Magna Charta* that any Man ſhould be Exiled, or Tryed, or otherwiſe Deſtroyed without Judgment of his Peers. And whereas this Adnullation was afterwards made void in the *1ſt* of *Edward* III. they pray that that Statute may be reverſed, and all the Articles and things contain'd in it, for the Reaſons aboveſaid; and it was reverſed and made void accordingly; not only for the Cauſes before expreſs'd, but alſo conſidering that the Repeal made by King *Edward* III. *was at ſuch time as his Father* Edward II. *was living, being very King, and in Priſon, ſo that He could not reſiſt the ſame.*

The Record of this Matter is long, and alſo the Proceedings againſt the two *Spencers* in the *14th* and *15th* of *Edward* II, and the Statute of the firſt of *Edward* III. are alſo there recited, which you may ſee in thoſe Years; but all theſe Proceedings were again reverſed in the firſt Parliament of King *Henry* the Fourth; ſo that there can nothing be concluded from the Precedents of theſe two Parliaments, as well as ſome others, but that they have for the moſt part Voted according to the preſent Ruling Temper of the Nation, or the Inclination of the Prince that called them.

[2] Ib. N. 67.

On [2.] Thurſday the laſt Day of the Parliament, the Duke of *Hereford* in full Parliament, humbly kneeled before the King, and ſpoke thus to Him. *My Liege Lord, I know well that many Riots, Diſturbances and Evil Deeds have been made and done within Your Kingdom, to the Offence of You and Your Royal Eſtate, in the which I my ſelf was preſent, amongſt others, not with an ill intent or purpoſe to offend You, not knowing then it was any Fault or Offence againſt You. But Sir, ſince I now know well, and confeſs my Offences, in ſo doing, I beg Your Mercy and Pardon*; whereupon the King graciouſly accepted the humble Prayer and Confeſſion of the Duke, and granted him Pardon in full Parliament, for whatever he had done in the things aboveſaid, and what he deſerved for the ſame; and further, the King promiſed him *to be his good Lord*, and this He declared to all the Eſtates in Parliament, how He had given him full Pardon for the Matters aforeſaid.

Her. [illegible] pardon
Rot: Rot. 21. R. 2. P. 2.
m. 14. R5. col. f. 5.

[3.] Ib. N. 75.

The [3.] Commons on the ſame day, by aſſent of the Lords Spiritual and Temporal granted to the King the Subſidy of *Wooll*, *Leather*, and *Woolfells* for His Life, and one Tenth and Fifteenth, and half a Tenth and Fifteenth, which was more than ever they had given to His Grandfather.

[4.] Ib. 76.

Upon [4.] which Grants, the Commons prayed the King to beſtow three or four Thouſand Marks on thoſe that had been plunder'd at *Radcot-Bridge*, and to pay the Lords *Appellants* their Expences, which was granted.

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[1.] *Ib. N.* 77. And [1.] then the ſame day follow'd a General Pardon for all things done before that time, which was *Thurſday* the laſt of *January*, and the laſt day of this Parliament; yet with this Proviſo, that they who rode and gathered themſelves forcibly againſt the King in the eleventh Year of His Reign, with the Lords ſince Convict and Condemned, ſhould have no benefit of the Pardon, if they ſued not forth their Charters between that and *Midſummer* next enſuing.

[2.] *Ib.* 78. After [2.] the Grant of this Pardon, the King by his own Mouth declared, That if the Lords and Commons, who in time to come ſhall ſit in Parliament, ſhall let or any ways diſturb Him in the Collection of the ſaid Impoſts on *Wooll*, *Leather*, and *Woolfells*, ſo granted as above, their proceedings ſhall be void.

[3.] *Ib. N.* 74. *Vid.* Stat. at large, 21 *Rich.* 2. *C.* 16. Alſo [3.] the ſame *Thurſday* (the laſt day of the Parliament) the Commons prayed the King, that whereas they had before them divers Petitions, as well for ſpecial Perſons, as others not Read and Anſwer'd, and alſo many other Matters and things had been moved in the preſence of the King, which for ſhortneſs of time could not be well determined, it would pleaſe Him to commit full power to certain Lords, [and *Others*, there named, to Examine, Anſwer and Diſpatch the Petitions, Matters and Things above-ſaid, and all Dependencies on them, to which Prayer the King Aſſented; and thereupon by *Authority* and *Aſſent* of *Parliament*, it was Ordain'd, that *John* Duke of *Lancaſter*, *Edmund* Duke of *York*, *Edward* Duke of *Albemarl*, *Thomas* Duke of *Surrey*, *John* Duke of *Exeter*, *John* Marqueſs of *Dorſet*, *Roger* Earl of *Marche*, *John* Earl of *Saliſbury*, *Henry* Earl of *Northumberland*, *Thomas* Earl of *Glouceſter*, *Thomas* Earl of *Wincheſter*, and *William* Earl of *Wiltſhire*, or any ſix of them; together with *John* B *Buſſey*, *Henry Green*, *John Ruſſel*, *Henry Chelmſwike*, *Robert Tey*, and *John Goloſre* Knights, coming for the Commons of the Kingdom to that Parliament, or any Three of them, ſhall have full power to Examine, Anſwer, and fully Determine all the ſaid Petitions, and the Contents of them; as alſo *all other Matters and Things moved in the preſence of the King, and all other Dependencies upon them, not determined, as they ſhall think beſt by their Good Advice and Diſcretion in this behalf, and then the Parliament was Diſſolved.* By which Act, the whole Power and Authority of the Kingdom was now devolved upon the King, Twelve Peers, and Six Commoners, and how Arbitrarily they exerciſed it, you will ſee hereafter.

I cannot but add from our [4.] Hiſtorian, that in the beginning [4.] T. W. of this Parliament, divers Noblemen were Advanced to higher Titles (as has been already related from the Record) ſo that there were now no leſs than Five New Dukes, and One Marqueſs, (the firſt of that Title) Created; which much leſſen'd the value of thoſe Titles; but the King to enable them the better to maintain their New Dignities, made a large diſtribution of the greater part of the Lands of the late Duke of *Glouceſter*, and of the Earls of *Arundel* and *Warwick*, to theſe new Created Dukes and Marqueſs, hoping thereby to have tied them to Him by a double Obligation of Duty and Affection; not conſidering that ſuch bought Friends are ſeldom either well ſatisfied, or ſure in time of need.

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Furthermore, [1.] to gratifie the *Cheſhire-Men*, who had chiefly aſſiſted Him and His late Favourites, He Honour'd that Country with the Name and Dignity of a Principality, and added to the reſt of His own Titles, that of *Prince of Cheſter*; and then He alſo added to His Coat of Arms, the ſuppos'd Bearing of **Edward** the *Confeſſor*.

[1.] The King to gratifie the *Cheſhire* Men, takes the Title of Prince of *Cheſter*.

But tho' a General Pardon was Granted for all paſt Offences to all the King's Subjects, but clog'd with a ſtrange Clauſe of Exception, exempting Fifty Perſons in number from the benefit thereof, whoſe Names were not expreſſed, but left to the King's own Knowledge and Pleaſure; to the end, that if any of the Nobility ſhould happen any way to offend Him, He might nominate him among the number excepted, and ſo ſtill keep them within his danger; by which *Reſervation*, the General Pardon became as good as no Pardon at all; ſince ſcarce any Man in *England* could aſſure himſelf that he was included in it; and ſo this Parliament ended, tho' not the power of it,

He grants a general Pardon yet excepts fifty Persons not named.

Laſtly, to add the greater ſtrength and Reverence to the Acts and Proceedings of this Parliament, [2.] King *Richard* procured ſome time after the Pope's Bull, containing grievous Cenſures and Curſes upon all that ſhould preſume to break or oppoſe them, which was ſolemnly Publiſhed at *Paul*'s Croſs, and other Places throughout *England*. But this, as well as the Oaths that had been taken by the Lords Spiritual and Temporal, and Commons, to obſerve what had been lately Ordained, ſignified nothing at all, when the General Bent and Humour of the Nation, by reaſon of the Common Grievances and Oppreſſions, made them run another way, as you will find hereafter.

[2.] *Id ib.*

But for the preſent, all things ſeem'd to concur with the King's Deſigns, the Heads of the Party who had ſo long oppos'd Him being cut off, and the [3.] Nobility thereby either terrified, or Bribed by Honours or Eſtates, and the *Commons* unable to expreſs their Reſentments otherwiſe than in Sighs, Murmurs, and Complaints, the King's Great Officers of State, nay His very Parliaments being now Model'd according to His pleaſure, ſo that no King ſince the Conqueſt having been more Abſolute than He was now, He no doubt ſuppoſed Himſelf in a Condition moſt Secure and Happy; but there is an over-ruling Providence that blaſts the moſt deep laid Projects and Deſigns, when not founded on the ſure Grounds of Equity, and the Publick Good, as the Event will declare; and we ſhall find in a little time, how this King by unexpected Means, and unlikely Inſtruments, was embroil'd more than ever, and left ſo deſtitute of Power, and Friends, as to be forced, without ſtriking one Blow, to Surrender His Crown; and (which was yet more grievous to a Generous Mind) to acknowledge Himſelf both unworthy and unfit to wear it any longer.

[3.] The ſad Condition of the Nation by reaſon of the Arbitrary Power of the King, who now thought Himſelf ſecure.

But to ſhew you the grounds and occaſions of this great Revolution, it proceeded from a [4.] Quarrel that aroſe before the Parliament broke up, between the Dukes of *Hereford*, and *Norfolk*, from the former's accuſing of the latter of certain words ſpoken between them two againſt the King's Perſon, and Government; for which, I refer you to the [5.] Pleas of the Crown in Parliament this Year, wherein are recited all the Circumſtances relating to this great Affair, and the Proceedings thereupon, *Viz.*

[4.] The great Revolution of the King's Affairs, that proceeded from the Quarrel between the Dukes of *Hereford*, and *Norfolk*.

[5.] *Placit. Coron.* in *Parl.* 21 *Rich.* 2.

Anno Dom. 1398.

[1.] The whole Proceedings in this Affair related from the Record.

That [1.] on Wedneſday the 30*th* of *January*, (being the day before the Parliament ended, *Henry* of *Lancaſter*, Duke of *Hereford* came before the King with a Schedule in his hand, and ſaid thus: That he had already come by His Command into His preſence at *Haywode*, where he had informed Him that *Thomas Mowbray* Duke of *Norfolk*, had ſpoken many diſhoneſt words in ſlander of His Royal Perſon, and that they were ſpoken to him the Duke, and that then the King Charged him upon his Allegiance, that he ſhould truly repeat the words as they were ſpoken. Upon this, the Duke of *Hereford*, not thro' Malice, or any other Cauſe, but only to obey the King's Command, as he was bound, had now ſet down in Writing the words which the Duke of *Norfolk* ſpake to him, as before he had conceived and born them in his memory, and were in this Schedule, which he deliver'd to the King, with **Proteſtation** to add to or diminiſh therefrom at all times, and when he pleaſed, as it ſhould be needful, *Saving* always the Subſtance of the preſent *Schedule*, which was to this effect.

That in the Month of December, *in the Twenty firſt Year of Your Reign, the Duke of* Hereford *Travelling between* Brainford, *and* London, *met the Duke of* Norfolk *with a great Train, and Diſcourſed with him of divers Matters, amongſt which, he told him, they were all ready to be undone, and the Duke of* Hereford *demanded why? he anſwer'd, for the Fact at* [2.] Radcot-Bridge; *the Duke of* Hereford *ſaid, how can that be? for the King hath ſhewn us Favour, and declared us in Parliament to have been Good and Loyal towards Him. The Duke of* Norfolk *anſwer'd, notwithſtanding that, it will be done to us, as has been done to others before, for He will vacate this Record. The Duke of* Hereford *Reply'd, this would be a great wonder, ſince the King had ſaid it before all the People, that He ſhould afterwards make it be Anulled. And further, the Duke of* Norfolk *ſaid, this was a marvellous World, and unſafe, for I know well, ſaid he, that if * my Lord, your Father and You had been taken, or killed, when you came to* Windſor, *after the Parliament was up; that the Dukes of* Albemarl, *and* Exeter, *the Earl of* Worceſter, *and himſelf, were agreed never to undo any Lord without juſt and reaſonable Cauſe, and that the malice of this Fact was in the Duke of* Surrey, *with the Earls of* Wiltſhire, *and* Saliſbury, *drawing to them the Earl of* Glouceſter, *who had Sworn to undo Six other Lords, that is to ſay, the Dukes of* Lancaſter, Hereford, Albemarl, *and* Exeter, *with the Marqueſs of* Dorſet, *and himſelf. He alſo ſaid, they purpoſed to Reverſe the Judgment of Earl* Thomas *of* Lancaſter, *and hereby we and many others ſhould be Diſinherited. The Duke of* Hereford *ſaid, God forbid, for it would be a great wonder if the King ſhould Aſſent to this, for it was with a Chearful Countenance, that He promiſed to be a good Lord to them, and others, and alſo that he knew He had Sworn it by St.* Edward; *and the Duke of* Norfolk *anſwer'd, He had done the ſame to him many times, and Sworn by the* Body *of* God, *and that for all this He was never the more to be truſted; and further ſaid to the Duke of* Hereford, *that the King was about to draw the Earl of* Marche *and others to the ſame Agreement and* Purpoſe *of the ſaid Four Lords to deſtroy the reſt aforeſaid. The Duke of* Hereford *Reply'd, if it be ſo, we can never truſt them. The Duke of* Norfolk *return'd, for certain*

[2.] That was when the Duke of *Ireland* was routed, and ran away.

* Here ſomething in the Record cannot be read.

not; for altho' they cannot accompliſh their Deſign at preſent, yet they will be contriving Ten Years from this time to deſtroy us in our Houſes.

Anno Dom. 1398.

This [1.] *Schedule* being Read before the King, and Lords, on *Thurſday* the 31*ſt* of *January*, (and laſt day of the Parliament) it was then Ordain'd by Him, with the Aſſent of all the Eſtates in Parliament, that the Matters therein comprized, ſhould be determined, and ended, by the good Advice and Diſcretion of the King, and the Commiſſioners already aſſigned *by Authority of Parliament*, to wit, the Dukes of *Lancaſter*, *York*, *Albemarl*, *Surrey*, and *Exeter*; the Marqueſs of *Dorſet*, the Earl of *Marche*, *Sarum*, *Northumberland*, and *Glouceſter*, or Six of them, with the Earls of *Worceſter*, and *Wiltſhire*, as Procurators of the Clergy, or one of them; *John Buſſy*, *Henry Grene*, *John Ruſſel*, *Robert Tey*, *Richard Chelmeſwyck* and *John Golofree*, Knights of the Parliament, or any Four, or Three of them.

[1.] The Schedule being read before the K. add the Lords, the Matter is refer'd to thoſe to whom the Power of the Parliament was committed.

By which Narrative from the Record, that Error of *Polydore Virgil* may be confuted, who makes the Duke of *Norfolk* to have firſt accuſed the Duke of *Hereford*, when it was the direct contrary way.✗

✗ as appears ~~upon~~ by a [illegible] [illegible] on the [illegible] Rolls. ~~whereby~~ where by a Writ directed to the Sheriffs of London and Middlesex [illegible] [illegible] Shrewsbury the 4th of Feb. they [illegible] commanded to make proclamation that Thomas Duke of Norfolk appear before the King within 15 days after the sd. proclamation made there to answer to such treasons ~~as than~~ and other misprisions as whereof he stands impeached by [illegible] of ~~Derby~~ Hereford, & to make returne of the sd. Proclamation into Chancery. Rot: Claus. 21. R. 2. m. 20 d. [illegible] p. 92.

But to return again to the Record, after the Parliament was ended, both the Dukes appeared before the King at *Oſwaldſtrie* on the 22*d* of *February*, when a further day was Aſſign'd to meet them at *Windſor*, *viz.* on *Sunday* the 28*th* of *April*. In [2.] the mean while, it was adviſ'd and agreed by the King, and all the Lords and Knights aboveſaid, on the 19*th* of *March*, that the determination of this Difference ſhould be according to the Law of *Chivalry*, if other ſufficient Evidence or Proofs could not be found for the ending of it by ordinary courſe of Law; but no further Proofs being produced by either of the Parties, who now appeared on the Day prefixed, at the Place laſt mention'd, to receive the King's Judgment therein. Hereupon, according to the late Reſolution at *Owaldſtrie*, He Ordain'd, that ſince other ſufficient Proofs could not be found for determining this Difference; *&c.* it ſhould be decided by ſingle Combat at *Coventry*. So on Monday the 29*th* of the ſaid Month of *April*, they both appearing again before the King, *Battle* or Duel was appointed between them, according to the Advice and Opinion of the Dukes, Earls, Barons, Bannerets, *&c.* there in great numbers Aſſembled for this Cauſe, together with all thoſe that had the *Authority of Parliament* committed to them, where the former Judgment of the King, and His Council, was again confirmed.

[2.] For want of other Proofs, the King orders that the deciſion of this Quarrel, ſhall be by Combat.

But [3.] to leave the Record for a time, it may not be an unpleaſant digreſſion to the Reader to relate the Chief Circumſtances of this Combat between theſe two powerful Peers, ſince it will ſhew us the great State and Formality that was then uſed in that Antient way of Tryal by Battle. The King and all the Lords being now arrived at *Coventry*, each of the Lords who were to be the Combatants, being Attended with a Splendid and Numerous Retinue, appeared on the Day appointed; the Duke of *Albemarl* was *pro Tempore* made *High-Conſtable*, and the Duke of *Surrey Lord-Marſhal*, who came to the Liſts moſt Honourably waited on by many Followers in Rich Liveries, ſuitable to the Greatneſs of their Qualities, each of their Servants carrying Tipſtaves for clearing the Field. There the Duke of *Hereford*

[3.] The form and manner of their performing this Combat.

Also that I find happend before the intended combate was, that both these Dukes were ordered to be committed prisoners, Hereford in Windsor Castle and to be safely kept by the Constable, as appears by the Kings writ to him for yt purpose. Rot. Cl. 21. R. 2. m. 18. [illegible] col. p. 33. and after that I find another writ✗ directed to the Sheriffs of London to straitly keep the sd. Duke of Norfolk within the Kings wardrobe, and let him depart thence without his special order.

✗ Ibid. m. 12

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as Challenger, firſt Mounted on a *White Courſer*, in Capariſons of *Green* and *Blew Velvet*, Embroider'd thick with *Swans* and *Antelopes*, Armed *Cap-a-pee*, with his Sword drawn, approached the *Liſts*, of whom, the Marſhal, demanding *who he was*, receiv'd this Anſwer. *I am* Henry *of* Lancaſter *Duke of* Hereford, *that am come hither to my* Devoir, *againſt* Thomas Mowbray *Duke of* Norfolk, *as a falſe Traytor to God, the King, the Realm, and me*; and then taking his Oath that this Quarrel was true and juſt, deſired Leave to enter the *Liſts*; which being granted, he put up his Sword, pulled down his *Beaver*, Sign'd himſelf on the Forehead with the *Croſs*, took his Spear, and paſſing the Barriers, diſmounted, and ſat down in a Chair of *Green Velvet*, placed in a Travers of Green and Blew Velvet at one end of the Liſts.

Then King *Richard* enter'd the Field with great Pomp, accompanied with the Earl of St. *Paul*, who came out of *France* on purpoſe to be a Spectator of this Combat; and attended with moſt of the Nobles of *England*, and a Guard of Ten Thouſand Men in Arms, to prevent any ſudden Tumult or Diſorder. His Majeſty being Seated in a Chair of State, one of the Kings at Arms made *Proclamation*, that none but ſuch as were appointed to Marſhal the Field, ſhould touch any part of the *Liſts* upon pain of death; which being ended, another Herauld Proclaim'd, *Behold Here* Henry *of* Lancaſter *Duke of* Hereford, *Appellant, who is entred into the* Liſts, *to do his Devoir againſt* Thomas Mowbray *Duke of* Norfolk, *upon pain of being counted Falſe and Recreant.*

Immediately upon this, appeared the Duke of *Norfolk*, bravely Mounted, his Horſe Barbed with *Crimſon Velvet*, Embroyder'd with *Lyons* of *Silver*, and *Mulbery-Trees* proper, and having taken the like Oath before the *Conſtable*, and *Marſhal*, that his Quarrel was Right and Juſt, he entered the Field, crying aloud, *God Aid the Right*; and then lighting from his Horſe, plac'd himſelf in a Chair of *Crimſon Velvet*, oppoſite to his Antagoniſt, at the other end of the *Liſts*; the Marſhal viewed their Spears, to ſee that they were of equal length, and then he deliver'd one of them to the Duke of *Hereford*, and ſent the other by a Knight to the Duke of *Norfolk.* This done, *Proclamation* was made for them to prepare for the Combat. Upon which, the Dukes inſtantly mounted their Horſes, cloſed their Beavers, caſting their Spears into their Reſts, and then the Trumpets ſounding, the Duke of *Hereford* Spur'd his Horſe forward, but before he of *Norfolk* could advance, the King caſt down His *Warder*, and the [1.] Heralds cried, *ſtay, ſtay.* Then the King cauſing their Spears to be taken from them, they returned to their Chairs, whilſt He retired to Council, to Debate what was fit to be done in ſo weighty a Cauſe. Where after two Hours Debate, their Doom was agreed upon without Fighting; and one Sir *John Bouray*, by the King's Command, after Silence was made, read their Sentence, which was thus. That foraſmuch as the Dukes *Appellant*, and *Defendant*, had Honourably appear'd in the *Liſt-Royal*, and were not only ready, but forward to entertain the Combat, therefore it being an Affair of great Conſequence, for avoiding the effuſion of *Chriſtian Blood*, the King by the Advice of His Council had decreed, that *Henry* Duke of *Hereford* ſhould within

[1.] The King ſtops the Combate, and taking the Matter into his own hands, orders them both to be Baniſh'd.

Fifteen days depart the Realm, not to return within the ſpace of Ten Years, on pain of death, without the King's Special Licenſe. And after a Second Proclamation, Sentence of Baniſhment was alſo read againſt the Duke of *Norfolk*, but with theſe ſeveral Aggravations. *Firſt*, That the ſame was for Life; *Secondly*, That the Cauſe thereof was expreſſed to be, for having uttered Seditious Words, whereof he could not clear himſelf; and *Thirdly*, it was added, as part of his further Puniſhment, that the King ſhould receive the Revenues of His Lands, until He were ſatisfied all ſuch Sums of Money, as the ſaid Duke had taken out of the King's Coffers, on pretence of Paying the Gariſon of *Calais*.

Then [1.] another Proclamation was made, that no Perſon from thenceforth ſhould preſume to Petition or Intercede with the King on the behalf of either of the ſaid Dukes, to alter this Sentence, on pain of His Majeſtie's high diſpleaſure; which being ſo declared, the King called them both before Him, and took of them a Solemn Oath, that they ſhould never Converſe together beyond the Seas, nor willingly come into each other's Company. This is the Account our Hiſtorians give of the Iſſue of this Affair.

[1.] No Perſon to intercede with the King in their Favour.

But the [2.] Record above cited is very ſhort in the Relation of it; and only ſets forth, that the King of His eſpecial Grace, and as his Rightful and Sovereign Lord, took the Battel into his own hands, and by full Advice, Authority and Aſſent of Parliament (that is, of the Committee of Lords and Commons, to whom their Power was then devolved) Ordain'd and Adjudged for the Peace and Tranquility of Him, His Kingdom, and Subjects, and to eſchew Debates and Troubles, particularly between the ſaid Dukes, their Friends, and Well-willers, that the Duke of *Hereford* ſhould leave the Kingdom for Ten Years, and be gone within eight days after the Feaſt of St. *Edward* the *Confeſſor*, or 13*th* of *October*, upon pain of incurring Treaſon by *Authority of Parliament*. It was alſo Ordain'd by the ſaid Authority, that the Duke of *Hereford* ſhould not come into the Company of *Thomas* Duke of *Norfolk*, nor of *Thomas Arundel* late Archbiſhop, nor ſend nor cauſe to be ſent, nor receive nor cauſe to be received, any Meſſage, or other thing to or from either of them.

[2.] *Placit. Coron. in Parl. Ib.*

Then follows alſo the reſt of the Proceedings againſt the Duke of *Norfolk*, whereby we may judge of the [3.] Reaſons why the Sentence was more ſevere upon him than the Duke of *Hereford*, (tho' certainly one of theſe Judgments muſt have been unjuſt) for it was then declared to the ſaid Duke, That foraſmuch as on the 29*th* of *April*, at *Windſor*, in the Twenty firſt Year of the King, he had Confeſſed certain Points of the *Appeal* or *Schedule* aboveſaid, which he had denied at *Oſwaldſtre* on the 23*d* of *February* before, which were very likely to have bred great Troubles in the Realm, therefore the King deſiring as a Juſt and Rightful Lord, to Puniſh all ſuch as were the Authors of ſuch Troubles and Debates; and alſo willing to avoid the Occaſions of them, Adjudged and Ordained by the ſame *Advice, Authority and Aſſent of Parliament*, that *Thomas Mowbray* Duke of *Norfolk* ſhould avoid His Realm for term of Life, and that he ſhould depart out of the Kingdom by the 20*th* of *October* next coming, and remain either in *Bohemia*, *Germany*, *Hungary*, or in ſome

[3.] *Ib.* The reſt of the Sentence againſt the Duke of *Norfolk*, and the Reaſons of it.

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[1.] He is not during his Baniſhment to converſe with the Arch Biſhop, or the Duke of *Hereford*.

other parts of Chriſtendom, upon pain to incur Treaſon by Authority aforeſaid. [1.] He was alſo upon the like Penalty not to come into the Company of the Duke of *Hereford*, or of *Thomas Arundel* (late Archbiſhop of *Canterbury*) nor hold any Correſpondence with him; which is expreſſed in the ſame manner as the Prohibition to the Duke of *Hereford*, already mention'd.

[2.] *Ib.* If either of the Dukes procure any thing to be done againſt the late Ordinances of Parliament, they are to be guilty of Treaſon.

And [2.] it was further Ordained by *Authority of Parliament*, as aboveſaid, that if either of the Dukes, or any other, do procure any thing to be done againſt the leaſt Point in the Ordinance, or what was done on the 16*th* of *September*, ſhall incur the pain of Treaſon, as if it had been done againſt any Ordinance of the Parliament began at *Weſtminſter*, and Adjourned to *Shrewsbury*; or if they, or any other for them, ſhould ſeek for any manner of Pardon, or Licenſe to return home, they were to incur the ſame Pain, by the ſame Authority.

[3.] *Ib.* The King, Lords, and the Commiſſioners of the Parliament, make new *Ordinances* for the obſervation of thoſe already made.

[4.] *Vid.* Stat. at large, 21 *Rich.* 2. Chap. 16, 17, 18, 19, 20.

Then [3.] follows in the ſame Record, the reſt of the Proceedings of this Committee of Parliament, which were very High and Arbitrary, *viz.* That on *Tueſday* the Morrow after the Feaſt of St. *Edward*, being the 14*th* of *October* next following, the King, with the Dukes of *Lancaſter*, *York*, *Albemarl*, *Surrey*, and *Exeter*; the Marqueſs of *Dorſet*, the Earls of *Marche*, *Saliſbury*, and *Glouceſter*; *John Buſſy*, *Henry Green*, and *John Ruſſel* Knights, being again Aſſembled, by Vertue and Authority to them committed in Parliament at *Shrewsbury*, made certain [4.] Ordinances and Statutes, Five whereof are Printed in the Statutes at Large, the laſt whereof relating only to our purpoſe, and varying ſomewhat from the Roll, I have here added to it what was wanting, *viz.* That the King on the Thurſday laſt mention'd, by the ſame Aſſent of the Lords, and Knights of Counties, ſo Aſſigned by the *ſame Authority of Parliament*, doth Ordain that every Perſon that procureth or endeavours to Repeal or Reverſe any of the Statutes or Ordinances made by the King, with the Aſſent of the ſaid Lords and Knights ſo Aſſigned as aboveſaid, and that being duly proved in Parliament, ſhall be Adjudged, and have Execution as *a Traytor to the Kingdom*, in like manner as they which perſue or procure to be Repealed the Statutes and Ordinances made during the time of the ſaid Parliament.

After this Proviſion was made for the ſure keeping of the Statutes and Ordinances Enacted by the King, with the Aſſent of the Lords and Knights *Aſſigned by Power and Authority of Parliament*, the Oath of the Biſhops, when they received their Temporalities, as alſo of the Temporal Lords, when they had Livery of their Lands and Tenements, were enlarged, with theſe Additions. That of the Biſhops was as follows.

Ib. N. 85. All Biſhops when they ſhall receive their Temporalites, and Lords, when they have Livery of their Lands, are enjoyn'd to take an Oath to obſerve all the Statutes of the laſt Parliament.

You ſhall Swear, that well and truly you ſhall hold, maintain, and ſtand to, without Fraud or Deceit, all the Statutes, Eſtabliſhments, Ordinances, or Judgments made and rendred in the Parliament Summon'd and Begun at Weſtminſter, on the Monday next after the Exaltation of Holy Croſs, in the Year of the Reign of our Lord King Richard II. after the Conqueſt Twenty One, and from thence Adjourned to Shrewsbury, to the Quindene or Fifteenth Day after

St. Hillary then next coming, and there ended. And alſo all the Statutes and Ordinances made after the ſaid Parliament by the King, and Lords, and Knights of Shires, coming for the Commons to that Parliament, without going or doing to the contrary of any of them, or the Dependants on, or Parcel of them; nor that you will ever Repeal, Revoke, make Void, Reverſe, or Annull, nor ever ſuffer them to be Repealed, Revoked, Caſſated, made Void, Reverſed, or Annulled, ſo long as you live, ſaving to the King, His Regalty, Liberty, and Right of His Crown.

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To the Oath of the Temporal Lords, was this further Addition, *Viz.*

Ib. N. 87. An Addition to the Oath taken by the Temporal Lords.

You ſhall Swear, that you will never ſuffer in time to come, any Man living to do any thing contrary to any of the Statutes, Eſtabliſhments, Ordinances and Judgments aboveſaid, nor any Dependents on, or Part of them. And if any one ſhall ſo do, and be thereof duly Convict, you ſhall uſe your utmoſt Power and Diligence, without Fraud or Deceit, to Proſecute him before the King, and His Heirs, Kings of England, and cauſe him to have Execution, as an High Traytor to the King, and Kingdom; Saving to the King His Regaltie, Liberty and Right of His Crown.

I have no more at preſent to add concerning the Two Unfortunate Great Men above-mention'd, but only that the Duke of *Norfolk* not long after in great grief and diſcontent went into *Germany*, and from thence to *Venice*, where in a ſhort time he died, unlamented by any either at Home or Abroad, leaving the Character of a Cruel, Falſe and Unconſtant Perſon.

And [1.] it is very obſervable, that the Sentence of his Baniſhment was Pronounced on the very day Twelvemonth on which the Duke of *Glouceſter* had by his Order been Murthred at *Calais*; ſo juſt ſometimes is the Divine Vengeance, not only in Revenging ill Actions, but cauſing the Puniſhment to be attended with ſuch Circumſtances as may make the World take notice of it.

[1.] T. W. An obſervable Judgment upon him.

The Duke of *Hereford*, at his taking leave of the King at *Eltham*, behav'd himſelf ſo Reſpectfully, and bore his Sentence with ſo much Unconcernedneſs, that His Majeſty was then pleaſed to declare, He would abate Four Years of his Exile; yet could not that pacifie the Murmurs of the People, who could not be perſwaded that there was any juſt Cauſe for his being Baniſh'd at all; Exclaiming, *That it was againſt the Law of Arms, the Cuſtom of the Realm, and all Juſtice, that he ſhould be Exil'd, who had ſo Honourably offer'd to maintain his Appeal, according to the Law of the Field.* So he left the Kingdom, and directed his Courſe to *Paris*, where he was kindly received by the *French* King, and found ſuch Favour in that Court, that he was preſently offered in Mariage the only Daughter (then a Widdow) of the Duke of *Berry*, that King's Uncle; but King *Richard* having notice thereof,

having obtaind the Kings Licence
to passing over to Calais
[illegible] 22 m.
15. col. p. 8

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thereof, uſed all the means he could to put a ſtop to that Affair. And to that end, He ſent the Earl of *Salisbury* His Ambaſſador to the *French* Court, who, by repreſenting the Duke of *Hereford* as a Perſon Guilty of Trayterous Deſigns againſt his Prince, ſo that He would never permit him to return, wrought ſo much upon the *Frenh* King, and His Uncles and Brothers, that they reſolved the Match ſhould proceed no further, and thereupon they made the Duke acquainted with it, who highly reſented the Affront and Injury King *Richard* had done him; but this did not fall out 'till the next Year after the death of the Duke of *Lancaſter*, tho' not to break the thrid of the Story, I relate it here. But we ſhall now return to *England*.

As to the *Scotiſh* Affairs, At *Handenſtank* upon the Borders, on the 26*th* of *October* this Year, Commiſſioners for both Nations met; for *Scotland*, Sir *William Bortwick*, Sir *John* of *Remorgny* Knights, and *Adam Forſter* Eſquire: For *England*, *John Buſſy*, and *Henry Green* Knights, *William Ferriby* Clerk, and *Lawrence Drew* Eſquire; their Buſineſs was to take care of the Releaſe and Exchange of ſuch Priſoners that had been taken on both ſides ſince the Truce of *Leulingham*, in the Year 1389, and to Regulate the Practices of the Borders on both ſides, and ſecure them from Rapine, Thefts, Robberies, Burnings, and taking and carrying away Priſoners into either Country during the time of the ~~late~~ Twenty Eight Year's Truce between *England*, *France*, and *Scotland*, *which was effectually* done in Eleven Articles; The Inſtrument it ſelf under the Seals of the *Scotiſh* Commiſſioners, in their old Dialect, remains with the Under-Chamberlains in the *Exchequer*, in a little Box, Tit-led *Scotia* on the outſide.

See the Instrument in R[illegible] Col. p. 34.

I find nothing else to have happened this year but that all the Parliament had [illegible] Pardons ~~[illegible]~~ passed in the Parliament of 21st of this King, yet he was now so [illegible] to [illegible] give promise of [illegible] action [illegible] ~~[illegible]~~ [illegible] Persons that had been concerned with the Duke of Glocester and the Earls of Arundel and Warwick for their [illegible] rising with [illegible] and for all Insurrections, murthers, burnings &c [illegible] at Haringey by reason of their adherence [illegible] provided the sd. Persons took out charters of their [illegible] before the Feast of All Saints next ensuing, as appears by a writ to the Sheriff of Stafford shire bearing date [illegible] Rot: Cl: 22. R. vide [illegible] Col. p. [illegible] but the Fees of these Charters being very chargeable the common sort were not able to take them out. So that they still lay open to the [illegible] secution, as several Counties actually were within a few months after.

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[1.] T. W. A Prodigy of a River near *Bedford*, that became dry on the ſudden.

This Year our [1.] Hiſtorian begins with a ſtrange and unuſual Prodigy, of a deep River, running between the Villages of *Suelleſton*, and *Harewood*, near *Bedford*, that ſtopt its Courſe on the day of our Lord's *Circumciſion*, and for the ſpace of Three Miles remain'd dry, without any Viſible or Natural Cauſe to be given for it, as I can find. This was afterwards Interpreted as a Prognoſtick of that General Defection of almoſt the whole Kingdom from King *Richard*, which happen'd before the end of this Year.

About *Candlemaſs* following, *John* Duke of *Lancaſter*, the King's Uncle, deceaſed, and was Buried in the Cathedral Church of St. *Paul's*, where his Tomb remain'd, (tho' ſomewhat defac'd) 'till the ruin of that Church by the late General Conflagration in the Year, 1666.

[2.] The Deceaſe of the Duke of *Lancaſter*, with his Character.

The [2.] Character given of this Prince by our Hiſtorians, ſpeaks him to have been a Man Prudent and Wary in his Actions, an Approver of Safe Councils on good Reaſons, rather than Fortunate Exploits with Hazard: One that was neither Negligent, nor Ambitious of Glory, and therefore deported himſelf towards the King his Nephew, in Terms Honourable, and Reſpective enough for a Moderate Prince, but not ſo much as the immoderate deſire of Arbitrary Power in the King his Nephew, joyn'd with depraved Manners of the Court, might require. But it was evident how Compliant this Prince in his declining Years was forced to be; when in this, the very laſt Year of his Life, He was made to joyn with the declared Enemies of his Family, in that unjuſt Sentence paſſed upon the Duke of *Hereford* his Son, who immediately upon the death of his Father, ought to have Inherited, ired, not only his Title, but alſo his vaſt Eſtate, had not the King, jealous of ſuch great Power in ſo near a Relation, ſo juſtly and highly provoked, taken care, tho' with greater injuſtice, to prevent it.

Anno Domi. 1399.

For [1.] on the 8*th* of *March*, the Commiſſioners, or rather *Junto*, that had the *Authority of Parliament*, met again at *Weſtminſter*, where they declared, that *Henry* Duke of *Hereford*, after the Judgment given againſt him at *Coventry*, had procured Letters Patents from the King, that he during his Abſence, might by his Attorney, Sue and have Livery of any Lands deſcended to him, and have his Homage reſpited 'till his Return; which Letters Patents were declared to be againſt Law. Whereupon the King, by Advice and Aſſent of the ſaid Committee of Parliament, Revoked thoſe Letters Patents, as alſo the like made to the Duke of *Norfolk*.

[1.] *Placit. Parl.* 21 *Rich.* 2 *ut ſupra.*

See the form of these Letters of [illegible] directed in several Acts Pat: 22. R. 2. m. 5. P. 1. 2.
Rs. col. p. 49. 50

Nor [2.] was the King and Committee above mention'd contented with what they had done againſt the now Duke of *Lancaſter*, but Proceeded moſt ſeverely againſt one *Henry Bowet* Clerk, who had proſecuted this Buſineſs on his Behalf. For on the 23*d* of *April* following, they being then Aſſembled at *Windſor*, he was brought before them, where it being ſhewn to the King, that the ſaid *Bowet* had been the Contriver and Manager of that Petition, upon which the ſaid Letters Patents had been granted; therefore he was alſo by the ſaid Committee, which had the *Authority of Parliament*, adjudged a *Traytor*, and to be Drawn, Hanged, Headed, and Quartered; and all his Lands and Tenements, Goods and Chattels to be Forfeited. But becauſe he was the King's Chaplain, He Pardon'd the Execution of the Judgment, and Granted him his Life, with this *Proviſo*, That he ſhould be Baniſh'd *England* for ever; than which Judgment, nothing could be more Arbitrary and Unjuſt, ſince the King being backed by this Committee, now took upon Him to declare an *Innocent Act*, performed by a Lawful Attorney, on the behalf of one that had a juſt Right, to be *High Treaſon*, which was no Crime at Common Law, nor by any Statute. But as the new Duke of *Lancaſter* could not but highly reſent this Arbitrary Proceeding, ſo there not long after happened an Accident, which gave him an Opportunity ſufficiently to revenge it: But of this you ſhall hear more by and by.

[2.] *Ib.* They likewiſe declare the Duke's Attorney who had obtain'd thoſe Letters Patents, guilty of Treaſon.

In the mean while, the [3.] Laws and Liberties of *England* lay in a dangerous and expiring Condition; for the King having thus diſpatched the Duke of *Gloceſter*, and the reſt of the Noblemen that oppos'd Him, and being now rid of His Uncle the Duke of *Lancaſter* by Death, and of his Son by Baniſhment; His only remaining Uncle the Duke of *York*, being an eaſie and quiet Prince, more addicted to his Pleaſures than Publick Buſineſs, and being alſo much Govern'd by his Son the Duke of *Albemarl*, he was ſo far from oppoſing, that he rather ſeem'd to Countenance the King's late Actions, by Voting with the preſent ſtanding Committee of Parliament. So that the King now looking upon Himſelf as *Hors-du-page*, and free from any Controul, abandon'd Himſelf to Sloth, and lay plung'd in the ſoſt but deſtructive Charms of Pleaſure; by whoſe Example, many of the Nobility gave themſelves to Eaſe and Luxury, whereby Cowardice and Effeminacy crept in, and Shipwreck was made both of Manhood, and Reputation.

[3.] The dangerous Condition of the Liberties of *England*, thro' the King's Arbitrary Government.

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[1.] T. W. The ſad Condition of Affairs both at Home, and Abroad.

As [1.] for the Publick Affairs both at Home and Abroad, they were in a Condition ſuitable to ſuch Managers; for we learn from the Writers of thoſe Times, that they had been long Biaſſed, rather by Private Reſpects, than Publick Intereſt; which made the Nation decline both in Riches, and Honour. So that all things being out of order, the Commonweal ſeem'd running apace into inevitable Ruin; for the Northern Countries were by frequent Plunderings, and ill-kept Truces, wholy Impoveriſh'd by the *Scots*, who had taken ſeveral Important Poſts, and waſted all thoſe Parts with Slaughter and Devaſtations. Upon the Seas the Merchant's Ships were often Surprized by the *French*; and the King's Hereditary Dominions in *France*, reduced to a narrow compaſs, many Strong Holds having been loſt by Negligence, or ſold by Treachery. For tho' Forces were often ſent over for their defence, yet it was either in ſuch ſmall Quantities, or at unſeaſonable Times, and ſo ill Accommodated, or under ſuch indiſcreet Conduct, that they were occaſions rather of Loſs, than Profit; Affairs being managed by ſuch, as neither Nature had deſigned, nor Education prepared, nor Experience qualified for *Politicians*; but Corrupt or Ignorant Miniſters by Flatteries and baſe Arts Swayed in the King's Affections, and diſpos'd of all things at their Will and Pleaſure; keeping Him as it were beſieged, from any better Advice; the Profits and Revenues of the Crown, nay, of the whole Kingdom, was let to Farm to certain Favourites, who cruelly racked and oppreſſed the Subjects.

[2.] *Id ib.* Great Sums of Money extorted by Loans, without any Payment.

And [2.] as an Inſtance of this, great Sums of Money were by new found and unwonted Means, every day rather extorted than borrowed from all ſorts of People, whereof no Advantage accrew'd to the Kingdom, only the King's Private Pleaſures were maintain'd at an Extravagant Rate, and unworthy Favourites Advanced. To which we may add, that the King was ſo exceeding Liberal, or rather Prodigal, that He was forced to Borrow and Extort Money from many Perſons to ſupply this vain laviſh Humour; undoing many without Cauſe, to enrich a few without deſert. Over and above *Tenths* and *Fifteenths*, and other uſual Taxes, which were ſometimes gathered twice in a Year, other ſtrange Impoſitions were deviſed and put in Practice; for He had often Extorted great Sums from the People, under the Colour of *Benevolence*, beſides what was borrowed upon *Privy-Seals*; ſo that no Man of Ability could eſcape thoſe *Loans*, tho' of theſe, ſeldom any re-payment was made.

[3.] *Id ib. Cron. de Lambeth.* The King Charges 17 Counties with Treaſon, for aſſiſting the Duke of *Glouceſter*.

But to add to all former Oppreſſions, [3.] the King had not long before Charged no leſs than Seventeen whole Counties with *High-Treaſon*, for taking part againſt Him with the Duke of *Glouceſter*, and the reſt of the Lords of his Party, above Ten Years ſince, when they came to *Haringay-Park*: And tho' all thoſe Actions had been Pardon'd by Act of Parliament, yet He now threatned to ſpoil and deſtroy them, as Publick Enemies, unleſs they would entirely ſubmit themſelves to His Pleaſure. And having thus terrified them, He ſent certain Commiſſioners, both of the Biſhops and Lords Temporal, to all the Clergy, Noblemen and Gentlemen of the ſaid ſeveral Shires, to let them know His heavy diſpleaſure; and that without due acknowledgment of their Offence, and ſubmiſſion to His Will, He could not receive them into His Grace. Whereby being thus grievouſly threatned, they were prevail'd upon to own themſelves Offenders under

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eir Hands and Seals, by Sealing certain Blank Charters, according the will of the King's Council that drew them. And no ſooner as this obtain'd, but they lying at the King's Mercy, were for-d to pay great Sums of Money for the Redemption of their Lives d Eſtates; whereby many of them were ſo Impoveriſh'd, that they ere not able to ſubſiſt; thus all ſorts of People were made to ſuffer. ut the King had either forgot, or perhaps was ignorant of that Sen-nce, *Timeat ille, quem omnes timent.* And further ſtill, even to make onſcience it ſelf acceſſary to Slavery, *New Oaths* were Impos'd, not arranted by Law. For the Sheriffs of all the Counties through the ingdom were alſo forced to take an *Unuſual Oath*, to wit, that they ould obey all the King's Commands, whether under the Broad Seal, rivy-Seal, or Signet; and that if they knew any Perſon in their re-ective Baylywicks, that had ſpoke any thing to the ſcandal or diſ-race of the King, they ſhould ſeize all ſuch, and put them in Priſon, what Degree or Condition ſoever they were; by which means divers ell-meaning Men, being accuſed for Words, and brought before the onſtable, and Marſhal, were forced to confeſs themſelves Guilty, or ſe to undertake the Combat or Battel againſt their Accuſers, who ere Young Luſty Fellows, when the Accuſed were perhaps Aged and eak.

The King bearing ſo heavy a hand over His People, it was no won-er if they proved without Duty or Affection towards Him, when He ood moſt in need of them; for He was indeed a Prince of no great dgment, and no good Concealer either of His Vices, or His Paſ-ons, ſuppoſing there was no more required in a King, than to ap-ear Terrible to His People; whereby He became ſo generally hated, at it drove a great many to Rebell on the firſt Opportunity, as be-g reſolved rather to run the hazard of a ſpeedy Ruin, than to lan-uiſh under a miſerable Slavery.

This cauſed ſeveral of the [1.] diſcontented Nobility and Gentry make ſome Private Overtures to the Duke of *Lancaſter*, (being then *France*) deſiring his ſpeedy return into *England*; Remonſtrating that s well for the Publick Good of the Realm, as for their own particular afeties and Intereſt, they muſt uſe Force to redeem and reſcue them-lves from theſe intollerable Oppreſſions; and therefore Solliciting im that he would but become the Head, and they would furniſh e Body of an Army, and that a Powerful one too, whenever he ould Land; promiſing to adventure their Lives and Fortunes in this uarrel; yet ſo, that the Danger ſhould be common to them all, but e Glory and Advantage ſhould be chiefly his own.

[1.] *Froiſſ.* Vol. 4. *Cap.* 104.
Several of the diſcontented Nobility privately Invite the Duke of *Lancaſter* to come home to redreſs their Grievances.

The Duke received theſe Addreſſes at firſt with great Precaution, and ſeeming indifference, as if he were loth to hearken to their Pro-ſals; but whilſt he remain'd in this uncertainty what Courſe to take, was wrought upon, and at length ſettled in his [2.] Reſolutions, the Perſuaſions of *Thomas* Archbiſhop of *Canterbury*, who about is time came to him in the diſguiſe of a Fryar, and ſatisfied him, at King *Richard* was ſo hated by the People of *England*, that they ould take the firſt Opportunity to join with any one that would ouſe their Intereſt againſt Him.

[2.] The Duke is encouraged to undertake it, by the perſuaſions of the Archbiſhop of *Canterbury*.

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[1] *Froiſſ. Ib. Cap.* 105.

This is the Sum of [1.] *Froiſſart*'s Relation concerning this Tranſ action, but that the Archbiſhop of *Canterbury* was ſent (as this Autho relates) to the Duke from *England*, by the General Conſent of all th Eſtates of the Kingdom, is certainly a great Error in that Autho that Archbiſhop having been Baniſh'd by Parliament above a Year ag and never returned ſince; neither could there be any Parliamenta Aſſembly held for that Purpoſe during the King's Abſence in *Irela* all the diſcontented Party being ſo cloſely obſerved by the Duke *Tork*, then Chief Governor of the Realm, and others the King's Mi ſter's, that no body durſt openly ſhew their diſlike of the preſent G vernment, 'till the Duke of *Lancaſter*'s Landing here.

in the disguise of a fryar

Yet this much all Author's agree in, that the Scene of theſe Tranſ actions was at *Paris*, where *Froiſſart* ſuppoſes that the Archbi ſhop^ met the Duke privately at his Lodgings; and this Auth hath given us the ſeveral Speeches that were made on this occaſio for the Reality of which, tho' I will not paſs my word, yet it is ve likely that their Conſultations terminated in a Reſult, that the Du ſhould adventure Himſelf over into *England*, and try his Fortune, up the firſt convenient Opportunity, which ſoon preſented it ſelf the mo invitingly that could be imagined. But to return to our own Affairs.

[2.] T. W. *Ypod Neuſt.*

The Earl of *Marche* is ſlain by the *Iriſh*; whereupon the King raiſes an Army to revenge his death.

The [2.] Earl of *Marche*, who had been appointed by t King to be His Lieutenant in *Ireland*, expoſing his Perſon too a venturouſly, was Slain in the beginning of this Year by the W *Iriſh*, which ſo exaſperated King *Richard*, that He reſolved in Perſ to Revenge his death. In Order to which, He raiſed a great Arm but not without a vaſt Charge, and grievous Oppreſſion of His Su jects, not only in raiſing Money by unlawful Means, but taking up C riages, Victuals, and other Neceſſaries, without Paying for the which Arbitrary, raſh and unadviſed Practices, render'd Himſelf a His Government ſtill more and more uneaſie to His People. [3.] Th about *Whitſontide*, the King^ took Shipping for *Ireland*, accompani with the Dukes of *Albemarl*,^ and *Exeter*, and divers of the Nobl amongſt whom was the Abbot of *Weſtminſter*, now a Principal Fa rite; but His Forces moſtly conſiſted of *Cheſhire-men*, on wh He chiefly confided. He alſo took with Him the Sons of the Duke *Glouceſter*, and *Lancaſter*, under pretence of teaching them the Ru 10 ments of War; but indeed rather to ſecure them as Hoſtages, to p vent any Attempts that might be made by thoſe of their Party in H abſence. He alſo carried over with Him the Chief Reliques, with Pl and Jewels of the Crown that were in His Treaſury; as if He had d ſign'd (as in the event it effectually proved) to have taken a final lea at once, of both His Kingdom and Dignity here in *England*.

[3.] T. W. *Hiſt. ad hunc An.*

He goes for *Ireland*, accompanied by all his Favourites.

having ap-
pointed the
Duke of York
guardian of
the kingdom
during his absence,
and left his young Queen
in Windsor Castle
under the custody
22. William Scroop Earl
R2. of Wiltshire Sr
m.7.
R5. John Bussy with
two others whom
vol: p. he most confided
85. in.

Beſides theſe General Diſcontents of the People, occaſioned by t former ill Conduct and Oppreſſions of Corrupt Miniſters of State, H juſt upon His departure, ſtumbled upon another Error in Politicks; being at *Briſtol*, ready to put to Sea with a great Fleet, it was ſu geſted to Him, that *Henry Piercy* Earl of *Northumberland*, with oth his Partiſans, intended ſome diſloyal Attempt, and therefore did n tender their Service in this Expedition. Whereupon He Commande the ſaid Earl, by a Purſevant ſent on purpoſe, forthwith to repair Him with what Forces he could raiſe. Whereunto, the Earl by Letter return'd an Excuſe, inſtead of a Compliance; intreating

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Majeſty to conſider how little neceſſary ~~they~~ it would be for the *Iriſh* Service, and indeed dangerous to the whole Realm, to draw Men from ſuch remote Places, in regard those Rebels were neither ſo many, nor ſo mighty, but that the King had already ſufficient Forces to reduce them to Obedience, and to diſfurniſh the *Northern* Parts of their Strength, would but give an Opportunity to the *Scots* to Invade us; and therefore beg'd His Majeſty, that He would be pleaſed in ſuch a juncture to excuſe him from attending. This Anſwer the King interpreted as an Affront to His Authority, and therefore in an unadviſed Heat, Proclaims the Earl, and all that ſhould take part with him, *Traytors*, and orders all their Lands and Goods to be ſeized to His Uſe. The Earl reſenting this diſgrace, and forced (as it were by Neceſſity) does then in earneſt make good the Information, by ſtanding upon his Guard, or rather in a poſture of open Hoſtility.

In the mean while, [1.] the King Landed at *Waterford*, and immediately after His Arrival, marched from *Dublin* againſt the *Iriſh* of *Ulſter*, and got many little Victories in ſeveral Rencounters He had with them; in all which, the King is ſaid to behave Himſelf with great Courage and Reſolution. And theſe Petty *Iriſh* Princes were ſo terrified with the Force of His Arms, that they ſent Meſſengers to Him to beg His Pardon, and ſue for Peace, which they at length obtain'd, tho' with ſome difficulty. But theſe inconſiderable Triumphs coſt King *Richard* dear in the Sequel; for whilſt He is thus engaged, and abſent from His diſcontented Kingdom of *England*, the Duke of *Lancaſter* thinks it the moſt proper time to put in Execution what he and others his Confederates had been ſo long Conſulting of. Wherefore after the diſpatching ſome of his truſty Friends over, to get thoſe he had here to provide Arms, with all other Neceſſaries againſt his Arrival, he Addreſſes himſelf to the *French* King with a Complement, that he intended to pay a Viſit to his Kinſman the Duke of *Bretagne*, and therefore deſired His Majeſtie's Letters of ſafe Conduct; which being granted, he there very privately levied a few Soldiers, with whom, having hired Three Ships of the Duke of *Bretagne*, he put to [2.] Sea for *England*, accompanied by the Archbiſhop of *Canterbury*, and his Nephew, Heir to *Richard* late Earl of *Arundel*, the Lord *Cobham*, Sir *Thomas Erpington*, and Sir *Thomas Ramſtone*, Knights, with ſome other Gentlemen, his whole Retinue not conſiſting of above Eighty Perſons; ſo that 'tis hard to judge which was the greateſt Wonder, that he durſt attempt, or that he did ſucceed in his Deſign with ſo inconſiderable a Company. But his Confidence was not ſo much in thoſe he brought with him, as in the ſtrength he hoped to find here, relying altogether on the Favour and Aſſiſtance of the Common People, and Gentry, whom he knew to be generally diſcontented, and eager to change their preſent Governors, for any that would but promiſe them to make their Condition more eaſie for the future.

[1.] *Annal. Hib.* The King Marches againſt the *Iriſh*, and at laſt forces them to ſubmit, and beg pardon.

[2.] The D. of *Lancaſter* makes Preparations in the mean while to come over into *England*. He takes Shipping with a ſmall Company.

Yet the Duke was too Wiſe and Cautious to puſh things beyond all poſſibility of a Retreat; and therefore did not preſently Land, but lay [3.] Cruiſing up and down, ſometimes appearing on one Coaſt, and ſometimes on another, that he might the better diſcover how the Inclinations of the People ſtood towards him, and what Forces were ready either to receive or reſiſt him. But at laſt being ſatisfied with what

[3.] The D. after cruiſing ſome time about the Coaſt, lands at *Ravenſpur*.

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what he obſerved, he put on Shoar without any oppoſition, about the beginning of *July*, at *Ravenſpurre* in *Yorkſhire*, with no more than Twenty Lances, tho' he might have had a greater Force from the Duke of *Bretagne*; ſo much did he confide in the Juſtice of His Cauſe, and the Favour of the People. Yet he did not then make any Pretenſions to the Crown, but only gave out that he came to regain the Dutchy of *Lancaſter*, and the reſt of his Lawful Inheritance, which all the Nation knew was wrongfully detain'd from him, and ſo hoped they were the more ready to pity and favour him in a Cauſe wherein he had received ſo palpable an Injury from the King.

[1.] *Id ib.*

His [1.] Arrival was no ſooner known, but there repair'd to him the Lords *Willoughby*, *Roſs*, *Darcy*, and *Beaumont*; and ſhortly after at *Doncaſter*, the Earl of *Northumberland*, and his Son Sir *Henry Piercy*, with the Earl of *Weſtmorland*, and great numbers of the Gentry and Common People went in to him.

Intelligence hereof was ſoon convey'd to the Duke of *York*, the King's Uncle, and his Lieutenant during his abſence, who thereupon calls together the Biſhop of *Cheſter*, the Lord Chancellor *Scrope*, the Earl of *Wiltſhire* Lord Treaſurer, Sir *John Buſſy*, Sir *Henry Green*, Sir *William Bagot*, and Sir *John Ruſſel*, Chief Councellors, and Confidents of King *Richard*, to Adviſe what was to be done in this dangerous Exigence of Affairs. Amongſt theſe (whether deſignedly by ſome, or ignorantly by others I cannot ſay, but ſurely moſt perniciouſly for King *Richard*'s Intereſt,) it was concluded to abandon *London*, and appoint the General Rendezvous for Raiſing Forces againſt the Duke to be at St. *Albans*. But when the Common People out of ſundry Counties were drawn thither to be Muſter'd, they openly declar'd they would not act any thing to the prejudice of the ſaid Duke, who they affirm'd was unjuſtly expelled his Country, and unlawfully kept from his Inheritance.

[2.] *Id ib.* Upon this the Earl of *Wiltſhire*, with the reſt of the King's Favorites flie to *Briſtol*.

This [2.] Refuſal of the Commons to Serve the King, was certainly the Ruin of His Affairs; whereupon the Earl of *Wiltſhire*, Sir *John Buſhy*, Sir *William Bagot*, and Sir *Henry Green*, preſently forſook the Duke of *York*, and fled to *Briſtol*, intending to paſs over into *Ireland* to the King: and it was time for them to ply to their Heels, for theſe Four were thoſe, who had taken the Revenues of the whole Kingdom to Farm; and on that ſcore, and other Grievances and Oppreſſions which they had committed, were become ſo odious to the People, that their very Preſence turned away many of the Subjects hearts from their Sovereign, it being their Hatred againſt them, rather than any averſion to the King's Perſon, that cauſed this General Revolt.

The Duke of *York* ſeeing their Flight, and the Humour of the Generality favouring *Lancaſter*, and loth to run the Adventure of an improbable Reſiſtance, gave over the Cauſe, and laid down his Arms; and thereupon the reſt of the Nobility either openly declar'd for the Duke, or ſecretly held Correſpondence with him, reſolving to Swim with this violent Current, rather than at their own Perils to ſtem an impetuous Tide, which bore down all before it.

For no Snow-Ball could encreaſe faſter by rolling, than the Duke of *Lancaſter*'s Forces were augmented by his March; inſomuch that they were quickly grown to Sixty Thouſand Strong; with whoſe Aſſiſtance he reſolv'd to puſh on his good Fortune, and ſo haſtned with his Forces to *London*, that Poſſeſſing himſelf thereof, (being the Chief City of the Kingdom for Strength and Riches) he might beſt make the Seat of War there, and be the eaſieſt accommodated both with Proviſions, and Ammunition; but in his whole March he met with no Oppoſition, nor Hoſtility, but all along Gentlemen of the beſt Quality, out of Affection, Fear, or Hope of Reward, reſorted to his Camp, and wherever he ſtayed, Rich Preſents were made him, and his Army ſupplied with all Neceſſaries, even to ſuperfluity; and particularly at [1.] *London*, he was received as in Triumph, with Stately Shows, Solemn Proceſſions of the Clergy, and loud Acclamations and Huzzaes of the People.

[1.] He is received with great Joy by the City.

But he was more regardful of his Affairs than to ſtay long there, and therefore having fixed the Citizens firm to his Intereſt, and knowing all the danger that could now threaten him, muſt be from King *Richard*'s ſpeedy Return out of *Ireland*; to obviate that, and overtake the Fugitive Favourites, [2.] who were fled to *Briſtol*, he with haſty Marches perſued them thither, and finding the Caſtle Fortified againſt him, he aſſaults it ſo briskly, that in Four days time he forced it to a Surrender upon diſcretion; and taking therein the Earl of *Wiltſhire* Lord Treaſurer, Sir *John Buſſy*, and Sir *Henry Green*, he the very next day Sacrificed them to the importunate Rage of the incenſed People, cauſing them all three to be forthwith Beheaded. But as for Sir *William Bagot*, he was got to *Cheſter*, and from thence paſſing over into *Ireland*, not only eſcaped the preſent Vengeance, but brought the King who was then at *Dublin*, the firſt News of this General Revolt, and the great danger He was in. But to proceed with the preſent Relation: This Execution of the King's Favourites and Chief Miniſters, if it were not Juſt, was certainly very Politick; for partly becauſe it was ſo grateful to the People, and partly becauſe it excluded all hopes of Pardon, it became a great engagement to all the Duke's Followers, to adhere more firmly to him for the future.

[2.] T. W. He makes no ſtay there, but marches to *Briſtol* againſt the Favorites, who are forced to Surrender it to him, and are preſently Executed.

The Duke had now been ſix Weeks in *England*, and the whole Nation in effect ſubmitted to him; during all which time, there was no News of King *Richard*; whether it were by reaſon of contrary Winds that hindred His coming over, as ſome write, or that on the firſt Advice He ſlighted it, according to the humour of ſome weak Spirits, who contemn Dangers remote, but are aſtoniſhed at their nearer approach; however at laſt, when He ſaw in what an hazardous Condition His Affairs ſtood, He cauſed the Sons of the Dukes of *Lancaſter* and *Glouceſter* to be Impriſoned in the Caſtle of *Trim*, and determined forthwith for *England*. But the Duke of *Aumarle*, His Principal Counſellor, perſuaded Him to ſtay 'till His Preparations were ready; which Fatal Council, as it was King *Richard*'s ill Deſtiny to follow, ſo it proved His Ruin: yet He preſently ſent over the Earl of *Saliſbury* to raiſe an Army in *Wales* and *Cheſhire* againſt His Return, which He ſolemnly Promiſed ſhould be within ſix days at furtheſt. The Earl ſo well employed his Care and Pains, that he had ſoon got together Forty Thouſand Men; But the ſix days and more being elapſed, and the King not appearing, made them murmur, and ſuſpect that He was

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dead, or come to ſome diſaſter. But the Earl ſtill perſuaded them have Patience ſome few days longer, which being likewiſe expired, an no Tidings of Him, they then in great diſcontent broke up, and re red to their reſpective Habitations.

[1.] T. W. The K. lands at *Milford-Haven*, and finding his Army diſbanded, knows not what to do.

At length Eighteen days after [1.] he had ſent away the Ear the King took Shipping, attended with the Dukes of *Aumarle*, E eter and *Surrey*, the Biſhops of *London*, *Exeter*, and *Carliſle*, and ſom others of the Nobility, and Landed at *Milford-Haven*, having abo Him a competent Number of *Cheſhire* Men, whom He brought ov with Him, and from thence went on to *Caermarthen*, where He ſtai ſome time to conſider what Courſe it were beſt for him to take; bu when he underſtood that the other Forces He expected to join him we Disbanded, and gone Home, and that moſt of His Caſtles and Town had Surrender'd to the Duke of *Lancaſter*, and the *Londoner* eſpouſed his Intereſt; that the greateſt number of the Nobility, an Commons almoſt in General took part with him, and eſpecially tha His Principal Councellors had loſt their Heads at *Briſtol*, He was ſ far from retaining the Magnanimity of a King, that He almoſt ceaſe to be a Man, and abandon'd Himſelf to [2.] Deſpair, perplex'd wit uncertainties where to ſtay, or whither to go; being deſtitute bot of Reſolution, and good Advice from Others in ſuch amazing Difficulties, whereunto weak and uncertain Councils are ſtill obnoxious for whilſt ſome Adviſed Him to march further into the Land befor the reſt of thoſe Friends He had left fell from Him, alledging, *tha Fortune favours bold Attempts*; and in all Places He ſhould find ſome who out of Duty, or Affection, or for Pay, would follow His Standard, which would be illuſtrated with the Majeſty of His Perſon, and Guarded with the Right of His Cauſe; Others perſuaded Him to g back into *Ireland*, or get over to his Father-in-Law of *France*, and thence to return when the Storm was over, and Himſelf better ſtrengthned. But the King rejected both theſe Councils, and taking a middle Courſe (which in Extreams of that kind is the worſt) reſolved to ſtay in *Wales*, to ſee to what head this humour would riſe, whilſt the few Soldiers He had brought over with Him, endeavour'd to encourage Him to venture a Battel, vowing they would live and die with him. But this could not at all raiſe his drooping Spirits, for in [3.] the Night he ſtole away from his Forces, and with the Dukes of *Exeter*, and *Surrey*, the Biſhop of *Carliſle*, Sir *Stephen Scrope*, and half a ſcore more, went *incognito* croſs the Country to the Caſtle of *Conway*, where he was no ſooner arriv'd, but the Lord *Thomas Piercy*, Steward of his *H*ouſhold, ſeeing his Maſter's Affairs in that deplorate State, or elſe in revenge for Proclaiming of his Brother the Earl of *Northumberland* a *Traytor* (as before was mention'd) did openly in the *H*all of the Caſtle, before all the King's Servants, break his *White-Staff* of Office, and forthwith repair to the Duke of *Lancaſter*; and moſt of the Royal Retinue by his Example, diſperſed and ſhifted every one for himſelf. Such uncertain Attendants are the common ſort of Courtiers, who like Flies, leave the object that hath nouriſh'd them, upon the firſt Storm.

[2.] He is diſtracted by different Councils.

[3.] *Chron. de Lambeth. Pol. Virgil.* The King ſteals from his Forces, and goes to the Caſtle of *Conway*.

But it is time to look back and ſee what the Duke of *Lancaſter* has been doing, ſince his coming to *Briſtol*; where, upon Intelligence of

King *Richard*'s Arrival, he left his Uncle the Duke of *York* (who had now join'd him) and Marched at the head of his Troops to *Glouceſter*, and from thence to *Roſs*, and ſo to *Hereford*, and there came in to him the Biſhop of that See, and Sir *Edmund Mortimer*. On the Sunday following he went to *Leymſter*, and there the Lord *Charleton* of *Powis* came to him; from thence he marched to *Ludlow*, and the next day to *Shrewsbury*, and thither came to him Sir *Robert* and Sir *John Leigh*, and other Perſons of Quality, being ſent from *Cheſter* to offer him their Service; as did alſo the Lord *Scales*, and the Lord *Bardolph* out of *Ireland*.

From [1.] *Shrewsbury* he went on to *Cheſter*, where he diſpatch'd an Expreſs into *Ireland* to fetch over his own Son and *Heir*, and likewiſe the young Duke of *Glouceſter*, both whom King *Richard* had left in Cuſtody there; and it ſeems their Keepers durſt no longer detain them, after the Duke Commanded them from thence; for his Son ſoon after arrived here, but the other young Nobleman not coming with his Couſin, was unfortunately caſt away at Sea. But now let us return to Matters of greater Importance.

[1.] *Ib.* The Duke comes to *Cheſter*.

As ſoon as King *Richard* arrived at the Caſtle of *Conway*, *John Holland* Duke of [2.] *Exeter*, his half Brother, offer'd to go to the Duke of *Lancaſter* to *Cheſter*, to Treat with him on the King's behalf, and ſee whether he might ſafely deliver himſelf into his Power or not; and the day after, the Duke of *Surrey* thought fit likewiſe to ask the King's Licenſe to go to the Duke to make his own Peace, as alſo to intercede for the King, who preſently gave him leave to go thither; but when he arrived, he was ſo far from making any Intereſt with the Duke, that he committed him cloſe Priſoner to *Cheſter*-Caſtle; but as for the Duke of *Exeter*, he found a milder Treatment, being only detain'd a Priſoner at large; yet ſo, that he could not return again to King *Richard*, as he had promiſed.

[2.] The Dukes of *Exeter* and *Surrey* go to the D. to Treat on the King's behalf, but are confin'd.

Walſingham gives an Account of the coming in of both theſe Dukes to the Duke of *Lancaſter*; but makes as if they had done it on purpoſe to deſert King *Richard*; whereas by this Relation, which I found in a *Manuſcript* in the Library at *Lambeth*, written by a *French* Gentleman who attended on King *Richard* into *Ireland*, and afterwards Accompanied him 'till he deliver'd himſelf to the Duke of *Lancaſter*. It appears that the coming in of thoſe two Noblemen was upon very good grounds; and ſince this *French* Writer was preſent with King *Richard* during the whole Tranſaction between him and the Duke of *Lancaſter*, and is alſo more full in the particular Circumſtances and Reaſons of the King's ſo eaſily ſurrendring himſelf into the Duke's Power (as he did ſhortly after) then *Froiſſart*, who is as much miſtaken in this Relation of theſe Tranſactions, as our own Writers are too ſhort in them.

I ſhall therefore proceed with this Gentleman's Relation; who further ſays, That as ſoon as the Duke of *Lancaſter* was aſſur'd that the King was arriv'd at *Conway-Caſtle*, he [3.] held a cloſe Conſultation with his two moſt intimate Councellors, the Archbiſhop of *Canterbury*, and Earl of *Northumberland*, how he might get the King's Perſon into his Power, and hinder his eſcape into *Ireland*, or *France*; in either of which Kingdoms, having the Sea open, he had as yet the Liberty to

[3.] The Duke holds a Conſultation how to get the King into his Power.

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ſecure himſelf; whereupon the Archbiſhop of *Canterbury*'s Advice was, that the Earl of *Northumberland*, as a Perſon on whoſe Promiſes the King could moſt rely, ſhould be ſent to him, to offer him Terms of Reconciliation with his Couſin the Duke of *Lancaſter*, and to hinder him from any thoughts of going away with thoſe few Forces he had there in Gariſon, or to ſtand upon his defence; which Journey the Earl willingly undertook, with ſufficient Forces for his Guard.

[1.] *Id. ib.* The Earl of *Northumberland* goes to him with Propoſals of Peace, if he will ſurrender himſelf.

In [1.] the mean while the King continued at *Conway-Caſtle* in great Trouble and Suſpence, becauſe he heard nothing of his Brother the Duke of *Exeter*, during the eight days he had been gone from him. When the Earl of *Northumberland* was come as far as the River of *Conway*, and had ſet a Guard upon the Paſs, he ſent over a Herald to King *Richard*, to deſire his *ſafe Conduct* to paſs over to him, leaving his Forces behind; which the King having preſently granted, he went to him, and being admitted into the King's Preſence, his Demands on the behalf of the Duke of *Lancaſter* were theſe. *Firſt*, That a Parliament ſhould be immediately Summon'd, which being Met, the Baniſhment of the Duke of *Lancaſter* ſhould be Revoked, and he to be reſtor'd to all his Eſtate. *Secondly*, That in this Parliament the Dukes of *Exeter* and *Surrey*, with the Earl of *Salisbury*, and Biſhop of *Carliſle* ſhould be Try'd for what they had acted againſt Law; as alſo all thoſe who were guilty of Adviſing, or having any hand in the death of the Duke of *Glouceſter*; and that if his Majeſty would agree to theſe Propoſals, and permit them to be tranſacted and diſpatched in Parliament, he ſhould then be reſtored to his former Power, and Royal Dignity; and the Earl further aſſured the King, that the Duke of *Lancaſter* had Solemnly Sworn by the *Body of Chriſt* faithfully to accompliſh all the ſaid Particulars, and that he (the Earl) was alſo ready to do the ſame.

[2.] *Id ib.* The K. does not give much heed to his fair Speeches, yet is at laſt perſwaded to accept of his Propoſals.

The [2.] King at firſt gave not much heed to his Fair Speeches, and ſaid, He expected nothing but death, and that he would die like a Man, and defend himſelf as well as he could; yet hoped that his good Subjects, when they heard how much he was injur'd, would come in and aſſiſt him. But notwithſtanding all this, the Earl of *Salisbury*, and Biſhop of *Carliſle*, with other Knights and Gentlemen that were then with the King, ſeeing the deſperate Condition of his Affairs, were not willing to carry things to that Extremity; and therefore Adviſed him to rely on the Earl's Oath upon the *Sacrament*, on the Conditions already propoſed, which the King conſented to, and the Earl took the Oath accordingly; tho' as it appear'd he never intended to keep it. This being perform'd, the King deſir'd the Earl to go away before, and that he himſelf would follow him to *Rothland-Caſtle*, which the Earl agreed to; and paſſing over the Water to his Forces, that lay expecting his Return, he rode on four Miles forward, where he placed an Ambuſh behind a Rock, and lay there expecting the King's Arrival; who coming thither a few hours after, with a ſmall Retinue of about Twenty Perſons, and finding himſelf [3.] ſurrounded with ſo many Armed Men, and that he muſt be made a Priſoner, he was very much ſurprized, and ſaid he was Betray'd; but ſeeing there was no way left to eſcape, he made great Complaints to thoſe few that were about him. They were all very ſorry that ever they

[3.] The Earl ſurprizes the King by an Ambuſh, at which he is much concern'd.

they had Adviſed him to put ſuch Confidence in the Earl, who nevertheleſs ſeem'd not at all concern'd; but coming up boldly to the King, with a great deal of outward Reſpect, ſaid, that his Majeſty need not be Alarmed to ſee ſo many Armed Men about him, ſince they were only for his Security, the Country being all up in Arms; and then he re-aſſured him by the ſame Oath he had already taken, that he would Conduct him ſafely to the Duke of *Lancaſter*, without the leaſt Injury to his Royal Perſon.

[1.] The King goes to *Rothland Caſtle*, and from thence to *Flynt*.

The [1.] King not being in a Condition to refuſe his Offer, was fain to go with him to *Rothland-Caſtle*, which had been already Surrender'd to the Earl by the Governour, and Gariſon, in his March towards *Conway*, and that without ſo much as ſtriking a ſtroke. Here the Earl took his leave of the King, to return to the Duke of *Lancaſter*, who continued ſtill at *Cheſter*.

[2.] *Id. Ib.* The Duke Marches with his Army from *Cheſter*, to *Flynt-Caſtle*.

The Archbiſhop of *Canterbury*, and other Noblemen ride on before, to prepare the King for the Duke's coming.

But [2.] ſo ſoon as he heard by the Earl that the King was come to *Flint-Caſtle*, he was very well pleaſed, and thereupon drew out his whole Army, in order to march thither to take the King's Perſon into his Power; ſo the day following the Duke left *Cheſter*, and went towards *Flint* with all his Forces; in the mean while King *Richard* had none of any Quality left with him, but the Earl of *Saliſbury*, and the Biſhop of *Carliſle*, and Sir *Stephen* and Sir *William Fereby* Brothers, to whom he made ſad Complaints of his calamitous Fortune, and too much *Credulity*; then after Maſs, going upon the Walls to take the Air, he from thence eſpied the Duke of *Lancaſter*'s Army at a diſtance, marching along the Sands. Then the Archbiſhop of *Canterbury*, the Earl of *Rutland*, and the Lord *Thomas Piercy*, according to the Orders they had received from the Duke, rode on before to ſpeak with the King, and prepare him for his coming. Upon their Arrival, His Majeſty came down to them, and received the Archbiſhop with much reſpect, and they all fell down on their knees before him; then the King taking the Archbiſhop aſide, had a great deal of Private diſcourſe with him; but what it was, our Author does not tell us; tho' *Walſingham* makes no mention of this, but ſuppoſes the Archbiſhop to have accompanied the Earl of *Northumberland* to *Conway-Caſtle*, and that there the King offer'd them to *Reſign His Crown*, provided He might have His Life ſaved, and an Indemnity for Eight Perſons whom He ſhould Name; all which ſeems not ſo probable as what our Author relates; but to return to our Hiſtory.

[3.] *Id. ib.* The Earl of *Northumberland* comes from the Duke with another Meſſage.

When [3.] the Archbiſhop had ſetled Matters with the King, he with the reſt of the Noblemen return'd to the Duke of *Lancaſter*, to give him an Account what he had done; after their departure, the King went again upon the Walls, and renewed his Complaints to thoſe that were about him, until the Earl of *Northumberland* was ſent by the Duke (who was now very near the Caſtle) to aſſure him that he would not enter the Caſtle until after his Majeſty had Dined; then the King ſat down to dinner, and made the Biſhop and Earl, and the reſt of the Knights and Gentlemen that were there ſit down at the Table with him, thanking them that they would thus venture their Lives for his ſake. Whilſt the King was at dinner, a great many Knights and Eſquires of the Duke's Party preſſed in upon them with much rudeneſs and indecency, caſting out theat'ning Speeches, that all thoſe who

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were with him ſhould loſe their Heads, which put them into a terrible conſternation.

[1.] *Id ib.* The Author is preſented to the Duke, and kindly Treated by him.

Then [1.] after dinner the Duke of *Lancaſter* being arrived at the Caſtle, and having drawn up his Men in excellent Order, our Author ſays that he himſelf, with two or three more of his Companions, were Preſented to the Duke by *Lancaſter* his Herald, who told him that they were certain *French* Gentlemen, whom King *Charles* had ſent to attend King *Richard* into *Ireland* to ſee the Country. The Duke reply'd to them in *French*, that they need not be afraid, for upon *his word* their Lives ſhould be ſafe, provided they would keep near to him, which very much rejoyced them; ſo the Duke entred the Caſtle all in Armour, except his Head-piece, and the King, with the Earl of *Salisbury*, and Biſhop of *Carliſle*, came down from the *Tower* to meet him, and pulling off his Cap, began firſt in this manner.

[2.] The Meeting of the King and Duke, and what paſſed between them.

Couſin of *Lancaſter* you are Wellcome; then the Duke thrice bowing to the ground, Reply'd, [2.] *My Lord the King, I am come ſooner than you appointed me, and the Reaſon was, becauſe the Common Fame of your People is, that You have for theſe One and Twenty Years Govern'd very ill, and Rigorouſly, of which they are not at all ſatisfied; but if it pleaſe God, I will help You to Govern them better for the time to come:* to which the King only return'd, Fair Couſin, ſince it pleaſes you, it pleaſes Us too. *Theſe were all the Words they had together, without adding any thing to, or taking from them; for I (ſays my Author) ſtood by and heard them.*

[3.] *Id. ib.* The Duke takes no notice of the E. of *Salisbury*, and why.

Then [3.] the Duke turn'd about, and ſpoke to the Biſhop of *Carliſle*, and to the two Knights, but ſaid not a word to the Earl of *Salisbury*; yet bid one of the Knights tell him, that ſince he had diſdain'd to ſpeak to him when he was at *Paris*, he need not wonder if he now took as little notice of him; at which Anſwer the Earl was much caſt down, for he plainly perceived the Duke hated him mortally; then the Duke called out with an aſſuming Air to *bring the King's Horſes*; uponwhich they immediately brought two little Nags, not worth forty *Franks*, and the King mounted one of them, and the Earl the other, and ſo they left *Flynt-Caſtle* about Two in the Afternoon.

[4.] *Id. ib.* The King is brought to *Cheſter*, and Lodged in the Caſtle.

The [4.] King being come to *Cheſter*, was convey'd to the Caſtle with a great noiſe of Trumpets, the Common People following him with deriſion, and reproaches; he was there lodged in the *Great-Tower*, where he ſaw his Brother the *Duke* of *Exeter*, but durſt not ſay much to him; ſo the King remain'd in cloſe Cuſtody with his Friends the Earl of *Salisbury*, the Biſhop of *Carliſle*, and the two Knights abovemention'd. The *Duke* ſtay'd three days at *Cheſter*, and in the mean while held a Great Council, where they concluded that they had too many People, Thirty or Forty Thouſand Men being enough to Conduct the King to *London*, and ſo the reſt were diſmiſſed. ^

The King is like to have made an eſcape, but is taken.

As [5.] ſoon as they came to *Litchfield* the King had like to have eſcaped, by creeping out of a Window of a Tower into a Garden, where he hid himſelf, but was diſcover'd, and Villanouſly uſed, and brought back into the Tower; where he was afterwards kept by Ten or Twelve Armed Men, Watching conſtantly in the Room, to hinder the like Attempt for the future.

^ I cannot but here take notice, that the [illegible] things that were ~~[illegible]~~ pass'd [illegible] great Seal whilst [illegible] King was at Chester were [illegible]tain writs directed to all the Sheriffs, and Justices of the Peace throughout England, reciting, that whereas his most dear Cosin of Lancaster was arrived for the better Government of the Realm and redressing of [illegible] orders. and Defects in the same, and that thereupon divers of [illegible] had under that pretence contrary to the Intention of his said Cosin [illegible] beaten, wounded & maimed divers of his sd. Subjects [illegible] them of their Goods, had ~~[illegible]~~ drove them out of the Possession [illegible] therefore by the Advice of Thomas Arch Bp. of Cante[illegible] of his sd. Cosin, and also of the Earls of Northumberland and [illegible] other Lords and great men the King commands the sd: Sheriffs to make Proclamation in their respective Bayliwicks, that none [illegible] presume for the future under forfeiture of life and members &c to make unlawfull Entries into any Lands or Tenements without process of Law, or to expell any of they Subjects out of their [illegible] or robbing of them, or of their Cattle or other Goods, and that whoever so unjustly used, ~~that~~ possession should be again restored to them Possession of Lands and Tenements Goods and Chattels. &c. this beare date the 20th. of Aug: and not long after there were other writs directed to the Justices of Peace much to the same effect namely that they were strictly commanded to take care to keep the Peace within the said Counties by holding their Sessions according to the forme of their Commissions and the Statutes formerly enacted. Rot. [illegible] 22 R. [illegible] m. 3d. [illegible] p. 89. 83.

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The ſame [1.] Author further relates, that before they came near the City of *London*, the Recorder, and many Knights and Eſquires went to wait on the Duke of *Lancaſter*, and deſired him on behalf of the Commons of *London*, to cut off the Heads of King *Richard*, and all that were taken with him; but the Duke would by no means hearken to ſuch a piece of Villany, but told them, *That their Requeſt (if put in practice) would prove an everlaſting Reproach to him, and all his Adherents; but he would carry them along with him to* London, *and then leave them to the Judgment of the Parliament.*

[1.] *Id ib.* The Recorder of *London*, and other Men of Quality meet the Duke on the way, and deſire that the King and thoſe that were taken with him might loſe their Heads, but he refuſes.

So ſoon as the Duke came to Town, he was received by all the Companies of the City in their Liveries, which made a Noble Show, the Common People making great Acclamations, *crying, out Long Live the good Duke of* Lancaſter, *our Deliverer.* Then he cauſed the King to be ſafely Conveyed to the *Tower*, where the Royal Lodgings were provided for Him, but the Duke himſelf went to St. *Paul*'s Church, and there ſaid his Prayers before the High Altar; afterwards turning aſide to his Father's Tomb (which was not far off, he there kneeled, and ſhed many Tears. And when he had ſo done, he went to the Biſhop of *London*'s Pallace, and there ſtayed ſix or ſeven days, and from thence removed to the Houſe of the Knights of St. *John* of *Jeruſalem* without the City, where he continued 'till the Parliament met: So far the Author hath Writ in Proſe, the reſt that follows is in Rhime, concerning the manner of the *Depoſition* of King *Richard*, and the making Duke *Henry* King, with an Invective Song or Ballad againſt Him on that Subject, which I purpoſely omit, becauſe I think this I have already given you, is ſufficient to let you underſtand the Reaſons of King *Richard*'s ſo eaſily ſurrendring Himſelf, and the Circumſtances of it; *Froiſſart*'s Account of it being very falſe, as it is imperfect.

The Duke comes to Town, and is Joyfully receiv'd.

But to return to the Matter: It is very obſervable that the King having [2.] yielded Himſelf the Twentieth of *Auguſt*, being but the ſeven and fortieth day after the Duke's Arrival in *England*, He might well aſſume *Cæſar*'s Motto, *Veni, Vidi, Vici*; for conſidering his Marches from *Ravenſpur* in the North up to *London*, and from thence to *Briſtol*, and ſo thro' *Wales* to *Cheſter*; a Man can ſcarce Travel over ſo much Ground in the ſpace that he Conquer'd it: Nay ſo Indulgent was Fortune to him, that all the King's Jewels and Treaſure which were depoſited in *Holt-Caſtle* (amounting to ſeven hundred thouſand Pounds) with all His Horſes and Baggage now fell into his hands.

[2.] The wonderful ſucceſs of the Duke of *Lancaſter*.

The King being thus ſecured in the *Tower*, the Duke of *Lancaſter* loſt no time, for he had already at *Cheſter* in King *Richard*'s Name, cauſed [3.] Writs to be iſſued forth for Summoning a Parliament to be held at *Weſtminſter* on the laſt day of *September* following; and in the mean time he Conſults with his neareſt Relations and Friends how to ſteer his Courſe, ſo as to bring his Deſigns to a lucky Concluſion, which had hitherto even beyond his Hopes been favour'd by Providence: In order to which, the [4.] Duke of *York* (who but a little before had been Governor of the Realm for the King, was now become his Nephew of *Lancaſter*'s Chief *Director*; and after divers debates propos'd it as very expedient, that King *Richard* ſhould both voluntarily *Reſign* the Crown, and alſo be ſolemnly *Depoſed* by all the Eſtates of the Realm, for otherwiſe His *Reſignation* would be imputed only to His Fear, what Reaſon,

[3] *Rot. Clauſ.* 23 *Rich.* 2. *M.* 3. *Dors.* A Parliament Summon'd by the Duke of *Lancaſter*, in the King's Name.

[4.] The D. of *York* adviſes that King *Richard* ſhould not only *Reſign* the *Crown*, but alſo be ſolemnly *Depoſed*, and for

Anno Dom. 1399. Fear, and *Deprivation* only to their Force, whereof the one is always apt to move Pity, and the other to excite Envy: *But if both concur'd, and His Deſires agreed with His own Deſerts, as being willing to forſake that which He is Adjudged worthy to Forfeit, then it will appear, that He is neither expell'd His Kingdom by meer Conſtraint, nor leaves it without juſt Cauſe.*

This Advice was generally approved of, and accordingly perſued, a Solemn *Renunciation* being tendred unto the King, and by [1.] Him Signed on *Michaelmas*-day next following, being the day before the Parliament was to meet. The Words, Order, and Ceremony whereof, and of the Articles exhibited againſt Him, and His *Depoſition* thereupon in Parliament, appear on the Records remaining in the *Tower*; Authentick and Atteſted Copies whereof are Printed in the end of the *Decem-Scriptores*, beginning at *Coll.* 2743. from whence the ſame are truly Tranſlated, as follow.

[1.] The King Signs the *Renunciation* of the Crown.

The Title to this Record is thus.

At [2.] the Parliament holden at *Weſtminſter* on the Feaſt of St. *Faithe* the Virgin (or *6th* of *October*) in the firſt Year of the Reign of King *Henry* the *Fourth* after the Conqueſt. Then follows the Proceſs of the *Renunciation* of King *Richard* the *Second*, and likewiſe the Acceptance of the ſame *Renunciation*, with the *Depoſition* of the ſame King *Richard* afterwards enſuing.

[2.] *Rot. Parl.* 1 Hen. 4. *m.* 20.

Be it remembred, that on *Monday* the Feaſt of St. *Michael* the *Arch-Angel*, in the Three and Twentieth Year of the Reign of King *Richard* the *Second*, the Lords [3.] Spiritual and Temporal, and other Perſons of Note, that is to ſay, the Lord *Richard le Scrope* Archbiſhop of *York*, *John* Biſhop of *Hereford*, *Henry* Earl of *Northumberland*, and *Ralph* Earl of *Weſtmorland*; the Lord *Hugh le Burnel*, *Thomas* Lord *de Berkley* Prior of *Canterbury*, and Abbot of *Weſtminſter*, *William Thyrning* Knight, *and John Markham* Juſtices; *Thomas Stow*, and *John Burbache* Doctors of Law; *Thomas de Erpingham*, and *Thomas Grey*, Knights, *William de Feryby*, and *Dioniſius Lapham* Publick Notaries, firſt deputed to the Act under-written, by the Aſſent and Advice of ſeveral of the Lords Spiritual and Temporal, and of the Judges, and others skilful, as well in the Civil and Common Law, as in the Law of the Realm, Aſſembled at *Weſtminſter* in the uſual Place of Council, did about Nine of the Clock come to the Preſence of the ſaid King, then within the *Tower* of *London*, and it being recited before the ſaid King by the ſaid Earl of *Northumberland*, in the behalf of all the reſt before named, as aforeſaid joined with him, how that the ſaid King heretofore at *Conway* in *North-Wales*, being at Liberty, did promiſe unto the Lord *Thomas* Archbiſhop of *Canterbury*, and the Earl of *Northumberland*, that He would yield up and renounce the Crown of *England*, and *France*, and His Regal Majeſty, for Cauſes of Inability, and Inſufficiency, and that this He would perform in the beſt manner and form as the ſame could be done, and as Councel Learned ſhould beſt Order. The ſaid King, before the ſaid Lords, and others above-named, hereunto benignly Anſwer'd, That He would with effect accompliſh, what before in that behalf He had Promiſed, but firſt deſired

[3] *Ib. N.*10. The Proceſs and manner of King *Richard*'s Reſignation.

deſired to have a Conference with His Couſin *Henry* Duke of *Lancaſter*, and the ſaid Lord Archbiſhop of *Canterbury*, before He fulfilled His Promiſe.

Then the ſame day after dinner, the King much deſiring, and long waiting for the ſaid Duke of *Lancaſter*'s coming, at laſt he, with the Lords and others above-named, as alſo the Archbiſhop of *Canterbury*, came into the Preſence of the ſaid King in the *Tower* aforeſaid, the Lords *Roos*, *Willoughby*, and *Abergeny*, and very many others being there likewiſe; and ſome time after the ſaid King had diſcourſed with the ſaid Duke of *Lancaſter* and the Archbiſhop, then looking round him, with a ſeeming chearful Countenance; on thoſe there preſent, the King ſaid publickly before them all, that He was ready to make the *Renunciation*, as it had been already promiſed by Him. And it was told Him, that to ſave Him the [1.] Labour of Reading it with His own Mouth, He might, if He pleaſed, have it done by another; yet taking the Parchment, Schedule, or Inſtrument of *Renunciation* into His own hands, ſaid that He Himſelf would Read it, and ſo He did diſtinctly throughout, and thereby Abſolved all His Liege People, and Renounced, Receded, and Swore to the ſame, with other things then ſaid and pronounced by Him; and did alſo Subſcribe it with His own Hand, as is more fully contain'd in the ſaid Schedule; in the following Form.

[1.] The King reads the Inſtrument of his Reſignation himſelf.

The Reſignation of *Richard* II.

In the Name of God Amen. I Richard by the Grace of God, King of England, and France, and Lord of Ireland, do Abſolve the Archbiſhops, Biſhops, and other Prelates of Churches, Secular, or Regular, of whatſoever Dignity, Degree, State or Condition they are, Dukes, Marqueſſes, Earls, Barons, Vaſſals, and Valvaſors, and all my Liege-men whatſoever, Eccleſiaſticks, or Seculars, of all the ſaid Kingdoms and Dominions, by what Name ſoever they are known, from the Oath of Fealty and Homage, and other Oaths whatſoever to be made, and from all Bond or Tie of Legiance, Royalty and Dominion, whereby they have been or are in any manner Bound unto Me. And I do Free, Releaſe and Acquit them, and their Heirs and Succeſſors for ever from the ſaid Oaths and other Obligations whatſoever. And I do diſmiſs them free, acquitted and diſcharged, as far as relates to my Perſon, as to the whole effect of Law which may follow from the Premiſes, or any of them. And I do freely of my own Accord, ſimply and abſolutely, in and by the beſt Manner, Way and Form that I can, by theſe Writings Renounce and totally Reſign all Kingly Dignity and Majeſty, with the Crown, Dominion and Power of the ſaid Kingdoms and Lordſhips, and all other My Dominions and Poſſeſſions any way belonging or appertaining unto Me, by what Name ſoever they may be called, within the aforeſaid Kingdom, or elſewhere; and

Rot. Parl. 1 *Hen.* 4. *N.* 10.

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all Right or Colour of Right and Title, Poſſeſſion and Dominion, which at any time I ever had, now have, or by any means ſhall have in or to the ſame, or any of them, with all their Appurtenances or Dependencies; and alſo the Rule and Government and Adminiſtration of the ſaid Kingdoms and Dominions, with all manner of meer and mixt Empire, and Juriſdiction to Me in the ſame belonging, and to the Name of King, and the Honour and Regality thereof, purely, voluntarily, ſimply and abſolutely, by the beſt manner, way and form that the ſame can be done by theſe Writings. And I do Renounce, and do totally Reſign them, and both in Deed and Word diſmiſs and quit the ſame, and from them do recede for ever. Saving to my Succeſſors, Kings of England, the Rights to Them, or any of Them belonging, or that ſhall any ways belong in the ſaid Kingdoms and Dominions and all other the Premiſſes for ever. And I do confeſs, acknowledge, repute, and truly, out of certain knowledge, do Judge my ſelf to have been, and now to be, utterly inſufficient and unfit for the Rule and Government of the ſaid Kingdoms and Dominions, with all their Appurtenances, and for My Notorious Demerits, I deſerve to be Depoſed; and I do Swear upon theſe Holy Goſpels of God, by Me Corporally touched, that I will never Act contrary to the ſaid Reſignation, Renunciation, Diſmiſſion, and Ceſſion, nor any way oppoſe the ſame in Deed or in Word, by my Self, or any Others; nor will as much as in Me lies permit the ſame, publickly or privately to be contraven'd, or oppoſed; but the ſaid Renunciation, Reſignation, Diſmiſſion, and Ceſſion, will for ever hold ratified, and will firmly obſerve the ſame in the whole, and in every part; ſo God Me Help, and theſe his Holy Goſpels.

Then follow theſe Words in Latin.

Ego Richardus Rex Antedictus propria manu hæc Subſcribo, i. e.

I the before-named King *Richard*, do Subſcribe this with my own Hand.

[1] *Ib. N.*14. The King declares it was his Will that the Duke of *Lancaſter* ſhould ſucceed Him.

And [1.] preſently to the ſaid *Renunciation*, and *Ceſſion*, the ſaid King declared by word of Mouth, That if it lay in His Power, the ſaid Duke of *Lancaſter* ſhould ſucceed in His Kingdom. But ſeeing this did not depend on His Pleaſure, He did Requeſt the ſaid Archbiſhop of *York*, and the Biſhop of *Hereford* (whom He for that time had Conſtituted His Procurators) to declare and intimate ſuch His *Ceſſion* and *Renunciation* to the States of the Kingdom, that they would be pleaſed to ſignifie to the People His Will and Intention in that behalf. And in token of ſuch His Will and Intention, He did then and there openly pluck off the Golden Ring of His Signet from His own Finger, and put it upon the Finger of the ſaid Duke of *Lancaſter*, deſiring, as He affirmed, that the ſame might be made known to all the

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States of the Kingdom, which being done, taking their Leaves on both ſides, they all went out of the ſaid *Tower*, to return to their Lodgings.

On [1.] the Morrow being *Tueſday* the Feaſt of St. *Hierom*, the Parliament met in *Weſtminſter-Hall*, where the Archbiſhop of *York*, and Biſhop of *Hereford*, publickly declared the King's *Ceſſion*, and *Renunciation*, with the Inſcription of the King's Hand, and alſo the delivery of the Signet to the Duke of *Lancaſter*. The *Ceſſion* and *Renunciation* was firſt read in *Latin*, then in *Engliſh*, and the States and People there preſent were asked, if for their own Intereſt, and the Profit of the Nation, they would admit the *Ceſſion* and *Renunciation*, who unanimouſly Anſwer'd, They would admit it.

[1.] *Ib.N.*15. The Archbiſhop of *York*, and Biſhop of *Hereford*, publickly declare the King's *Renunciation* to the Parliament.

After [2.] which Admiſſion, it was publickly Propoſed and agreed, that beſides that, it would be moſt expedient, and advantageou to the Nation, and to remove all Scruples, and Siniſter Suſpicions, that the many Crimes and Defects committed by the ſaid King during the time of His Government, and for which, as He Confeſſed in His ſaid *Ceſſion*, He might be worthily *Depoſed*, ſhould be drawn up in Writing, and Publickly Read and Declared to the People. The Tenor of all which Articles, is as follows.

[2.] *Ib.* It is alſo agreed that the Articles againſt King *Richard*, ſhould be drawn up in Writing.

But before I ſet them down, I cannot forbear taking notice, that what is next entred upon the Roll, ſeems impertinent to the Matter in hand; for before the Articles themſelves, there is here inſerted a Form of the Oath, which the Kings of *England* took at their *Coronations*, and which is received from them by the Archbiſhop of *Canterbury*, and was alſo taken by King *Richard* the *Second*.

But ſince I have given you the Subſtance of it in the beginning of this Reign, it need not be again repeated; nor can I imagine to what purpoſe it was enter'd here, unleſs it were to ſet forth this King's manifold Tranſgreſſions of the ſaid Oath, for the Breach of which, they thought fit to *Depoſe* Him.

The Title of the ſaid Articles are thus.

The

The Objections *or* Articles *againſt King* RICHARD, *in order to His Depoſing.*

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I. *Ib. N.* 18. FIRST, it is Objected to King *Richard*, That for His Evil Government, by giving the Goods and Poſſeſſions of the Crown to Perſons unworthy, and His indiſcreet ſquandring of them away, and for that end impoſing grievous and intolerable Burthens upon the People, without any Reaſon, and likewiſe other innumerable Evils by his own Aſſent and Command perpetrated, there were by the whole Parliament, Choſen and Aſſigned certain Prelates, and other Lords Temporal, who with all their Power ſhould faithfully labour at their own Charges, about the juſt Government of the Kingdom, the King having holden a Conventicle with his Accomplices, therein propoſing to Impeach of High Treaſon the ſaid Lords Spiritual and Temporal ſo employed about the Government of the Kingdom, and violently drew in the Juſtices of the ſaid Kingdom to Confirm this his Wicked Purpoſe, for fear of Death, and Corporal Tortures, endeavouring with all his might to deſtroy the ſaid Lords.

II. *Ib. N.* 19. *Item*, The ſame King lately at *Shrewsbury*, cauſed to come before Him, and others his Favourites, into a Chamber many Perſons, and the greater part of the Judges, where by Threats and divers Terrors, He induced, cauſed and forced them ſingly to make Anſwer to certain Queſtions on his behalf, touching the Laws of his Kingdom, againſt their Will, and otherwiſe than they would have Anſwered, had they not been ſo forced; by Colour of which Anſwers, the ſame King propoſed to have proceeded afterwards to the deſtruction of *Thomas* Duke of *Glouceſter*, the Earls of *Arundel* and *Warwick*, and other Lords, againſt whom He was very much incenſed, eſpecially becauſe they deſired Him to be under good Government; but by Divine Providence, and the Reſiſtance and Power of the ſaid Lords, the King could not bring his Deſign to effect.

III. *Ib. N.* 20. *Item*, When the Lords Temporal in defence of themſelves, reſiſted his Malice and Craft, the ſaid King prefixed a day for the Parliament to do them and others *Juſtice*; who upon Faith and Confidence therein, remained quietly in their own Houſes; but the King privately with his Letters or Commiſſion, ſent the Duke of *Ireland* into *Cheſhire*, to raiſe Arms againſt the ſaid Lords, Great Men, and Officers of the Commonweal, Publickly Erecting his Standard againſt the Peace He had Sworn to keep; from whence many Homicides, Captivities, Diſſentions, and other infinite Miſchiefs, followed thro' the whole Kingdom, for which Cauſe He incurred Perjury.

IV. *Ib. N.* 21. *Item*, That altho' the ſaid King had Pardoned the Duke of *Glouceſter* the Earls of *Arundel* and *Warwick*, and all their Aſſiſtants all Offence in full Parliament, and for divers Years had ſhewn chearful Tokens o Peace and Love towards them, yet the ſame King, always bearing malice in his Heart, took an Opportunity, and cauſed to be ſeiſed th

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ſaid Duke of *Glouceſter*, and the ſaid Earls of *Arundel* and *Warwick*, and ſent the Duke to *Calais* to be Impriſoned, under the Cuſtody of the Earl of *Nottingham*, one of his *Appellants*; and without Anſwer or Lawful Proceſs, cauſed him to be Strangled, and Inhumanly and Cruelly Murther'd. The Earl of *Arundel* Pleading his Charter of Pardon, and demanding Juſtice to be done him in Parliament, yet he was encompaſſed with great numbers of Armed Men, and had his Head Wickedly ſtruck off, and Committed the Earl of *Warwick* and Lord *Cobham* to perpetual Impriſonment, Confiſcating their Lands againſt Juſtice, the Laws of his Kingdom, and his expreſs Oath, and giving them to their *Appellants*, or *Accuſers*.

Item, At the time when in Parliament He cauſed the Duke of *Glouceſter*, and Earls of *Arundel* and *Warwick* to be Condemned, that He might the more freely exerciſe his Cruelty upon them, and accompliſh his injurious Will on others, He drew to him a great multitude of Malefactors out of the County of *Cheſter*, who marching up and down the Kingdom with the King, as well within his own Houſe as without, cruelly killed his Liege Subjects, beat and wounded others, Plundring the Goods of the People, refuſing to pay for their Victuals, Violating and Raviſhing their Wives, and other Women; and altho' great Complaints were made to the King of theſe Exceſſes, yet He took no care to apply any Remedy, or do Juſtice upon them, but favoured thoſe People in their Wickedneſs, truſting in them, and their Aſſiſtance, againſt all others of his Kingdom; for which Cauſe his good Subjects had great matter of Commotion, and Indignation. V. *Ib. N.* 22.

Item, Altho' the ſaid King cauſed Proclamation to be made throughout the Kingdom, that He had cauſed his Uncle the Duke of *Glouceſter*, and the Earls of *Arundel* and *Warwick* to be Arreſted, not for any Rebellious Congregations, or marchings with Horſe up and down the Kingdom, but for many Extortſions, Oppreſſions, and other things done againſt his Regality, and Royal Majeſty, and that it was not his Intention that any of their Company at the time of their Aſſembling and marching with Horſe aforeſaid, ſhould for that Reaſon be Queſtioned or diſturbed; yet the ſaid King afterwards in his Parliament Impeached the ſaid Lords, not for any ſuch Extortſions, Oppreſſions, or other things aforeſaid, but for pretended Rebellious Tumults, Aſſemblies, and marching with Horſe, adjudging them to death, and cauſed many of their Company for fear of death to make Fine and Ranſom as Traytors, to the great deſtruction of abundance of his People; and ſo He craftily, fraudulently and maliciouſly deceived the Lords, their Followers, and the People of the Nation. VI. *Ib. N.* 23.

Item, After many of theſe Perſons had paid their Fines and Ranſoms, and had obtain'd his Letters Patents of full Pardon, yet they receiv'd no benefit thereby, until they made new Fines for their Lives, by which they were much impoveriſh'd, which was highly in derogation to the Name and Honour of a King. VII. *Ib. N.* 24.

Item, in the laſt Parliament holden at *Shrewsbury*, the ſame King purpoſing to Oppreſs his People, ſubtilly procur'd, and cauſed to be VIII. *Ib. N.* 25.

Anno Dom. 1399. granted, *that the whole Power of Parliament, by Conſent of all the States of the Kingdom ſhould remain in ſome certain Perſons, who, after the Parliament ſhould be diſſolved, might anſwer the Petitions depending in Parliament, then undetermin'd, and undiſpatched.* By Colour of which Grant they proceeded to other General Matters touching that Parliament, according to the King's Will, in derogation to the State of Parliament, great diſadvantage and prejudice to the Kingdom, and of Pernicious Example. And that theſe Actions might ſeem to have ſome Colour and Authority, the King cauſed the Rolls of Parliament to be changed, raſed and blotted as He pleaſed, contrary to the effect of the Grant aforeſaid.

IX. *Ib. N.* 26. *Item,* Notwithſtanding the ſaid King at his Coronation had Sworn *that He would do and cauſe to be done in all his Judgments, equal and right Juſtice, with diſcretion, in Mercy and Truth according to his Power*; yet the ſaid King without all Mercy, rigorouſly amongſt other things, Ordained under great Penalties, that no Man ſhould intercede with Him for any Favour toward *Henry* Duke of *Lancaſter* then in Baniſhment; and in ſo doing, He acted againſt the Bond of Charity, and raſhly Violated his Oath.

X. *Ib. N.* 27. *Item,* That tho' the Crown of *England,* with the Rights of the ſaid Crown and Kingdom it ſelf, have been in all times paſt ſo free, that neither the Pope, nor any other Foreign Power had any thing to do in the ſame, yet the ſaid King, for the corroborating of his erroneous Statutes, ſupplicated the Pope to confirm the Statutes made in his laſt Parliament; whereupon He obtained his *Apoſtolick* Letters, or Bull, wherein were contained grievous Cenſures againſt all ſuch as ſhould preſume to contravene them. All which things are known to be againſt the Crown, and Royal Dignity, and againſt the Statutes and Liberties of the ſaid Kingdom.

XI. *Ib. N.* 28. *Item,* Although the Lord *Henry,* now Duke of *Lancaſter,* by the King's Command, Exhibited his *Bill* or *Accuſation* againſt the Duke of *Norfolk,* concerning the State and Honour of the King, and duly proſecuted it, ſo that he was ready to make it good by *Combat,* as the King had order'd it, yet the ſaid King had put it by, and without any Lawful Cauſe Baniſh'd the ſaid Duke of *Lancaſter* for ten Years, againſt all Juſtice, the Laws and Cuſtoms of the Kingdom, and the Military Law in that behalf, thereby damnably incurring Perjury,

XII. *Ib. N.* 29. *Item,* After the ſaid King had graciouſly granted to the now Duke of *Lancaſter,* by his Letters Patents, that while he was in Baniſhment, his Attorneys might Sue for *Livery* of any Inheritance that might fall to him, for which *Homage* was due, which ſhould be reſpited for Paying a reaſonable Fine, He injuriouſly revoked thoſe Letters Patents againſt the Laws of the Land, thereby incurring Perjury.

XIII. *Ib. N.* 30. *Item,* Notwithſtanding it had been Ordain'd, that every Year the King's Officers, with the Juſtices, and others of his Council, ſhould Nominate and Chuſe the *Sheriffs* of all Counties according to their

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diſcretion, yet he alone Commanded others of his Party, and ſuch as would do as he would have them, to be *Sheriffs*, to the great Grievance of his People, contrary to the Laws of his Kingdom, thereby notoriouſly incurring Perjury.

XIV. *Ib. N.* 31.

Item, That whereas the ſaid King Borrowed ſeveral Sums of Money from Lords and others by his Letters Patents, promiſing faithfully to repay them at a certain Term, he did not perform ſuch his Promiſe, whereby his Creditors are much grieved, and not only they, but many others reckon him an unfaithful King.

XV. *Ib. N.* 32.

Item, Whereas the Kings of *England* uſed to live very well upon the *Revenues* of the Kingdom, and the Patrimony of the *Crown* in the time of Peace, without the oppreſſion of their People, yet the ſaid King during his whole time had given the greateſt part of his Revenue to unworthy Perſons, and impoſed Burthens upon his Subjects almoſt every Year of his Reign; by which he hath not only exceſſively oppreſſed his People, but in a great meaſure impoveriſhed his Kingdom, not employing thoſe Goods to the Profit and Advantage of the Nation, but Prodigally ſquandring them away in Oſtentation, Pomp, and Vain-glory, owing in the mean time great Sums of Money for *Victuals* and other Neceſſaries of his Houſhold, tho' his *Revenues* were greater than any of his Progenitors.

XVI. *Ib. N.* 33.

Item, The ſaid King not willing to keep and protect the juſt Laws and Cuſtoms of his Kingdom, but to do whatever he Arbitrarily pleaſed, when thoſe Laws have been declared to him by the Juſtices, and others of his Council, deſiring that Juſtice might be done accordingly, he ſaid expreſly with an Auſtere Countenance, *That the Laws were only in his Mouth and Breaſt, and that he himſelf alone could Make and Change the Laws of his Kingdom*; and being ſo ſeduced, with that wrong Opinion, he would not ſuffer Juſtice to be done to many of his Liege Subjects, but by Threats and Terrors hath forced many to ceaſe from the Proſecution of Common Juſtice.

XVII. *Ib. N.* 34.

Item, That whereas Laws made in Parliament do always bind, until eſpecially Revoked by the Authority of another Parliament, yet the ſaid King deſiring to enjoy ſuch Liberty as no ſuch Laws ſhould bind him, and that he might do what he pleaſed, cunningly procured ſuch a Petion, on behalf of the *Community* of his Kingdom, to be Exhibited in Parliament, and to be Granted, *That he might be as free as any of his Progenitors before him*; by Colour of which *Petition* and *Grant*, he often cauſed many things to be done contrary to the Laws Unrepealed, acting therein expreſly and knowingly againſt the Oath taken at his Coronation.

XVIII. *Ib. N.* 35.

Item, Though it had been Ordained that no *Sheriff* ſhould continue in his Office *above One Year together*, and could not be again choſen to that Office 'till three Years after; yet the ſaid King for his own particular Profit, and ſometimes at the Inſtance, and for the Benefit of others, hath permitted ſome Sheriffs to continue in their Offices for ſometimes *Two*, ſometimes *Three* Years, contrary to the Tenour and

Anno Dom. 1399. Effect of the ſaid Sratute, thereby incurring Perjury; and this wa Notoriouſly Publick, and generally Exclaim'd againſt.

XIX. *Ib. N.* 36. *Item*, Although by Law and Cuſtom, the People ought to be fre in Chooſing Two Knights to be preſent in every Parliament, to de clare their Grievances, and provide Remedies for them, yet the ſaid King, that he might obtain his own Headſtrong Will in his Parlia ments, often directed his Writs to the *Sheriffs*, to ſend ſuch as he No minated, ſome of whom he gained over to him by Favours, others b Threats and Terrors, others again by Bribes and Gifts; to conſent t ſuch things as were *Prejudicial* to the Kingdom, and *Grievous* to th People; and eſpecially by Granting to him the *Subſidy* of *Wooll* fo the Term of his Life, and another *Subſidy* for certain Years, thereb too much Oppreſſing the People.

XX. *Ib. N.* 37. *Item*, The ſaid King, that he might in all things Act Arbitraril did unlawfully cauſe and Command all *Sheriffs* to Swear, beſide the Antient *Accuſtomed Oath*, that they would *Obey all his Command* whenever they were ſent to them under the Great Seal, Privy-Seal, o Signet; and that in caſe they ſhould know any in their *Bailiwicks* o *Juriſdictions*, of what Condition ſoever they were, who ſhould ſpeak any Ill Publickly or Privately to the Diſgrace or Scandal of the King' Perſon, they ſhould forthwith Arreſt and Commit them to Priſon there to remain 'till they received other Commands from the King, a may be found in the Record; which Practice might in all probabilit tend to the deſtruction of many of the good Subjects of this Kingdom.

XXI. *Ib. N.* 38. *Item*, The ſaid King, that he might the more trample upon hi People, and get their Eſtates to Enrich himſelf, cauſed the People o *Sixteen* Counties, by Letters under their Seals, to ſubmit themſelves to him as *Traytors*; by Colour of which, he got from them vaſt Sums of Money to obtain his Favour. And altho' to pleaſe the People thoſe Letters Obligatory were reſtored to them, yet the *Procurator* of the People had full Power to bind themſelves for them to the King which he cauſed to be done, and ſo deceived his People, and ſubtil extorted their Goods from them.

XXII. *Ib. N.* 39. *Item*, Altho' the ſaid King had Sworn at his Coronation to pre ſerve the Liberties Granted to the *Church* of *England*, yet by reaſon o his Voyage into *Ireland*, he by his Letters Commanded many *Reli gious Perſons*, viz. *Abbots* and *Priors*, ſome to ſend him Horſes, others Waggons and Carriages, others great Sums of Money; by which manner of Writing, he forced many of them out of fear to comply with his Demands; by which means they were grievouſly Impoveriſh'd and Oppreſſed, in manifeſt derogation of *Eccleſiaſtical Liberty*, and he no leſs had incurred *Perjury*.

XXIII. *Ib. N.* 40. *Item*, In many Great Councils, when the Lords and Juſtices were Charged to Adviſe him Faithfully in Matters relating to his Own, and the State of the Kingdom, yet thoſe Lords and Juſtices were often ſo ſharply Rebuked, and Reproved, that they have not dared to ſpeak the Truth in giving their Advice concerning the State of himſelf, and the Kingdom.

XXIV. *Ib. N.* 41. *Item*, The Treaſure, Reliques, and Jewels of the Crown, (*the Goods of the Kingdom*) which had and ought to be repoſited in the Treaſury for the Honour of the King, and Preſervation of the Kingdom, againſt any ſudden Emergency that might happen, the ſaid King carried into *Ireland* with him, *without the Conſent of the States of the Realm*, whereby the Kingdom had been greatly Impoveriſh'd, if God had not otherwiſe Provided, by the re-taking of thoſe Goods from him againſt his Will. And furthermore, he cauſed the *Rolls* of *Records* concerning the *State* and *Government* of his Kingdom. to be *raſed*, to the great prejudice of his People, and Diſheritance of the Crown; and all this he did, as it is ſtrongly believed, for the Support of his Evil Government.

XXV. *Ib. N.* 42. *Item*, He was ſo Variable and Diſſembling in his Words and Writings, and ſo contrary to himſelf, eſpecially in Writing to the Pope, Kings, and other Lords out of the Kingdom, as well as within it, and alſo to his other Subjects, that no Man living knowing what he was, could confide in him; yea he was reputed ſo Unfaithful and Inconſtant, that he not only became a Scandal to his own Perſon, but alſo to the whole Kingdom, and to all Foreigners, when once they came to know him.

XXVI. *Ib. N.* 43. *Item*, Tho' *the Lands, Tenements, Goods and Chattels of all Freemen, by the Laws of the Land, ought not to be Seiſed, unleſs they be Forfeited*, yet the ſaid King, intending to enervate thoſe Laws, in the preſence of very many Lords, and others of the Community of the Kingdom, hath often ſaid and affirmed, *that the Life of every one of his Subjects, and his Lands, Tenements, Goods, and Chattels, were his, to be diſpoſed of as he pleaſed, without any Forfeiture*; which is utterly againſt the Laws and Cuſtoms of the Kingdom.

XXVII. *Ib. N.* 44. *Item*, Altho' it had been Enacted a Law, which had hitherto been Confirmed; *That no Freeman ſhall be taken*, &c. *nor any ways deſtroy'd, and that the King ſhall not proceed againſt him but by Lawful Tryal of his Peers, or the Law of the Land*; yet according to the Will, Command and Appointment of the ſaid King, very many of his Liege-People being *maliciouſly Accuſed*, for having ſpoken Publickly, or Privately, words that might tend to the Scandal and Diſgrace of the King's Perſon, have been taken, Impriſoned, and brought before the *Conſtable* and *Marſhal* in the *Court Military*, and there being Accuſed, they could not be admitted to give any other Anſwer, *than not Guilty*; and could defend themſelves no otherwiſe than by * *their Bodies*, their *Accuſers* being *Young Men*, Luſty and Stout, whereas they were often *Antient*, *Impotent*, *Lame*, or *Infirm*; whereby not only the Deſtruction of divers Lords and Great Men, but of many other private Perſons of the *Community* of the Kingdom, were likely to have follow'd; ſince therefore the ſaid King hath wilfully contraven'd this Law, it was not to be doubted but he hath incurred the Crime of Perjury.

* By Combate.

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XXVIII. *Ib. N.* 45. *Item*, Altho' the People of *England* by Vertue of their *Liegeance*, were ſufficiently bound to their King, and if they Offended in any manner, he is enabled to Correct and Puniſh them by the Laws and Cuſtoms of the Kingdom, yet the ſaid King deſiring to trample on, and too much Oppreſs his People, that he might the more freely execute and follow the Fancy of his *Fooliſh* and *Unlawful Will*, he ſent his Letters into all Counties of this Kingdom; that *all his Liege Subjects*, as well Spiritual as Temporal, ſhould take *certain Oaths in General*, which were very grievous to them, and which might probably cauſe the *final Deſtruction* of his People, and that they ſhould Confirm thoſe Oaths under their Letters and Seals; which Command the People obey'd, leſt they ſhould incur his Indignation, and likewiſe for fear of Death.

XXIX. *Ib. N.* 46. *Item*, When Parties contending in the *Eccleſiaſtical Court*, in Cauſes meerly *Eccleſiaſtical* and *Spiritual*, had endeavour'd to procure *Prohibitions* to hinder Proceſs in the ſame, from the Chancellor of *England*, and he had juſtly refuſed to grant them, yet the ſaid King often granted them by Letters under his Signer, wickedly infringing the Liberties of the Church, Granted by *Magna Charta*, which he had Sworn to obſerve, thereby damnably incurring *Perjury*, and the Sentence of *Excommunication*, pronounced by the Holy Fathers againſt the Violators of Church Liberties.

XXX. *Ib. N.* 47. *Item*, The ſaid King in Parliament, being encompaſſed about with Armed Men, did without any reaſonable Cauſe, or any Legal Proceſ whatſoever, contrary to the Laws of the Kingdom, adjudge to Baniſhment, *Thomas Arundel* Archbiſhop of *Canterbury*, Primate of all *England*, his Spiritual Father, being then abſent, by his (the King's) Treacherous Councils, and Contrivance.

XXXI. *Ib. N.* 48. *Item*, Upon Inſpection of the ſaid King's laſt Will and Teſtamen under the Great Seal, Privy Seal, and alſo his own Signet, there wa in it *(inter Alia)* this Clauſe. **Alſo We Will, that the Debts o Our Houſhold, Chamber, and Wardrobe being firſt Paid, for which We bequeath Twenty Thouſand Pounds, and th** Lepers **and** Chaplains **Provided for, whom we have appointe to be Maintain'd at** Weſtminſter, **and** Bermondſey, **and fo which We allow Five or Six Thouſand Marks, the reſi due of Our Gold ſhall remain to Our Succeſſor, upon Condition, that He Approves, Ratifies, Confirms, Holds and cauſeth to be holden, all Laws, Statutes, Ordinance and Judgments, made, had, or done in Our Parliamen began at** Weſtminſter **on the Seventeenth of** September, **in th Twenty firſt Year of Our Reign and Continued or Ad journed to** Shrewsbury; **and all things done at** Coventry **on the Sixteenth of** September, **in the Twenty Second Year o Our Reign: as alſo what what was done at** Weſtminſter **on the Eighteenth Day of** March, **in the ſame Year, by Au thority of the ſame Parliament: But if the ſaid Succeſſo ſhall refuſe to do theſe Things, then Wee Will, tha**

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Thomas **Duke of** Surrey, Edward **Duke of** Aumarle, John **Duke of** Exeter, **and** William le Scrope **Earl of** Wiltſhire. (**My Debts as aforeſaid being Paid) ſhall have the Reſidue, for the Defence of the Statutes, Ordinances, Judgments and Eſtabliſhments aforeſaid, to the utmoſt of their Power even to Death if it be neceſſary: Upon all which things We do hereby Charge and Burthen their Conſciences, as they will Anſwer it at the Day of Judgment.** By which Article it appears evidently, that the ſaid King endeavour'd pertinaciouſly to maintain thoſe Statutes and Ordinances, which were Erroneous, Unjuſt, and Repugnant to all Law and Reaſon; and this not only during his own Life, but after his Deceaſe, neither regarding the Danger of his Soul, nor the utmoſt Deſtruction of his Kingdom, or Liege-People.

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Item, Whereas in the Eleventh Year of the ſaid King *Richard*, in the Chappel of his Mannor of *Langley*, in the Preſence of the Dukes of *Lancaſter* and *York*, and divers other Lords, deſiring (as it has appeared) that his Uncle the Duke of *Glouceſter*, there alſo preſent, might fully Truſt and Confide in him the ſaid King, did of his own accord, Swear upon the Venerable Sacrament of the Lord's Body placed upon the Altar, that he would Pardon unto him all things which were ſaid to be committed againſt his Perſon, and that he ſhould never receive any Damage for them; yet afterwards the ſaid King, notwithſtanding this Oath, cauſed the Duke for thoſe very Offences, to be horribly and cruelly Murthered, damnably incurring the Guilt of Perjury.

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XXXIII. *Ib. N.* 50.

Item, After one of the Knights of the Shires, who had a Vote in Parliament, had Impeached the ſaid Archbiſhop of *Canterbury* Publickly before the King, and all the States of the Realm, upon certain Defaults committed againſt the King, as was untruly ſuggeſted; and he, the Archbiſhop, offer'd preſently to Anſwer what was Objected againſt him, and deſired to be admitted by the King ſo to do, ſufficiently truſting, as he ſaid, to ſhew his Innocency; yet the ſaid King contriving by all the ways and means he could to oppreſs his Perſon, and ruin the State of the Archbiſhop (as the event of the Matter after declared) and from his Royal Seat ſpeaking Graciouſly to him, earneſtly deſired that then he would hold his peace, and expect a more fitting time to make his Defence. But that day being paſt, the King for five days and more, did Fraudulently and Treacherouſly deceive him, Adviſing and Perſuading him not to come to Parliament, but to remain in quiet at his own Houſe, promiſing that in his Abſence he ſhould not receive any loſs or prejudice. Notwithſtanding all which, the ſaid King in that Parliament Baniſh'd the Archbiſhop during his Pleaſure, though abſent, and not at all called to Anſwer, and without any reaſonable Cauſe whatſoever; Confiſcating all his Goods, againſt the Laws of the Land, and all Juſtice, by which he became further guilty of *Perjury*. Moreover, the ſaid King intending to palliate his Malice and Subtilty by Flattering Words, endeavour'd to caſt the Injury done him, upon others; inſomuch that the Archbiſhop having

Anno Dom. 1399. Diſcourſe with the King, the Duke of *Norfolk*, and ſome other Lords and Great Men ſaid (lamenting his own Condition) that *He was not the firſt who had been Baniſh'd, nor ſhould he the laſt; for that he thought within a very ſhort time the Duke of* Norfolk *and other Lords would follow him*; and boldly told the King, that the Conſequences of theſe Proceedings would fall upon his own Head at laſt. To which the King, as if he had been aſtoniſhed, preſently Anſwer'd, *He thought it might ſo happen, and that he himſelf might be expelled his Kingdom by his Subjects*; and further ſaid, that if it ſhould be ſo, he would convey himſelf to the ſame Place where he the Archbiſhop then ſhould be; and that the Archbiſhop might the more readily believe him, he ſhew'd him a great Jewel of Gold under his upper Veſtment, which he ſaid he would ſend to him as a Token, that he would not defer his coming to the Place where he was. And that the Archbiſhop might have ſtill the greater Confidence in him, he ſent to him, Adviſing him that he ſhould privately ſend all the Jewels belonging to his Chappel to the ſaid King, to be ſafely kept, leſt under the Colour of the Judgment of Baniſhment, they might be ſeized; which being ſo done, the King cauſed them to be put into certain *Coffers*, and thoſe to be locked up, and Sealed by one of the Archbiſhop's Clerks, by whom he returned the Keys to him; yet afterwards he cauſed the ſaid Coffers to be broken open, and took out the Goods, and diſpoſed of them according to his own will and pleaſure. Furthermore, the ſaid King faithfully promiſed the Archbiſhop, that if he would repair to the Port of *Hampton*, in order to go out of the Kingdom, he would by the Queen's Interceſſion get him to be recalled. And if it ſhould ſo happen that he ſhould go out of the Kingdom, yet after *Eaſter* next coming, he ſhould return into *England* without fail, nor ſhould he any way loſe his Archbiſhoprick: This too he faithfully Promiſed, Swearing upon the Croſs of St. *Thomas* the Martyr, Archbiſhop of *Canterbury*; notwithſtanding which Promiſes the King cauſed the Archbiſhop to go out of the Kingdom, and wrote to the Pope for his Tranſlation to ſome mean Foreign Biſhoprick. And thus by the Frauds and Deceitful Practices of the King, was the Archbiſhop, a Man of eaſie Faith, craftily Circumvented.

Then theſe Articles (being Thirty Three in Number) were openly Read in the Parliament againſt King *Richard*, and the Record proceeds thus.

Ib. N. 51. And becauſe it ſeemed to all the Eſtates of the Kingdom, (their Judgments being ſeverally and jointly demanded) that theſe Cauſes of Crimes and Defects were ſufficient and notorious to Depoſe the ſaid King; his own Confeſſion alſo conſider'd, and other things contain'd in his *Renunciation* and *Ceſſion*: All the Eſtates aforeſaid unanimouſly conſented *ex abundanti* to proceed to the *Depoſition* of him the ſaid King, for the greater Security and Tranquility of the People, and Profit of the Kingdom: And accordingly they appointed certain Commiſſioners, *viz.* the Biſhop of St. *Aſaph*, the Abbot of *Glaſtonbury*, the Earl of *Glouceſter*, the Lord *Berkley*, *Thomas Erpyngham*, and *Thomas Grey* Knights, and *William Thirnyng* Juſtice, to pronounce Sentence of

Depoſition againſt King *Richard, from all Royal Dignity, Majeſty and Honour, in the Name and by Authority of all the Eſtates, as in like Caſes, according to the Antient Cuſtom of the Kingdom, had been obſerv'd.* And forthwith the Commiſſioners took upon them the Charge of the ſaid Commiſſion, which being drawn up in Writing, the Biſhop of St. *Aſaph* read in theſe Words. *Anno Dom.* 1399.

IN *the Name of God Amen. We* John *Biſhop of* St. Aſaph, John *Abbot of* Glaſtonbury, Thomas *Earl of* Glouceſter, Thomas *Lord* Berkley, Thomas de Erpingham, *and* Thomas Grey *Knights, and* William Thyrning *Juſticiary, by the Spiritual and Temporal Peers, and Great Men of the Kingdom of* England, *and by the Commons of the ſame, repreſenting all the Eſtates thereof Sitting in Tribunal, being ſpecially Deputed Commiſſioners for the things under-written, duly conſidering the many Perjuries, Cruelties, and other Crimes committed and done by King* Richard *in the time of His Government, and Publickly exhibited and recited before the ſaid Eſtates, which are ſo Publick, Notorious, Manifeſt and Scandalous, that they could no way be denied; and conſidering alſo the Confeſſion of Him the ſaid King, acknowledging, and truly of His own certain Knowledge judging Himſelf to have been, and to be altogether inſufficient and unmeet for the Government of the ſaid Kingdom, and Dominions, with their Appurtenances as aforeſaid, and that for His Notorious Demerits He was worthy to be Depoſed; which things by His own Will and Command, were publiſhed before the States, and made known and ſet forth in the Vulgar Tongue, having had diligent Deliberation upon theſe things tranſacted in this Affair, We do on the Behalf, and in the Name, and by the Authority to us Committed, do* ex abundati, *and for greater Caution, Pronounce, Decree, and Declare Him the ſaid* Richard *to have been, and to be unfit, unable, and utterly inſufficient for, and unworthy of the Rule and Government of the ſaid Kingdoms, and the Dominions, Rights and Appurtenances belonging to the ſame; and by reaſon of the Premiſſes to be deſervedly Depoſed from all Royal Dignity and Honour, if any ſuch be yet remaining in Him; and with the ſame Caution We Depoſe Him by Our Definitive Sentence in this Writing, expreſly* forbidding *all and ſingular* Archbiſhops, Biſhops, *and* Prelates, Dukes, Marqueſſes, Earls, Barons, Knights, Vaſſals, *and* Valvaſors, *and all other Subjects and Liege-People of the ſaid Kingdom and Dominions, and other Places belonging to them, for the future to Obey or Regard the ſaid* Richard *as King.*

Ib. N. 53. Furthermore, the ſaid States deſiring that there might be nothing wanting, which ought to be required in this Matter, being ſeverally interrogated thereupon, did Conſtitute certain Perſons to be their Proctors or Agents, Named by the ſaid Commiſſioners to go to King *Richard* to reſign the Homage and Fealty that before had been made to Him, and give Him notice of what had been done touching ſuch His *Depoſition*, and *Renunciation.*

Ib. N. 54. And preſently, as ſoon as it appeared from the Premiſſes, and the occaſion thereof, that the Crown of *England* with the Appurtenances was Vacant, *Henry* Duke of *Lancaſter* riſing from His Seat, and ſtanding ſo erected as He might ſufficiently be ſeen by the People, *Anno Dom.* 1399. humbly Croſſing Himſelf on His Forehead, and on His Breaſt, and having firſt called upon the Name of *Chriſt*, Claimed the ſaid Kingdom of *England*, thus become Vacant, with the Crown, and all its Members and Appurtenances, in His Mother Tongue, in this Form of Words.

Ibid. **In the Name of Fadher, Son, and Holy Goſt, I** Henry of Lancaſter, **Chalenge this Rewme of** Ynglonde, **and the Croun, with all the Membres, and the Appurtenances, als I that am deſcendit be Ryght Lyne of the Blode comyng fro the Gude Lord King** Henry Therde, **and thoge that Ryght that God of his Grace hath ſent me, with helpe of my Kyn, and of my Frendes to recover it; the which Rewme was in poynt to be ondone for defaut of Governance, and undoying of the Gude Lawes.**

Ib. N. 54. After this Claim, as well the Lords Spiritual as Temporal, and all the States there preſent, were asked one by one, what they thought of it? who without any difficulty or delay, unanimouſly conſented that the Duke ſhould Reign over them. And immediately, ſo ſoon as He ſhew'd the *States* of the Kingdom King *Richard*'s Signet, which He gave Him as a Token of His Intention, as was ſaid before, the Archbiſhop taking *Henry* by the Right Hand, led Him to the Royal Throne, and when the ſaid King had kneeled, and Prayed a while before it, the Archbiſhop of *Canterbury*, the Archbiſhop of *Tork* Aſſiſting Him, He placed Himſelf therein; the People for great Joy ſhouting mightily.

Ib. N. 55. When the Shouting was over, the Archbiſhop of *Canterbury* made a ſhort Preachment, or *Collation* (as 'tis called in the Roll) his Text or Theme was, 1 *Sam.* C. ix. *v.* 17. the *Engliſh* Verſion of the whole Verſe, according to vulgar Edition, runs thus: *And when Samuel ſaw Saul, the Lord ſaid unto him, Behold the Man whom I ſpake to thee of, this ſame ſhall rule over my People.* The Intent of this Sermon was, to make a Compariſon between King *Richard*, whom he ſuppoſes to be a Child, and his whole Government a meer Childiſh way of Acting, and King *Henry* who is a perfect Wiſe Man. In this Diſcourſe he makes uſe of ſeveral Places of Scripture, but how properly, or to the Purpoſe, I ſhall not take upon me to determine: But at length he inſinuates, that by a Childiſh Government the Nation had been in great Danger, but now they were freed from it, *becauſe a Man will Reign over us*, one that neither acts nor ſpeaks, to wit, as a *Child*, but will in earneſt conſider *Cogitabit Circumſpectionem Dei*, God regards Him: So that He will diligently take Care that God's Will, not His own, be done. And thus in the Place of a Child wantoning in a Fooliſh and Stubborn Humour, a Man Rules over the People; and ſuch a Man that it may be ſaid of Him, *A King ſhall Reign in Wiſdom, and ſhall execute Judgment, and do Juſtice in the Land.*

Ib. N. 56. Which Collation ended, King *Henry*, to quiet and ſettle the Minds of His Subjects, ſaid Audibly theſe following Words.

Sires,

Anno Dom. 1399.

I Thank God and zowe Spirituel and Temporel, and all the Eſtates of the Lond and do zowe to wyte, it es noght my will that no Man think, that be waye of Conqueſt I wold Diſherit any Man of his Heritage; Franches, or other Ryghts that hym aght to have, no put him out of that that he has, and has had by the gude Lawes and Cuſtomes of the Rewme; except thoſe Perſons that has ben agayn the gude Purpoſe, and the Commune Profyt of the Rewme.

Ib. N. 57. And forthwith it being Conſidered that by the former Vacancy of the Throne by the *Ceſſion* and *Depoſition* of King *Richard*, the Power of all the Juſtices, Sheriffs, and other Officers thro' the Kingdom ceaſed; therefore leaſt Juſtice might be delayed to the Grievance of the People, the preſent King named His Principal Officers and Juſtices, who took the uſual Oaths; and forthwith Proclamation was made by the King's Command, that on *Monday* next after the Feaſt of St. *Michael*, a Parliament ſhould be held; and that on *Monday* next following, on the Feaſt of St. *Edward*, the *Coronation* ſhould be at *Weſtminſter*; and that all thoſe who claimed any Service there, might then put in their Claims and Petitions before the Steward, Conſtable, and Marſhal of *England*, in the *White-Hall* of the Palace, where they ſhould receive full Juſtice. But as for the ſhortneſs of time aſſigned for the Sitting of the Parliament, the King made *Proteſtation*, That it was not His Intention it ſhould be any Prejudice to the States of His Kingdom, or that it ſhould be made an Example for the Future; but that it was only for the Profit of the Kingdom, and eſpecially to ſpare the Labour and Expences of His Lieges, and that the Grievances of the People might have a more ſpeedy Remedy.

Ib. N. 58. All which Things being finiſhed, the King roſe from His Throne, and beholding the People with a Cheerful Countenance, departed; and the ſame Day in the *White-Hall*, He made a Splendid Entertainment for the Nobility and Gentlemen, who were there in great Numbers.

Theſe things were done on *Tueſday* the 30*th* of *September*.

And afterwards, on the next day, being *Wedneſday*, the Deputies, or Proctors before mention'd, went to *Richard* late King, in the *Tower*, as they had been enjoyned, *viz. William Thirnyng Juſtitiary*, for himſelf, and Fellow Procurators, in the Name of all the States and People, and notified to *Richard*, and fully declared the Admiſſion of His *Renunciation*, and the Manner, Cauſe, and Form of the Sentence of His *Depoſition*, and preſently Reſigned the *Homage* and *Fealtie* that had been made to the late King *Richard*, in the following Form.

The *Record* has this Title.

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Id. N. 59.

The Words which *William Thirnyng* ſpake to Monſire *RICHARD*, late King of *England*, at the *Tower* of *London*, in His Chamber there, on *Wedneſday* next after the Feaſt of St. *Michael* the Archangel.

Sire,

IT is wele knowen to ʒowe, that there was a Parliament Somon'd of all the Eſtates of the Reaume for to be at Weſtmyſtre, and to begynne on the Tueſday in the morrow of the Feſt of Seint Michell, the Archaungel, that was ʒeſterday, bycauſe of the whiche Sommons, all the States of this Lond were there gadyrd, the whiche States hole made thes ſame perſones that ben Comen here to ʒowe, nowe her Procurators, and gafen hem full Auctoritie and Power, and Charged hem for to ſay the words, that we ſall ſay to ʒowe en her Name, and on their behalf; that is to wytten, the Biſhop of Seint Aſſa for Ersbiſhoppes, and Biſheppes; the Abbot of Glaſtenburgh for Abbotes and Priours, and all other Men of Holy Chirche, Seculers and Rewelers; the Earl of Glauceſtre for Dukes and Earls; the Lord of Berkeley for Barones, and Banneretts; Sire Thomas Irpyngham Chamberleyn, for all the Bachilers, and Commons of thes Lond be South; Sire Thomas Greg for all the Bachilers, and Commons be North, and my Felawe Johan Markham and me for to come with hem for all theſe States: and ſo Sire, theſe words, and the doing that we ſall ſay to ʒowe, is not onlych our wordes, but the wordes and the doyngs of all the States of thes Lond, and our Charge, and in her Name. And He anſwered and ſaid, that he wyſte wele that we would noght ſay but as we were charged: Sire, ʒe remembre ʒowe wele that on Moneday on the feſt of Seint Michell the Archaungell, ryght here, in this Chambre, and in what preſence ʒe Renounced and Ceſſed of the State of Kyng and Lordſhip, and of all the Dignite and Worſhipp that longed thereto, and aſſoiled all ʒour Lieges of her Legiance and Obeyſance that longed to ʒowe uppe the Forume, that is contened in the ſame Renunciation and Ceſſion, whiche ʒe redde ʒour ſelf by ʒour Mouth, and affirmed it by ʒour Othe, and by ʒour owne Writing: Upon which ʒe made and ordeyned ʒour Procuratours, the Ersbyſhopp of Zork and the Byſhopp of Hereford, for to notifie and declare in ʒour Name thes Renunciation and Ceſſion at Weſtmynſtre, to all the States and all the People that was there gadyrd, bycauſe of the Summons forſayd, the whiche was done ʒeſterday by thes Lords ʒour Procurators, and wele herde, and underſtonden thes Renunciation and Ceſſion were pleinelich and frelich accepted and fullich agreed by all the States, and People forſayd. And over this, Sire, at the Inſtance of all thes States, and People, there ware certain Articles of Defautes in ʒour Governance redde there, and tho' wele herd and pleinelich underſtonden to all

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the States forſayd, hem thoght hem ſo trewe, and ſo notorie and knowen, that by the Cauſes, and by mo other os they ſayd, and havyng Conſideration to zour own wordes in zour own Renunciation and Ceſſion, that ze were not worthie, ne ſufficient, ne able for to Governe for zour own Demerits, os it is more pleinelich contened therein, hem thoght that wos Reſonable and Cauſe for to Depoſe zowe, and her Commiſſaries, that her made and ordeined as it is of Record ther declared and decreed and adjudged zowe for to be Depoſed and Pryved, and in dede Depoſed zowe and prived zowe of the Aſtate of Kyng, and of the Lordeſhip contened in the Renunciation, and Ceſſion forſayd, and of all the Dignite and Worſhipp, aud of all the Adminiſteration that longed thereto; And we Procurators to all thes States and People forſayd, for all the States and People forſayd, as we be charged by hem and by her Auctorite gyffen us, and in her name zelde zowe uppe, Homage Liege, and Feaute, and all Legiance, and all other Bondes, Charges, and Services that long thereto; and that non of all thes States and People fro thys tyme forward, ne bere zowe Feyth ne do zowe Obeyſauce os to thar Kyng.

And he anſwered and ſeyd, that he loked not therafter; but he ſeyde, that after all this, he hoped that his Coſyn wolde be goode Lord to hym.

Thus far the Record, Tranſlated *Verbatim* out of the *Latin* and *French*, and the old *Engliſh* is recited in the very words and obſolete Spelling, as it ſtands in the Rolls remaining in the *Tower*, which tho' I have Tranſcribed from Dr. *Brady*'s Tranſlation, yet have I compar'd and corrected it my ſelf with the Original in divers Places, where it was either Faulty, or Imperfect.

Having thus Attended this Unhappy Prince thro' all the Stages of Good and Evil Fortune, his Reign may ſerve to teach us, as well as more Modern Examples, that a Prince by graſping at too Abſolute a Power, may come to be *deprived* of his otherwiſe unqueſtion'd Dominion and Right; and this King, tho' for a time one of the moſt Abſolute that ever ſat on the *Engliſh* Throne, thereby became on a ſudden abandon'd and deſpis'd, and reduced to a State ſo much worſe than that of *Death*, as it is much better for a Prince never to have once enjoy'd a Crown, than by his own Default and Weakneſs to be deprived of it.

Yet this Affliction laſted not very long, *ſince there are ſeldom many ſteps between the Priſons and the Graves of Princes*; though in truth, his Fate ſeems to have been accelerated by the vain Attempts of his Friends to Reſtore Him, rather than by any pre-deſign of thoſe that diſpoſſeſſed Him.

For at firſt after his *Depoſition*, he was carried to *Leeds-Caſtle* in *Kent*, and there kept under a competent Guard, as a Priſoner, but not in any very cloſe Confinement, nor yet without Princely Maintenance in ſome proportion to his *Quondam* Quality; where we ſhall leave Him

Anno Dom. 1399. Id. N. 59. The Words which *William Thirnyng* ſpake to Monſire *RICHARD*, late King of *England*, at the *Tower* of *London*, in His Chamber there, on *Wedneſday* next after the Feaſt of St. *Michael* the Archangel.

Sire,

IT is wele knowen to zowe, that there was a Parliament Somon'd of all the Eſtates of the Reaume for to be at Weſtmyſtre, and to begynne on the Tuesday in the morrow of the Feſt of Seint Michell the Archaungel, that was zeſterday, bycauſe of the whiche Sommons, all the States of this Lond were there gadyrd, the whiche States hole made thes ſame perſones that ben Comen here to zowe, nowe her Procurators, and gafen hem full Auctoritie and Power, and Charged hem for to ſay the words, that we ſall ſay to zowe en her Name, and on their behalf; that is to wytten, the Biſhop of Seint Aſſa for Ersbiſhoppes, and Biſhoppes; the Abbot of Glaſtenburgh for Abbotes and Priours, and all other Men of Holy Chirche, Seculers and Rewelers; the Earl of Glauceſtre for Dukes and Earls; the Lord of Berkeley for Barones, and Bannneretts; Sire Thomas Irpyngham Chamberleyn, for all the Bachilers, and Commons of thes Lond be South; Sire Thomas Greg for all the Bachilers, and Commons be North, and my Felawe Johan Markham and me for to come with hem for all theſe States: and ſo Sire, theſe words, and the doing that we ſall ſay to zowe, is not onlych our wordes, but the wordes and the doyngs of all the States of thes Lond, and our Charge, and in her Name. And He anſwered and ſaid, that he wyſte wele that we would noght ſay but as we were charged: Sire, ze remembre zowe wele that on Moneday on the feſt of Seint Michell the Archaungell, ryght here, in this Chambre, and in what preſence ze Renounced and Ceſſed of the State of Kyng and Lordſhip, and of all the Dignite and Worſhipp that longed thereto, and aſſoiled all zour Lieges of her Legiance and Obeyſance that longed to zowe uppe the Forume that is contened in the ſame Renunciation and Ceſſion, whiche ze redde zour ſelf by zour Mouth, and affirmed it by zour Othe, and by zour owne Writing: Upon which ze made and ordeyned zour Procuratours, the Ersbyſhopp of Zork and the Byſhopp of Hereford, for to notifie and declare in zour Name thes Renunciation and Ceſſion at Weſtmynſtre, to all the States and all the People that was there gadyrd, bycauſe of the Summons forſayd, the whiche was done zeſterday by thes Lords zour Procurators, and wele herde, and underſtonden thes Renunciation and Ceſſion were pleinelich and frelich accepted and fullich agreed by all the States, and People forſayd. And over this, Sire, at the Inſtance of all thes States, and People, there ware certain Articles of Defautes in zour Governance redde there, and tho' wele herd and pleinelich underſtonden to all the

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And he anſwered and ſeyd, that he loked not therafter; but he ſeyde, that after all this, he hoped that his Coſyn wolde be goode Lord to hym.

Thus far the Record, Tranſlated *Verbatim* out of the *Latin* and *French*, and the old *Engliſh* is recited in the very words and obſolete Spelling, as it ſtands in the Rolls remaining in the *Tower*, which tho' I have Tranſcribed from Dr. *Brady*'s Tranſlation, yet have I compar'd and corrected it my ſelf with the Original in divers Places, where it was either Faulty, or Imperfect.

Having thus Attended this Unhappy Prince thro' all the Stages of Good and Evil Fortune, his Reign may ſerve to teach us, as well as more Modern Examples, that a Prince by graſping at too Abſolute a Power, may come to be *deprived* of his otherwiſe unqueſtion'd Dominion and Right; and this King, tho' for a time one of the moſt Abſolute that ever ſat on the *Engliſh* Throne, thereby became on a ſudden abandon'd and deſpis'd, and reduced to a State ſo much worſe than that of *Death*, as it is much better for a Prince never to have once enjoy'd a Crown, than by his own Default and Weakneſs to be deprived of it.

Yet this Affliction laſted not very long, *ſince there are ſeldom many ſteps between the Priſons and the Graves of Princes*; though in truth, his Fate ſeems to have been accelerated by the vain Attempts of his Friends to Reſtore Him, rather than by any pre-deſign of thoſe that diſpoſſeſſed Him.

For at firſt after his *Depoſition*, he was carried to *Leeds-Caſtle* in *Kent*, and there kept under a competent Guard, as a Priſoner, but not in any very cloſe Confinement, nor yet without Princely Maintenance in ſome proportion to his *Quondam* Quality; where we ſhall leave Him

Anno Dom. 1399.

for a time, and defer ſaying any thing of the manner of his *Death* and *Burial*, until the beginning of the next Reign.

Note that [illegible] [illegible]
[illegible] Poet in a certain
Chronicle [illegible]
at the end of his [illegible]
Does directly affirm
that this King per-
ished by a voluntary
refusal of any sus-
tenance. [illegible]
[illegible] 1407.
this Author lived
in that time and
is supposed to have
deceased in A. 1402.

But ſince I look upon this as already at an end, I ſhall conclude it with a ſhort Deſcription of this King's Perſon, and Character of his Diſpoſition, chiefly taken from the Actions of his Life.

As to his Perſon, He is deſcribed to have been one of the moſt aimable that ever Reign'd ſince the *Conqueſt*; he was tall of Stature, of ſtreight and long Limbs, of a fair Complexion, as might well beſit the Son of ſo Beautiful a Mother; and indeed if He reſembled that Picture which is ſtill to be ſeen behind the Stall next the Pulpit in the Choir of the Abby Church of *Weſtminſter*, His Face ſeems too fair and effeminate for a Man; but that this could not be drawn during His Life time, I have already ſhewn in my *Introduction*.

As for His Humour and Natural Temper, there was more to be blamed in His Education, than in His Nature; for there appeared in Him many good Inclinations, which might have grown to perfect Vertues, if they had not been blaſted by corrupt Flatterers in his Youth; he was of a credulous Diſpoſition, apt to believe, and therefore eaſie to be abuſed by thoſe for whom he had a kindneſs, which they too often made an ill uſe of, to the utter loſs of all eſteem and affection among his People; for tho' Princes may be very well indulged, as well as Private Perſons, in having their particular Friends and Favourites, yet ought it to be ſo limited as not to exceed the bounds of diſcretion and Moderation; but to prefer Men to Offices of the higheſt Dignity and Importance in the State, meerly for their outſide, or becauſe they have ſerved as the Inſtruments of their Pleaſure, or Luſt, is that which a Free-born People (as ours is) will never brook; and whoever will conſult our Hiſtories may find, that the greateſt Troubles that have fallen upon our Princes, have been originally, if not chiefly, on that account.

But to return to what we have digreſſed from. One of the beſt Qualities this King was Maſter of, was, that when he ſaw he could not help it, he for the preſent complyed with his Parliaments, in parting with and Baniſhing his Favourites, and bringing things again into good order, tho' it laſted but for a time; for as ſoon as he recovered his Power, he not only undid all that ever he had done before, but ſeverely revenged himſelf upon all thoſe who had any hand in making thoſe Reſtraints and Alterations; which tho' perhaps they were carried too far, yet certainly his deſire of Revenge muſt be very immoderate, which prompted him to put his Uncle the Duke of *Glouceſter* and other Lords to Death or Baniſhment, for things committed above nine Years before, which ſhewed him to be of a Temper not eaſily to forgive, if once he had been thoroughly offended.

And tho' He might have ſufficient Courage, yet we do not find that he often car'd to exert it, ſince he made no Warlike Expedition into *France* during his whole Reign, in order to recover what his Grandfather or himſelf had loſt there; and tho' he made two Expeditions into *Ireland*, as he did little in the firſt of them, ſo the latter proved his Ruin, as you have already ſeen; yet he might have gone near to have kept the Crown on his head, could he have continued in his firſt Reſolution of Marching with thoſe Forces he had left, againſt his

Enemy the Duke of *Lancaſter*, in which if he had periſhed, he had ſtill died a King; tho' indeed he never ſhewed himſelf more worthy of Government, that when he was *Depoſed* as unworthy to Govern; for if he did not diſſemble, it appeared that his Regal State was not ſo dear unto him as a Private Life, which if he could have quietly enjoyed, perhaps he might have paſſed the reſt of his Days much more happily than under the toil and burthen of a Crown.

As for his other Qualities, he was rather Profuſe than Liberal in his Gifts and Expences, keeping a greater State and Hoſpitality than any of his Predeceſſors; inſomuch that our Hiſtorians relate, that above a Thouſand Perſons were every day fed from his Kitchin; and tho' we find no Publick Act of Charity done by him, yet his Rebuilding of *Weſtminſter-Hall* in that Noble manner it now ſtands, ſufficiently ſhews, that he loved to appear Great and Magnificent in whatever he undertook: tho' it is not Buildings, but Great and Worthy Undertakings for the Publick Good of his Country, that do really ſhew the Greatneſs of a Prince's Soul.

This Prince I confeſs is Taxed by ſeveral Writers, as a Perſon of a Diſſolute and Luxurious Life; but whether it was out of his great Love to his Queen, or from a Natural Gift of Continence, I do not find him Charged with any particular Miſtreſſes or Amours; and tho' She deceaſed, and left Him a Widdower, in the prime of His Years, we do not read of any Baſe Iſſue He had, either Male, or Female. Yet I muſt own, his too great affection to, and Familiarity with the Duke of *Ireland*, a Perſon of a moſt Beautiful Shape, gave too much occaſion to his Enemies to Cenſure it, as proceeding from a Cauſe fitter to be gueſſed at, than mentio'nd by an Hiſtorian, who ought not to traduce any, and eſpecially Princes, upon bare Suſpicions.

His Wives.

The *Firſt* was *Anne*, Daughter to *Charles* the *Fourth*, Emperor of *Germany*, who having been his Wife Twelve Years, Died without Iſſue.

His *Second* was *Iſabelle*, Eldeſt Daughter to *Charles* the *Sixth*, King of *France*, to whom he was Married the 28*th* of *October*, 1396. She being then not above Seven or Eight Years of Age, and therefore never Bedded Her; being Dethroned, and Murthered about Three Years after.

I shall say nothing of his death and burial since it happened under the next Reign. onely I shall take notice that in his last will, and Testament which ~~bears date~~ he wrote a little before his going over into Ireland, he appointed his body should be buried in the Abby Church of Westminster near that of his first Consort Queen Ann: which yet was not performed till above 15 years after in the Reign of Henry V. but I cannot but further take notice, that in this will he appointed the whole manner of his Funerals, which if observed would have been very magnificent and expensive. besides a great many considerable Legacies he bequeathed among his near friends and Relations, which since never payd need not to be further mentioned. onely must further observe that tho he left all the Crown Jewels to his successor, yet it is without ever naming him, so which shews that he was then uncertain whom he should be. whereas if he had then declared ~~named~~ the Earl of March to be ~~his~~ were Heir to the Crown (as some of our more modern Historians relate. it is very unlikely he should have omitted to name him in his will as he did all the other Legatees.

An ABSTRACT *of the Principal Statutes made in the Reign of King* RICHARD *the Second.*

IN *His Firſt Parliament at the beginnig of His Reign,* A. D. 1377.

CAP. I.

Contains a Confirmation of the *Liberties* of the *Church*, and the *Great Charter* of *Foreſts*, which are to be obſerved, and firmly kept in all Points.

CAP. II.

That the King's Peace ſhall be kept, and Juſtice done to all Perſons.

CAP. III.

That *Prelates* ſhall have their Actions of *Treſpaſs* againſt the King's *Purveyors* Offending againſt the Statute of *Edward* the *Third*, and to recover Treble Damages.

CAP. IV.

That no Great Officer of the Kings ſhall maintain Quarrels in the Country, on pain of a Fine to be impoſed by the King and his Council, and if he be the King's Menial Officer, or Houſhold Servant, he ſhall alſo loſe his Place.

CAP. V.

Ordains the Puniſhment of a Clerk of the *Exchequer* for making Proceſs for a Debt that is already paid.

CAP. VI.

Concetning Commiſſions to be Awarded to enquire of the Misbehaviour of Villains to their Lords, and now become obſolete.

CAP. VII.

That none ſhall give any Liveries for maintenance of Quarrels or other Conſpiracies, on pain of Impriſonment, and grievous Forfeiture to the King; and the Juſtices of *Aſſize* ſhall diligently enquire of ſuch as gather together in Fraternities for ſuch Purpoſes, and ſhall Puniſh them according to their Demerits.

CAP. VIII.

Provides, in what Caſe a *Protection cum Clauſula Volumus* ſhall be allowed before any Judge, for Proviſions taken up for the King's Service.

CAP. IX.

Every Gift of *Feoffment* of Lands, Tenements, or Goods, made by *Fraud* or *Maintenance*, ſhall be void, and the *Diſſeiſee* (notwithſtanding ſuch Alienation) ſhall recover againſt the firſt *Diſſeiſor* both his Lands, and double Damages; provided he commence his Suit within a Year after the *Diſſeiſin*, and that ſuch *Feoffor* be then *Pernor* of the Profits.

CAP. X.

A Confirmation of the Pardon Granted by King *Edward* III. in the *50th* Year of His Reign.

CAP. XI.

None that had been *Sheriff* of any County a whole Year, ſhall be Choſen again within *Three Years* enſuing. *Nec duobus tunc ſequentibus Annis ad idem Officium reaſſumetur*, ſays the Lord Chancellor *Forteſcue*, but miſtakenly, *Ch.* 24.

CAP. XII.

Appoints the Penalty of the Warden of the *Fleet*, if he ſuffer a Priſoner being there by Judgment, to go at large; and appoints the Penalty of him who ſhall falſly confeſs a Debt as due to the King, to delay another Man's Execution.

CAP. XIII.

Ordains, that *Eccleſiaſtical* Judges ſhall not be Indicted or Impriſoned for Judgments given in any *Eccleſiaſtical Court*, with the Penalty of thoſe that ſhall procure ſuch Indictments.

CAP. XIV.

That in an Action againſt a *Clerk* for *Goods* carried away, and the *Defendant* makes his Title as for *Tythes* due to the Church, that in ſuch Caſe the *General Averment* ſhall not be taken, without ſhewing eſpecially, how that the ſame was his *Lay-Chattel*.

C A P. XV.

Appoints the Penalty against Arreſting any *Prieſt* whilſt he is ſaying *Divine Service.*

At a Parliament held at Glouceſter, *in the Second Yea of His Reign,* 1378.

C A P. I.

It was Ordained, That ſeeing the Great Inconveniencies which have enſued by reſtraining *Merchants Strangers* from Buying and Selling *Proviſions* and other *Commodities* within the Realm; it therefore gives leav that Merchants Strangers may freely Buy and Sell ſuch *Commodities* as are mention'd and allowed by this Act; with the Penalty on thoſe who ſhall diſturb ſuch Merchants to Sell Wares at their pleaſures.

The *2d*, *3d* and *4th* are either alter'd, or become obſolete.

C A P. V.

None ſhall Report any *Falſe* or *Slanderous News*, or * falſe *Tales*, whereupon Diſcord may ariſe betwixt the *King* and his *People*, or the *Great Men* of the Realm, on pain of *Impriſonment*, until he produc the Author.

* *Menſoinges*, *Mendacia*, ſays the Lord *Coke*, 4. *Rep.* 12 *b*. But he likewiſe tells us, this Act is not of Record. 4 *Inſtit.* 51.

At the Parliament held at Weſtminſter *the ſame Year.*

C A P. I.

The Liberties of the *Church* and the *Great Charters* are again Confirm'd.

C A P. III.

Ordains, That *Frauds* committed by *Debtors* to deceive their *Creditors*, ſhall be void.

At the Parliament held at Weſtminſter *in His Third Year.*

C A P. I.

Contains a like Confirmation of the Liberties of the *Church* and the *Realm*, as have been often already Confirm'd.

C A P. II.

The Penalty of an *Alnager* that ſetteth his Seal to *Faulty Cloths*, which Statute, tho' it is ſtill in force, yet is ſo ill Executed, that it ſignifies very little, if any thing.

CAP. III.

None * ſhall take any *Benefice* of an *Alien*, or convey Money to Him, under pain of a *Premunire*; but ſince I have given a large Account of this Statute in the Relation of *Church-Affairs*, I need ſay o more of it here.

* *Hereby was underſtood the Pope, and any of his Cardinals, being Foreigners.*

At a Parliament held at Northampton, *the Fourth of this King,* A. D. 1380.

CAP. I.

It was **Ordain'd**, That all *Veſſels* of Wine, Vinegar, Honey, and Oyl brought into this Realm, ſhall be *Gauged*.

At the Parliament held at Weſtminſter, 5° Richard II.

CAP. I.

The Liberties of the *Church* and of the *Realm*, as alſo all other good Laws and Statutes were again Confirm'd.

CAP. II.

That no *Gold*, or *Silver*, Coin'd, or Uncoin'd, ſhall be carried *Beyond-Sea* without the King's Licenſe; and further, that no Perſon, except Lords, and Great Men of the Realm, and true and notable Merchants and Soldiers ſhall go out of the Realm without the King's Licenſe, with the Penalty upon the Maſter or Mariners of the Ship that ſhall venture to carry them, which being now obſolete, I omit.

CAP. VII.

Ordains, That none from henceforth make an Entry into any Lands and Tenements, but in Caſe where Entry is given by the Law; and in ſuch Caſe, not with ſtrong hand, nor with multitude of People, but ony in peaceable and eaſie manner; and if any Man from henceforth do to the contrary, and thereof be duly Convict, he ſhall be puniſh'd by Impriſonment of his Body, and therefore Ranſomed at the King's Will.

CAP. VIII.

Ordains a Remedy for thoſe whoſe Writings were deſtroyed in the late Inſurrection of the Clowns and Villains.

C A P. IX.

That every Perſon that is impleaded in the *Exchequer* for Debts Accounts, or other Demands, may plead his own Diſcharge befor the *Barons*, without tarrying for, or ſuing out any Writ whatſoever.

C A P. X.

The Covenants of all thoſe who ſhall be retained to ſerve the King i his Wars or Embaſſies, ſhall be put into Writing, and ſent into th *Exchequer*.

C A P. XI.

The *Accompts* of the *Exchequer* ſhall be more ſpeedily heard tha before they were wont.

C A P. XII.

Two Clerks ſhall be aſſigned to make Parcels of Accompts in th *Exchequer*.

C A P. XIII.

Accompts of *Nichil* ſhall be put out of the *Exchequer*.

C A P. XIV.

The Clerk of the *Pipe* and the two *Remembrancers* ſhall be Sworn for the Entry of Writs of the Great or Privy-Seal, *&c.*

C A P. XV.

How the *Remembrancers* ſhall uſe a Judgment of *Livery* coming ou of any Court into the *Exchequer*.

C A P. XVI.

Appoints the Clerk's Fee ſetled for making of a Commiſſion, or Record of *Niſi Prius* in the *Exchequer*.

In the next Parliament, 1382, *of* 5° Richard II.

C A P. I.

It was Provided, That Merchants Strangers may freely come into this Realm, continue here, and depart hence at their Pleaſures.

C A P.

CAP. IV.

The King.Wills and Commands, and it is aſſented in *Parliament*,&c. by the Prelates, Lords and Commons, that all and ſingular Perſons, and *Commonalties*, which from henceforth ſhall have the Summons of *Parliament*, ſhall come to *Parliaments* in the manner as they are *bound* to do, and have been *accuſtomed* within the Realm of *England of old times*. And if any Perſon of the ſame Realm, who from henceforth ſhall have the ſaid Summons (be he Archbiſhop, Biſhop, Abbot, Prior, Duke, Earl, Baron, Banneret, Knight of the Shire, Citizen of City, Burgeſs of Borough, or other Singular Perſon or Commonalty) do abſent himſelf, and come not at the ſaid Summons, (except he may reaſonably and honeſtly Excuſe him to our Lord the King) he ſhall be amerced, and otherwiſe puniſhed, according as *of old times* had been uſed to be done within the ſaid Realm in the like Caſe. And if any Sheriff of the Realm be from henceforth negligent in making his *Returns* of *Writs* of the Parliament, or that *He leave out of the ſaid Returns any Cities or Boroughs, which be bound, and* of old times *were wont to come to the Parliament, he ſhall be amerced*, or otherwiſe puniſhed in the manner as was *accuſtomed* to be done in the ſaid Caſe in times paſt.

At the Parliament held at Weſtminſter, 6° Rich. II.

CAP. I.

Is a Confirmation of the Church and Kingdom, and of all Statutes not Repealed.

CAP. II.

Actions of Debt, &c. ſhall be commenced in the Counties where the Contracts were made.

CAP. III.

Appoints in what Courts Writs of Nuſance called *Vicountiels*, ſhall be perſued.

CAP. IV.

Deeds that were inrolled, and lately imbezled by *Rebels* in any *Inſurrection*, being *Exemplified*, ſhall be of the ſame Force as the Deeds themſelves.

CAP. V.

Juſtices of *Aſſize* and *Goal-delivery* ſhall hold their *Seſſions* in the Principal Towns of the County.

C A P. VI.

Both the Raviſher and Party Raviſhed (where ſhe conſents after the Fact) are diſabltd to have or Challenge any Inheritance, Dower, or Joint Eſtate, after the Death of their Husband, or Anceſtor.

C A P. VII.

Ordains, at what Price Sweet Wines may be Sold.

C A P. VIII.

Where no *Engliſh* Ships are to be had, Men may bring in, or carry out their *Merchandizes* in Stranger's Ships.

The Occaſion of making this Law, as appears by the Preamble to it, was, That there had been lately made in this very *Parliament* a Statute, that no Goods or Merchandize ſhould be carried out of the Kingdom by the King's Subjects, except it were in *Engliſh* Veſſels; which upon Tryal being not found ſufficient, the *Engliſh* Merchants had hereby a *Licenſe* to Hire Foreign ones where the *Engliſh* were wanting. This I take notice of, to let the Reader ſee, that the Project of forbidding *Engliſh* Merchants to Trade with Foreign Shipping, being highly for the encreaſe of our own Naval Strength, was ſet on Foot very early, tho' it could never have any due effect 'til the Twelfth Year of *Charles* 2d. when it was paſſed into a Statute, *That no* Foreign *Comodities ſhall be Imported, or Exported, out of any Territories belonging, or which may belong, to the King, in* Aſia, Africa, *or* America, *in other Veſſels than ſuch as belong only to the People of* England, *&c. whereof the Maſter and three fourths of the Mariners are* Engliſh, *on pain to loſe ſuch Goods and Veſſels, with all its Furniture.*

C A P. IX.

No Victualler ſhall Exerciſe a Judicial Place in any City, or Town Corporate.

C A P. X.

Aliens being in *Amity* with the King and the Realm, may bring in Victuals, and Sell them in groſs.

At a Parliament held at Weſtminſter, *7th,* Rich. II.

C A P. I.

Contains a Confirmation of the Liberties of the Church and Kingdom, as before.

C A P.

CAP. III.

A *Jury* for a Treſpaſs within a *Foreſt*, ſhall give their *Verdict* where they receive their *Charge*, and ſhall not be menac'd to give their Verdict of a Treſpaſs done in the *Foreſt*.

CAP. IV.

None ſhall be taken or impriſoned by the Officers of the *Foreſt* without *Indictment*, or being taken in the *Act*, or *Manner*.

CAP. VI.

The Statute of *Wincheſter* is Confirm'd, and that every *Sheriff* ſhall Proclaim it four times in the Year in every *Hundred*, or *Market-Town*, as well within Liberties, as without.

CAP. VII.

Appoints in what Caſe a *Niſi-Prius* may be granted at the Requeſt of any of the *Jurors*, to avoid delays in Tryals.

CAP. VIII.

Ordains' That no Subjects whatever ſhall take any *Victuals* or Carriage, without the conſent of the Owners, and preſent Payment.

CAP. IX.

Is a Confirmation of all Statutes made againſt *Deceit in Clothes* to be Sold, and againſt *Aulnagers* and Collectors of the Subſidy of lothes, with other Clauſes, which being now obſolete, *I* omit.

CAP. X.

ppoints an Aſſize of *Novel-Diſſeiſin* iſſuing forth of Lands in divers ounties, ſhall be taken in *Confinio Comitatus*.

The Eleventh being a Repeal of divers Statutes, *I* omit.

CAP. XII.

Contains a Confirmation of the Statute of 3 *Rich.* 2*d*, That no *lien* ſhall Purchace any Benefice of the Church, or Occupy the ſame, ithout the King's Licenſe. But of this *I* ſhall ſay no more here, aving recited it at large among the Church-Affairs of this Reign.

C A P. XIII.

Appoints that no Man ſhall Ride in *Harneis* (that is in *Armour*) o with *Lance-gays*.

C A P. XIV.

Ordains, That they who ſhall depart the Realm by the King's Licenſe, may make General *Attornies* to anſwer in Writs of *Præmunire Facias*, as in other Writs and Plaints.

C A P. XV.

Is a Confirmation of certain Statutes made againſt *Maintenance* and *Champerty*.

In the 8th *Year of* Richard *the* IId, A. D. 1384. i *a Parliament held at* Weſtminſter.

C A P. I.

That the Liberties of the *Church*, and all Statutes not Repeal'd ſhall be Confirm'd.

C A P. II.

Ordains, That no Man of Law ſhall be Juſtice of *Aſſize*, or *Goa Delivery* in his own County, which Law holds good to this day.

C A P. IV.

Appoints the Penalty, if a Judge or Clerk make a *Falſe Entry* of Plea, *raze* a *Roll*, or change a *Verdict*.

C A P. V.

Ordains, What Suits ſhall be diſcuſſed before the *Conſtable* and *M ſhal* of *England*, *viz.* only ſuch as cannot be Tryed, or Decided *Common-Law*.

At the next Parliament held at the ſame Place, 9° Rich. II.

C A P. I.

Is a Confirmation of all Statutes not Repealed, and Ordains t they ſhall be put in Execution.

CAP. II.

Concerning *Villains* Suing their Lords, is now become obſolete.

CAP. III.

That He in Reverſion ſhall have an *Attaint*, or Writ of Errour, upon a *Falſe Verdict* found, or upon an *Erroneous Judgment* given againſt the particular Tenant in Poſſeſſion; and if ſuch Tenant be dead at the time of ſuch Judgment, that Reſtitution ſhould be made of the ſame Tenants to the Party Suing, with the *Iſſues* and *Profits* in Arrear.

CAP. V.

Appoints what *Fees* ſhall be Paid by *Prieſts* taken in the Marſhalſie of the King's Houſe (*to wit*) no more than *Lay-People* ſhall Pay.

At a Parliament Held in the 10th *of* Richard *the* IId, A.D. 1386.

CAP. I.

The King by a Statute for that purpoſe, Granted a Commiſſion to His Chancellor, Treaſurer, and Keeper of His Privy-Seal, and to certain Biſhops, and Temporal Lords, and others, to be of His Council for One Year, to Survey and Examine the Eſtate of His Houſe, Courts, and all Places of His Realm, and all His Officers or Miniſters, with His Rents, Revenues, and Profits, and all His Gifts, Grants, Alienations, and Confirmations, in Money and Bullion, His Priſoners, and Towns taken in War, Benefices of Aliens, Money carried out of the Realm, His Cuſtoms and Subſidies of all Merchandizes, His *Diſms* and *Quinzimes* Granted to Him; the Profits of His *Hanoper*, and all other His Receits; the Fees and Wages of His Officers, Annuities, and Rewards, Gifts and Grants made by His Grandfather, Father, or Him, to any Perſon; His Lands, His Rents, &c. Sold to the prejudice of Him and His Crown; and to correct and amend the ſame Defaults and Offences.

This is the Contents of that notable Statute, upon the Breach of which the Duke of *Glouceſter*, and the reſt of the Confederate Lords had ſo great a Struggle with the King, as you may remember in the Hiſtory of this Year.

At the next Parliament held in the Eleventh Year, in the Firſt, Second, Third, Fourth, Fifth and Sixth Chapters.

The Duke of *Ireland*, and Archbiſhop of *York*, with Three others were *Appeal'd* of *High-Treaſon*, for Aſſembling by Force, and for

Conſpiring to deſtroy the King, the Realm, and the Lords, and Commiſſioners by Him Authoriz'd; whereupon it is *Ordained*, That the ſaid Five *Traytors* be *Attainted* of *High-Treaſon* by Parliament, and the King ſhall have the Forfeiture of their Lands and Goods.

The Particulars of this Condemnation being ſet down at Large in the Hiſtory, *I* do but juſt mention them here; and tho' they were afterwards *Repeal'd* in the 21*ſt* of this King, yet that *Repeal* was annull'd, and they were again Confirm'd in the firſt of *Hen.* 4th, as you will find in the Statute Book.

In the 11th *year of this King, at the* Parliament *held at* Weſtminſter, *Anno Dom.* 1387.

CAP. VII.

Ordains, That all *Merchants, Aliens* and *Denizens* may Buy and Sell Wares, Victuals, and all other Commodities within the Realm without Diſturbance; and alſo what Penalty ſhall be inflicted upon them which do diſturb ſuch Merchants in Selling their Commodities, ſaving to the King the Cuſtoms and Duties out of the ſaid Merchandizes; with other Clauſes, needleſs here to be further recited.

CAP. VIII.

Certain Annuities Granted by the King His Father, and Granfather, are made void.

CAP. IX.

Ordains, That *no Impoſition* or Charge be put upon *Woolls*, *Leather*, or *Woollſels*, other than the Subſidy Granted to the King in this preſent Parliament; and if any be, the ſame ſhall be *Repealed* and *Annulled*, as it was another time Ordained by Statute; Saving always unto the King His antient Right.

CAP. X.

It is Ordained and Eſtabliſhed, That neither Letters of the *Signet*, nor of the King's *Privy-Seal*, ſhall be from henceforth ſent in Damage or Prejudice of the Realm, nor in diſturbance of the Law.

CAP. XI.

Ordains, the former Statute for keeping of *Aſſizes* in good Towns, be referred to the Conſideration of the *Chancellor* and *Juſtices* to Act therein as they ſhall think fitting.

At

At a Parliament held at Canterbury *in the Twelfth Year of* Richard II. A. D. 1388.

CAP. I.

The Liberties of the *Church*, and all former Statutes not Repeal'd, re again Confirm'd.

CAP. II.

It is Ordain'd, That the Chancellor, Treaſurer, and Keeper of the rivy-Seal, with the Great Officers of the Houſhold, and Juſtices of he Benches therein Named, that ſhall be called to Name and Ordain uſtices of the Peace, Sheriffs, Eſcheators, Cuſtomers, Comptrollers, r any other Officer, or Miniſter of the King, ſhall be firmly Sworn, hat they ſhall not Name or Ordain any Officers or Miniſters for any Gift, or Brocage, Favour or Affection, and none that Sueth by himſelf or any Office, ſhall be put into the ſame, or any other, but that all uch Officers and Miniſters be made of the beſt and moſt Lawful and Sufficient Men, according to their (*i. e.*) the Chancellor's, Treaſurer's, *&c.* udgment, and Knowledge.

CAP. X.

Ordains, That in every *Commiſſion* there ſhall be but *Six Juſtices* ſſigned, who ſhall keep their *Seſſions* every Quarter at leaſt, on pain o be Puniſhed at the Diſcretion of the King's Council.

Every Juſtice of Peace ſhall have for his *Wages* 4 *s.* a Day, and the Clerk of the Peace 2 *s.* for ſo long time as the *Seſſions* ſhall laſt, to be paid by the *Sheriffs* out of the *Fines* and *Amerciaments* ariſing at the ſame Seſſions, whereunto Lords of *Franchiſes* ſhall be alſo contributary, after the Rate of their part of ſuch *Fines* and *Amerciaments*, with ſome other Clauſes needleſs to be recited.

CAP. XI.

Recites the former Statutes againſt thoſe that ſhall deviſe, ſpeak or tell any falſe News, or Lyes of any Lords, Officers, or Great Men of the Realm; and that when any one hath ſpoken ſuch Falſhoods, contrary to the aforeſaid Statute, and cannot produce the Author, and is thereupon Impriſoned, he ſhall afterwards be Puniſhed by the King's Council, notwithſtanding the Statute of *Weſtminſter*, 1. according to which they were to be Puniſhed before.

CAP. XII.

That as to the Right of Levying the *Expences of Knights* coming to the Parliament for the Commons of Counties, it is accorded, that the ſaid Levies be made as hath been uſed before this time; and further, that if any Lord, or any other Man, Spiritual or Temporal, hath Purchaſed any Lands or Tenements, *&c.* which were wont to be Contributary to ſuch *Expences*, the ſaid Lands, Tenements, *&c.* ſhall ſtill continue to be ſo charged as the ſame were wont to be before the time of the ſaid Purchaſe.

CAP. XIII.

Appoints the Puniſhment of thoſe that ſhall caſt *Garbage*, or other Filth, into the Rivers or Ditches near any City, or Great Town, whereby the Air might be corrupted.

At a Parliament held the 13th *of* Richard *the Second*, A. D. 1389

CAP. I.

Ordains, That the Statute of 25 *Edward* be confirmed, touching the Examination of the King's Title to a *Benefice*, when He Preſenteth in another's Right, and where the King Preſenteth to a *Benefice* full of an Incumbent, His *Preſentee* ſhall not be received, until He hath recovered it by Law.

CAP. II.

Ordains, That the *Conſtable* and *Marſhal* of *England* hath only Cogniſance of things concerning Arms and Wars, which cannot be diſcuſſed by the Common Law. And in this Court the Plaintiff ſhall plainly declare his Matter in his Petition before the Defendant be ſent for; alſo when a Plea is commenced before the *Conſtable* and *Marſhal*, which may be Tryed at the Common Law, the Party grieved ſhall have a *Privy-Seal* to cauſe the *Conſtalle* and *Marſhal* to ceaſe, until it may be diſcuſſed by the King's Council, whether it may be Tryed there, or at the Common Law.

CAP. III.

Appoints, that the Limits of the *Steward* and *Marſhal* of the King's Houſe, and the Juriſdiction thereof, ſhall not exceed the ſpace of Twelve Miles, to be accounted from the King's Houſe, or Lodging.

CAP. IV.

Sets forth the Liberty of the *Clerk* of the *Market* of the King's Houſhold, which is now obſolete.

CAP. V.

That the *Admirals* or their *Deputies* ſhall not meddle with any thing done within the Realm, but only upon the *Sea.*

CAP. VI.

Ordains, That there ſhall be but Thirty Serjeants at Arms, who ſhall meddle with nothing, but touching their own Offices.

CAP. VII.

That notwithſtanding the Statute of 12 *Rich.* 2. *Cap.* 10. which Prohibits the Stewards of Lords to be Juſtices of the Peace, the moſt ſufficient Knights, Eſquires, and Gentlemen of the Law ſhall be put in Commiſſion, and Sworn to put in Execution without favour, all Statutes which concern their Office.

CAP. VIII.

Appoints the Rates of *Artificers*, Labourers, and Workmens *Wages* ſhall be aſſed, and proclaimed by the Juſtices; and the Gains of *Victuallers* ſhall be aſſed by them, and who ſhall make Horſe-Bread, and the Weight and Price thereof. This is obſolete, but the reſt of the Statute remains ſtill in Force.

CAP. IX.

That there ſhall be but one *Weight* and *Meaſure* throughout *England*, and he that ſhall be Convict to have uſed any other, ſhall ſuffer ſix Months *Impriſonment*, and yield double Damages to the Party grieved, except in *Lancaſhire*.

CAP. X, *and* XI.

Sets out the Length and Breadth of *Cogware*, and *Kendal-Cloath*, and that the Cloaths of certain Counties tacked and folded, ſhall not be put to Sale before they be opened. But this is now become obſolete.

CAP. XIII.

Provides, That no *Layman* who had not Lands of 40*s.* *per Ann.* nor *Clerk* who had not 10*l.* Revenue *per Annum*, ſhall have or keep any *Greyhound*, Hound, Dog, Ferret, Net or Engine, to deſtroy Deer, Hares, Conies, or any other Gentleman's Game, on pain of one whole Years Impriſonment, which Juſtices of Peace ſhall have Power to inflict.

CAP. XIV.

That there ſhall be no *Recognizances* or other *Bonds of the Double*, made or taken in the *Exchequer* for the time to come, &c.

CAP. XV.

That the King's Caſtles and Goals which were wont to be joined to the Bodies of the Counties, and are now ſevered, ſhall be rejoyn'd to the ſame.

CAP. XVI.

Appoints, that no *Protection* with the Clauſe of * *Quia Profecturus* ſhall be allowed in any Plea, whereof the Suit was Commenced before the Date of ſuch *Protection*, except in a Voyage, where the King goeth in Perſon, or other Voyages Royal: or in the King's Meſſages: Howbeit this Act ſhall not infringe *Protections* with the Clauſe of *Quia moraturus*, *i. e.* when he was to ſtay abroad in the King's Service, with other Clauſes needleſs to be recited; becauſe this Statute is become obſolete.

* *i. e.* Becauſe the Party was going beyond Sea, on the King's Service.

CAP. XVII.

Provides, That when Tenants for term of Life, in *Dower*, or by the Courteſie of *England*, or in Taile after *poſſibility of Iſſue extinct*, ſhall be impleaded, and He in the Reverſion come into the Court, and prayeth to be received to defend his Right, at the day that the Tenant Pleadeth to the Action, or before, he ſhall be received to Plead in Chief to the Action, without having any delay by *Voucher*, *Aid-Prayer*, *Non-age*, or any other Delay; ſo that after ſuch Receipt, the Buſineſs ſhall be haſted as much as may be by the Law, without any delay whatſoever on either ſide; with other Clauſes which the Reader may find in the Statute, which was made to prevent the *Colluſion* of ſuch Tenants for Life, who would not Vouch to Warranty them in the *Reverſion*, on purpoſe that they might loſe their Rights.

CAP. XVIII.

Provides, That upon a *falſe Verdict* given before the Mayor and Bayliffs of *Lincoln*, an *Attaint* may be brought and Tryed by Foreigners of the ſaid County of *Lincoln.*

CAP. XIX.

Contains a Confirmation of the Statute of 13 *Edw.* I. *Cap.* 47. touching the taking of *Salmons.*

Other Statutes made at another Seſſions of the ſame Parliament at Weſtminſter *in the ſaid Thirteenth Year of* Richard II. A. D. 1389.

CAP. I.

Ordains, That in a *Pardon* of Murther, Treaſon, or Rape, the Offence committed ſhall be ſpecified, and no *Pardon* of Treaſon or Felony ſhall paſs without Warrant of the *Privy-Seal*, with the Forfeiture of him at whoſe Suit ſuch a Pardon is obtain'd without it.

CAP. II.

Is a Confirmation of the Statute of *Proviſors* made *Anno* 25 *Edw.* 3. and the Forfeiture of him that accepteth a Benefice contrary to that Statute ; of which I have ſaid enough already under the Title of *Church-Affairs*, to inſiſt any longer upon this.

CAP. III.

Ordains, The Penalty of him who bringeth any Summons, Sentence, &c. againſt any Perſon upon the Statute of *Proviſors*, and the Penalty of a Prelate executing ſuch Sentence, &c. which is alſo mention'd in the ſame Place.

Statutes made at Weſtminſter, An 14 Rich. II. Anno Dom. 1390.

CAP. I.

That the *Staple* ſhall be removed from *Calice* into *England*, to certain Cities and Towns there named, and that all Merchants *Alien* ſhall beſtow half the Money received upon the Commodities of this Realm. This tho' obſolete deſerves our notice.

CAP.

C A P. II.

Ordains, That for every *Exchange* that ſhall be made by Merchants to the Court of *Rome*, or elſewhere, the ſaid Merchants be firmly and ſurely bound in the *Chancery* to buy within three Months aſter the ſaid *Exchange* made, Merchandiſes of the *Staple*, as Wools, Leather, Woollfells, Lead, or Tin, *&c.* or other Commodities of the Land, to the value of the Sum ſo exchanged, upon pain of Forſeiture of the ſame.

C A P. III.

That in every Port and Place where the *Staple* ſhall be, the Mayors, Conſtables, Brokers, and all other Officers and Miniſters of the *Staple* ſhall be *Sworn*, firſt to the *King*, and aſter to the *Staple*.

C A P. V.

Ordains, that no Denizen carry *Woolls*, *Leather*, *Woollſells*, nor *Lead*, out of the Realm of *England*, to the Parties beyond the Sea, upon pain of Forſeiture of the ſame; but only Strangers.

C A P. VI.

Ordains, That all Merchants of the Realm of *England* ſhall Freight their Wares in Ships of the ſaid Realm, and not Foreign Ships; ſo that the Owners of the ſaid Ships take reaſonable gains for the Freight of the ſame.

C A P. VIII.

That none of the King's Liege-People be from henceforth Diſtrained, Impeached, Moleſted, nor Grieved in the *Exchequer*, nor elſewhere, for not Gauging of *Rheniſh* Wines.

C A P. IX.

Ordains, That Merchants Strangers reſorting into this Realm ſhall be kindly uſed, and not oppreſſed.

C A P. X.

That no Cuſtomer, or Comptroller ſhall have any Ship of his own, nor ſhall have his Office, but at the King's Pleaſure.

C A P.

CAP. XI.

Provides, That there ſhall be *Eight Juſtices of Peace* aſſigned in every County, and that *Double Eſtreats* of the *Fines* and *Amerciaments* ariſing at the *Seſſions* ſhall be made, containing the Names of all the Juſtices there preſent, with the number of Days they Sit, and one of them deliver'd to the *Sheriff*, out of which he is to anſwer to the Juſtices their *Wages* by Indenture, according to which the *Sheriff* ſhall be again allowed the *Wages* in the *Exchequer* upon his Account ; but no Duke, Earl, Baron, or * Banneret, (altho' he be Juſtice of Peace, and holds *Seſſions* with the other Eight) ſhall have any *Wages* allowed Him.

Statutes made at Weſtminſter 15 Rich. II. A. D. 1391.

CAP. I.

Contains a Confirmation of all former good Statutes not Repeal'd.

CAP. II.

All the former Statutes concerning *Forcible Entries* and *Riots*, are Confirm'd, with the Duty of Juſtices of the Peace, when any *Forcible Entry* is made into Lands.

CAP. III.

Ordains, That the *Admirals*, or their *Deputies*, ſhall not meddle with any thing done within the Realm, but only upon the *Sea*, and that the *Admiral's* Court ſhall not have Cogniſance of any thing done within the Bodies of Counties, as well by Land as by Water, not with *Wrecks* of the Sea ; yet nevertheleſs concerning the *Death* of a Man, and of a *Maihem* done in great Ships hovering in the main Stream of great Rivers (beneath the Bridges near the Sea) the *Admiral* ſhall have Cogniſance, and likewiſe to *Arreſt* Ships for the great Voyages of the King and Kingdom, and ſhall alſo have Juriſdiction over ſuch Fleets during ſuch Voyages, ſaving to the King his Forfeitures, and to Lords, Cities and Boroughs, their Liberties and Franchiſes.

CAP. IV.

Appoints, that there ſhall be but Eight *Buſhels* of Corn ſtriked to each *Quarter*.

* This was a Baron called by Writ to one or two Parliaments. *See* Selden's *Titles of Honour*. Parl. 2. p.

CAP. V.

Declares, that it is within the compaſs of the Statute of *Mortmain*, to convert any Land into a Church-yard; and it is alſo *Mortmain* where ſome are ſeiſed of Lands to the Uſe of Religious or Spiritual Perſons; and it is *Mortmain* to Purchaſe Lands for the Uſe of any Guilds, Fraternities, Offices, Commonalties, &c.

CAP. VI.

Ordains, that in all *Appropriations* of Benefices, there ſhall be ſome Proviſion made for the *Poor*, and the *Vicar* of the Pariſh.

CAP. VII.

Gives leave that Armour, Corn or Victuals may be carried to *Berwick*, notwithſtanding the Statute of 7 *Rich.* 2. *Cap.* 16.

CAP. IX.

Ordains, that the Mayor of the *Staple* ſhall take *Recogniſances* fo Debts according to the Statute of 27 *Edw.* 3. *Cap.* 9.

CAP. XII.

That no Man ſhall be Compelled to anſwer for his Freehold befor the Council of any Lord, or Lady.

Statutes made at Weſtminſter, 16° Rich. II. A. D. 1392.

CAP. I.

That no Merchant Stranger ſhall Buy or Sell with another Merchant Stranger, in order to Sell again the ſame Commodities in *England*.

CAP. II.

Is a Confirmation of the Statute of 15 *Rich.* 2. *Cap.* 12. with a Penalty to the Offenders thereof.

CAP. III.

That the *Clerk* of the *Market* ſhall carry with him all his *Weigh* and *Meaſures* Signed.

CAP. V.

Ordains, That none ſhall Purchaſe *Bulls* or other Inſtruments from *ome*, or elſewhere, on pain to incur a *Præmunire*, and that the Crown f *England* is ſubject to none. I have recited this Chapter at large in hurch-Affairs, and therefore ſhall ſay no more of it here.

CAP. VI.

Ordains a Repeal of part of the Statute of 13*th Rich.* 2. touching e *Forfeiture* of him that obtaineth a *Pardon*, without expreſſing the ame of him at whoſe Suit the ſaid Pardon was obtained.

Statutes made at Weſtminſter, 17° R. 2. A. D. 1393.

CAP. I.

Ordains, That no *Sterling* Money ſhall be Melted for Veſſel, and that *oreign* Money ſhall not be current in *England*, and that there ſhall be o Exchange of *Engliſh* with *Scotiſh* Money.

CAP. II.

That every Man may make *Cloth* of what length and breadth he ill; no Cloth ſhall be Sold before it be *Meaſured* and *Sealed* by the ulnager, and that there ſhall be no Deceit in Cloths.

CAP. III.

Appoints what ſort of *Worſteds* may be carried forth of the Realm, nd what not.

CAP. IV.

That *Mault* Sold to *London* ſhall be well cleanſed from the Duſt.

CAP. V.

That a *Searcher*, *Gauger*, *Aulnager*, Cuſtomer, ſhall have no aſſured ſtate in his Office.

CAP. VI.

Ordains, That foraſmuch as People be Compelled to come before he King's Council, or in the Chancery, by Writs grounded upon untrue *Suggeſtions*, that the *Chancellor* for the time being, preſently after hat ſuch *Suggeſtions* be duly found and proved untrue, ſhall have power to Ordain and Award *Damages* according to his Diſcretion, to him who is ſo troubled unduly, as aforeſaid.

CAP. IX.

That the *Juſtices of the Peace* ſhall be Conſervators of the Statutes made touching *Salmons*.

CAP. X.

Ordains, That Two Learned Men in the Law ſhall be in Commiſſion of *Goal-Delivery*.

Statutes made at a Parliament at Weſtminſter, 20 *Rich.* 2. A. D. 1396.

CAP. I.

Ordains, That no Man ſhall Ride *Armed*, and that *Launcegays* ſhall be quite laid aſide.

CAP. III.

It is Ordained, That no Man ſhall ſit upon the *Bench* with the Juſtices of *Aſſize*.

CAP. IV.

That Merchant-Strangers after they have Sold their Goods, and the Cuſtom thereof be duly Paid, may freely depart and go with their Ships, and the remnant of their Goods where they pleaſe, without Paying any more Cuſtoms, or Duties.

CAP. V.

Sets forth the Penalty of Him who doth take any Perſon's Horſe or Beaſt to ſerve the King, without due Warrant for it.

Statutes made at Weſtminſter, 21 Rich. II. A. D. 1397.

But all theſe being either obſolete, or repealed, I paſs by; among which is a *Repeal* of the Statutes made at *Weſtminſter*, and *Shrewsbury*, of which I have given a large Account in the Hiſtory.

Here follows the late Lord Chief Juſtice Hale's *Account of the State and Progreſs of the Laws during this King's Reign.*

RICHARD the *Second* ſucceeding His Grandfather, the Dignity of the Law, together with the Honour of the Government, by reaſon of the weakneſs of this Prince, and the Difficulties occurring in His Government, ſeem'd ſomewhat to decline, as may appear by comparing the twelve laſt Years of *Edw. 3d*, commonly called the *Quadrageſimes*, with the Reports of *Richard 2d*, wherein there appears a viſible Declination of the Learning and Depth of the Judges and Pleaders. It is true, we have no *entire Reports* Printed of *Richard* the *Second*'s Reign, but yet I have ſeen in *Manuſcript* the entire Years and Terms of this King, out of which, or ſome other Copies thereof I ſuppoſe *Fitzherbert* abſtracted his Abridgment of thoſe broken Cauſes.

The *Quadrageſimes.*

In all theſe former Times, eſpecially from the end of *Edward* the *Third*, to the beginning of *Edward* the *Fourth*, the Learning of the Common Law conſiſted Principally in *Aſſizes* and *Real Actions*, and rarely was any Title determined in a *Perſonal Action*, unleſs in caſe of the Title of Rents or Services by *Replevin*; and the Reaſons were Principally theſe. Firſt, Becauſe thoſe Antient Times were great favourers of the *Poſſeſſor*; and therefore about the Reign of *Edward* the *Second*, if a *Diſſeſſor* had been in Poſſeſſion by a Year and a Day, he was not to be put out without a Recovery by *Aſſize*. Again, if the *Diſſeiſor* had made a Feoffment, they did not Countenance an Entry upon the *Feoffee*, becauſe he might thereby loſe his *Warranty*, which he ſaved being impleaded in an *Aſſize* or Writ of *Entry*, and by this means Real Actions were moſt frequent, as alſo *Aſſizes*. Secondly, They were willing to quiet Men's Poſſeſſions; and therefore after a *Recovery* or *Bar* in an *Aſſize* or *Real Action*, the Party was driven to an Action of an higher nature. Thirdly, Becauſe there was then no known Action, wherein the Party could ordinarily Recover his *Poſſeſſion* otherwiſe, than by an *Aſſize* or *Real Action*; for 'till the end of *Edward* the *Fourth*, the *Poſſeſſion* was not recovered in an *Ejectione Firmæ*, but only Damages. Fourthly, becauſe an *Aſſize* was a ſpeedy and effectual Remedy to recover the *Poſſeſſion*, the Jury being ready Empanel'd, and at the Bar, the firſt day: and altho' not by Diſuſage, the Practicers of the Law are not ſo ready in it now, yet the *Proceſs* thereof in thoſe times, was as well known to all Profeſſors of the Law, as now the Courſe of an *Ejectione Firmæ* is.

Church-Affairs in this King's Reign, Relating to the Encroachments of the Pope *in the Matter of* Proviſions *to Biſhopricks*, &c.

Rot. Parl. 1 *Rich.* 2. *N.* 77. Cott. Abr. 161.

AS in the laſt Reign, ſo in this, the Pope practiſed his Encroachments upon the Church and State, therefore in the firſt Parliament of this King, the Commons Petition, That whereas in the Treaty between K. *Edward* the 3*d*, and the Pope, He had conſented to abſtain from all manner of *Proviſions* by way of *Reſervation* of Benefices, eſpecially of ſuch Dignities as were *Elective*; yet the Court of *Rome* had no regard to the King's Meſſengers ſent thither about this Matter; but the Pope ſtill continued his former Practices, contrary to the Treaty, Grant, and Accord with the ſaid King *Edward*, to the great prejudice of Himſelf, and his Subjects, wherefore they pray Remedy.

2. *Rich.* 2. *N.* 78.

What Remedy they had then, I find not; but the next Year, in oppoſition to certain Rebel Cardinals, there was an Act paſſed, that *Urban* was duly Elected and declared to be the true Pope, and as ſuch, Head of *Holy Church*, He ought to be Accepted and Obeyed; and to this all the Prelates, Lords and Commons agreed.

See the Stat. at large, 3 *Rich.* 2. *c.* 3.

The next Year the People Complained and Petitioned, ſhewing, that Cathedral and Collegiate Churches, Abbeys, Priories, and other Benefices of the Kingdom were filled with Men of another Language, and of ſtrange Lands and Nations, and ſometimes Enemies of the King, and Kingdom, which never made Reſidence in the ſame, or performed the Charge thereof. Whereupon the King by Advice and common Aſſent of all the Lords Temporal, Ordained, that none of His Liege People of what Condition ſoever they were, ſhould take or receive any Procuracy, Letter of Attorny, Farm, or other Adminiſtration by Indenture, or in any other manner, of any Benefice within *England*, but only of the King's Subjects, without his ſpecial Licenſe, by Advice of His Council, nor ſend out of the Kingdom any Gold, Silver, or other Treaſure or Commodity by Bill of Exchange, Merchandiſe, or any other manner; and thoſe that did the contrary, ſhould incur the Pain and Puniſhment contained in the Statute of *Proviſors*.

Vid. the Stat. 7 *Rich.* 2. *Cap.* 12. & *Rot. Parl.* *N.* 49.

Yet it appears by the Complaint and Petition of the Commons, with the Aſſent of the King and Lords Temporal, that this *Prohibition* proved ineffectual for the end intended; and therefore it was reinforced, and in his ſeventh Year agreed by the King, the Lords Temporal, and Commons, that the ſame Statutes ſhall keep their Force and Effect in all Points; and that all *Aliens* who have Purchaſed or ſhall Purchaſe any Benefice, Dignity, or thing of *Holy Church*, and in his proper Perſon take poſſeſſion of the ſame, or uſe it himſelf within the Kingdom to his own Benefit, or of any other, without ſpecial Licenſe of the King, ſhall be compriſed in the ſame Statute.

But neither had this Reinforcement its due effect; and therefore in His Twelfth Year it was Ordained and Aſſented by the Parties aforeſaid, That no Liegeman of the King, of whatſoever Eſtate or Condition he be, ſhould paſs over the Sea, nor ſend out of the Realm of *England* without ſpecial leave of the King Himſelf, to provide or purchaſe for himſelf *Benefice* of *Holy Church* with Cure or without Cure in the ſaid Realm; and if any do, and by vertue of ſuch *Proviſion*, accept by him, or by any other, any Benefice of the ſame Realm, that at that time the ſame *Proviſor* ſhall be out of the King's Protection, and the ſame Benefice become void; ſo that it ſhall be Lawful for the *Patron*, as well Spiritual as Temporal, to preſent to the ſame an able Clerk at his pleaſure.

Ib. 13 *Rich.* 2. *Cap.* 2.

Nor could this hinder *Proviſions*, Gifts, and Sale of Benefices of all ſorts by the *Pope*; for in the next Year the *Commons* require the King that the Statute of *Proviſors* made in the 25*th* of *Edward* I. might be recieved in Parliament; and then it was alſo Ordained and Eſtabliſhed, that if any accept of any Benefice of Holy Church, contrary to that Statute, and it be duly proved, he being beyond Sea, that then he ſhall abide Exiled, and Baniſhed out of the Realm for ever, and his Lands and Tenements, Goods and Chattels Forfeit to the King; and if he be within the Kingdom, he ſhould be alſo Exiled, and Baniſhed, and incur the ſame Forfeiture, and avoid the Realm within ſix Weeks next after ſuch acceptation. And if any one receive ſuch Perſon after the ſix Weeks are expired, he ſhall be Baniſhed, and incur the ſame Forfeiture.

Ib. Cap. 3.

And it was then further Ordained, and Eſtabliſhed, that if any Man brought or ſent within the Kingdom, or the King's Dominions, any Summons, Sentence, or Excommunication againſt any Perſon of what Condition ſoever he be, for the Cauſe of making any *Motion*, *Aſſent* or *Execution* of the Statute of *Proviſors* (as above) he ſhall be taken, Arreſted, and put in Priſon, and Forfeit all his Lands and Tenements, Goods and Chattels for ever, and moreover incur the pain of Life and Member: and if any *Prelate* make Execution of ſuch Summons, Sentences, or Excommunications, that his Temporalities be taken, and abide in the King's Hands 'till due Redreſs and Correction be therefore made; and if any Perſon of leſs Eſtate than a *Prelate*, of what Condition ſoever he be, make ſuch Execution, he ſhall be taken, Arreſted, and put in Priſon, and make Fine and Ranſom by Diſcretion of the King's Council.

[1.] *Ib.* 16 *Rich.* 2. 5 *cap.* & *Rot. Parl. N.* 20.

Notwithſtanding [1.] this Care and theſe Laws made againſt the Pope's Practices in this Kingdom, the Commons in the Parliament, of the Sixteenth Year of this King, ſhewed unto Him, grievouſly Complaining, that foraſmuch as He, and all his Liege People ought of *Right*, and of old time were wont, to ſue in the King's Court to recover their Preſentments to Churches, Prebends, and other Benefices of *Holy Church*, to which they have Right to preſent, the Cogniſance of Plea of which Preſentment belongeth only to the King's Court of the old Right of his Crown uſed in the time of his Progenitors, Kings of *England*; and when Judgment was given in the ſame Court, upon ſuch a Plea, and Preſentment, the Arch-Biſhops, Biſhops, and other Spiritual Perſons which had Inſtitution of ſuch Benefices within their Juriſdictions, were bound and had made Execution of ſuch

Judgments by the King's Commands of all the time aforeſaid, without interruption; (for another lay Perſon could make ſuch Execution) and alſo they were bound of *Right* to make Execution of many other of the King's Commands, of which Right the Crown of *England* had been peaceably Seiſed until this day: But now of late divers *Proceſſes* have been made by the Biſhops of *Rome*, and Cenſures of *Excommunication* upon Certain Biſhops of *England*; becauſe they had made Execution of ſuch Commands, to the open Diſheriſon of the Crown, and Deſtruction of the King, his Laws, and all his Kingdom, if Remedy be not provided: They further Complain of the Pope's Tranſlation of Biſhops from Biſhoprick, to Biſhoprick, and ſending ſome out of the Kingdom, who were fit to be of the King's Council, and able to give Him Advice, without his Aſſent, and againſt his Will: **So that the Crown of England, which had been ſo free at all times, that it had been in Subjection to no Earthly Sovereign, but immediately Subject to God, and to none Other, in all things touching the Regaly or Royalty of the Crown, ſhould be ſubmitted to the Biſhop of Rome and the Laws and Statutes of this Realm by Him Defeated and Deſtroyed at his Will, in perpetual Deſtruction of the King his Crown and Regaly, and all his Realm, which God forbid.** Wherefore they declare, **that they and all the Liege Commons of the Kingdom would ſtand by the King, his Crown, and Regaly in the Caſes aforeſaid, and in all other Caſes attempted againſt Him, his Crown and Regaly in all Points to live and die. And further they pray the King, and him require by way of Juſtice,** that He would ask all the Lords in Parliament, as well Spiritual as Temporal, Severally, and all the States of Parliament, what they thought of the Caſes aforeſaid? Whereupon the Lords Temporal being ſo asked, anſwered every one by himſelf, that the Caſes aforeſaid were clearly in Derogation of the King's Crown and of his Regaly, as it was well, and had been a long time known; and that they would be with the Crown and Regality in theſe Caſes eſpecially, and in all others which ſhall be attempted againſt them in all Points, with all their Power. That Anſwer of the Lords Spiritual to the King's Demands, was much to the ſame purpoſe as that of the Lords Temporal, will beſt appear from the Arch-Biſhops *Proteſtation* (ſo called upon the Parliament Roll, as 'tis tranſcribed in Dr. *Brady's Appendix* to his laſt Volume, Number 118. and there tranſlated from the *French* Record, to which I refer the Reader.

These are the words of the Parliament Roll, 16 *Rich.* 2. *N.* 20.

Rot. Parl. 16 *Rich.* 2. *N.* 20.

[2.] *Ib.*

After [2.] which Anſwers given to the King by Aſſent of the Lords Spiritual and Temporal, at the Prayer of the Commons. It was Ordained and Eſtabliſhed that if any one Purchaſe or Perſue, or cauſe to be Purchaſed or Perſued in the Court of *Rome*, or elſewhere, any ſuch Tranſlations, Proceſſes and Sentences of Excommunications, Bulls, Inſtruments, or any other things which touch the King, and are againſt Him, his Crown, Regaly, or Kingdom, as is aforeſaid; then they that bring them within the Realm, or receive them, or make thereof Notification, or any other Execution within the Kingdom, or without, they, their Notaries, Procurators, Maintainers, Abettors, Fautors and Counſellors, ſhall be put out of the *King's Protection*; their Lands and

Tenements, Goods and Chattels forfeited ; and alſo attached by their Bodies, if to be found, and brought before the King and his Council, there to Anſwer; and that Proceſs ſhall be made againſt them by *Premunire facias*, in manner as it is Ordained in other Statutes and Proviſors.

After this there is nothing further that I have ſeen about theſe Controverſies, the Pope being quiet all the reſt of his Reign ; yet I ſhall take notice of ſome things done by the King relating to theſe Affairs, which were omitted in their due Place.

He [1.] cauſed *James Dardain* the Pope's Collector in *England*, to ſwear he would be faithful to Him and his Crown ; that he would not do, permit, or procure to be done, any thing prejudicial to Him, his Kingdom, Laws, and Rights ; and that he would not put in Execution any Papal Letters, or Mandates, or permit them to be put in Execution, that were prejudicial to the King, his Regality or Laws, and Rights, or to his Kingdom ; that he would not receive, or publiſh any of the Pope's Letters, but ſuch as he ſhould deliver to the King's Council, as ſoon as he could ; that he would not ſend any Money or Plate out of the Kingdom, unleſs he had ſpecial Licenſe from the King or his Council ; nor that he would introduce any Novelties, either by or without the Pope's Command, without the King's Licenſe, and that he would keep the King's Laws and Rights without violation. This Oath was taken *Auguſt 27th.* in the 12*th*, of *Richard* II. before his Council, as appears by the Record it ſelf.

[1.] *Rot. Cl.* 12 *Rich.* 2. *M.* 30. *Dorſ.*

Then [2.] *the King wrote to* William *Arch-Biſhop of* Canterbury, *that he could not but know that he was bound by Oath for the Conſervation of the Rights and Cuſtoms of the Kingdom, and for the Indempnity and Right Government of his People, that no Impoſitions upon the People could be made, or Levied any ways whatſoever, without the Common* Council, *or Conſent of the Kingdom ; and further, that He had been petitioned by the Commons lately Aſſembled in* Parliament *at* Weſtminſter, *to provide Remedy againſt the Impoſitions upon the Clergy, at that time publiſhed and exacted by the Pope ; and alſo that any one that ſhould bring in any Pope's Bulls to Levy ſuch Impoſitions, or create ſuch* Novelties, *not formerly uſed, which might bring Damage to Him or his Kingdom, or ſhould publiſh ſuch Impoſitions and* Novelties, *or Collect or Levy them, ſhould be adjudged, and ſuffer as a* Traitor to Him and his Kingdom *: And further, that it was granted by Him, with Aſſent of the ſame Parliament, that nothing ſhould be Levied or paid, which might tend to the Burthen and Damage of the Kingdom or Leige People : Yet all this notwithſtanding, He was informed of a new Impoſition upon the Clergy by the* Pope, *which by his Authority, or the Authority of his* Suffragans *by his Command, was to be levied without the Common Advice, and Aſſent of the Kingdom, which He might not ſuffer to be done,* **ſaving his ſaid Oath,** *and then Commanded him, by the Faith in which he was bound to Him, and under forſeiture of all he could forfeit, to revoke all that had been done for the Levying and exacting of this Impoſition, and to return what had been paid and Levyed ; enjoyning him not to pay or contribute any thing to this Subſidy or Impoſition, under the foreſaid Faith and Forſeiture. Witneſs the King at* Weſtminſter *the Tenth day of* October.

[2.] *Ib.* 13. *Rich.*2. part 1. *N.* 17.

The

Ib. The like Writ of the ſame Date was directed to the Arch-biſhop of *York* and all the other Biſhops of *England*, as alſo to the Guardians of the Spiritualities of the vacant Biſhopricks; and ſeveral Collectors of this Impoſition.

Ib. The like Writ was alſo directed to *James Dardain*, then the Pope's Nuncio, to deſiſt from the exacting of this Impoſition, under the forfeiture of Life and Members, and all things he could forfeit. Witneſſed as before.

This Impoſition was the Payment of a *Tenth* by the Clergy to the Pope, by Him laid upon them, as appears by the *Todding*, or Title of the *Record* concerning Tenths not to be paid to the Pope.

Ib. 14 *Rich.* 2. *m.* 13. *In the Fourteenth Year of his Reign He cauſed Proclamation to be made throughout* England, *to call from* Rome, *under forfeiture of Life and Member, and all they could forfeit, Several Perſons that had gone thither to procure the Nulling and Vacating of divers Statutes made by Him, and his Progenitors, with Conſent of Parliament, for the Common profit of the Kingdom; and to perpetrate many other Evils there, to the Contempt, and prejudice of his Perſon, to the great Damage of the Kingdom and People, and to the manifeſt Ceſſation of the Laws and Cuſtoms thereof; that they ſhould be in England by the Feaſt of St.* Martin *in Winter (or the Eleventh of* November*) at furtheſt; and that no man of what State or Condition ſoever he was, ſhould bring any Pope's Bulls, Proceſſes, or Inſtruments for the Adnulling or vacating of any of the Statutes, Laws or Cuſtoms aforeſaid, or Obey them, or put them in Execution, under the forfeiture aforeſaid. Witneſs the King at* Weſtminſter *the third day of* May. *By the King Himſelf and Council,*

Ib. This Proclamation was directed to the Sheriff of *Kent*, and all other Sheriffs of *England*; and to his Uncle *John* Duke of *Lancaſter*, or his Chancellor in that Dukedom; and to *John Stanley* his Juſtitiary in *Ireland*, or his Lieutenant; and alſo his Juſtitiary of *Cheſter*, or his Lieutenant.

The Statutes for which the Perſons went to *Rome* to have made void by the Pope, and were recalled by this Proclamation, were the Statute of *Proviſors* laſt enacted, the Statutes of *Quare impedit*, and *Præmunire facias*, and ſuch like, which the Pope ſaid were againſt and injurious to Eccleſiaſtick Liberty; for the particular Account whereof ſee *Walſingham*'s Hiſtory, *Fol.* 344, & 345, A. D. 1391. 14. *Rich.* II.

Rot. Clauſ. 20 *Rich.* 2. *M.* 3. *Dors.* In the Twentieth Year of His Reign, on the Nineteenth of *September*, the King cauſed *Lewis* Biſhop of *Vultura* in *Apulia*, the Pope's Collector, to take the ſame Oath before Himſelf in Chancery, which *James Dardain* had taken in the Twelfth of His Reign, before His Council.

Concerning John Wyckliff, *and his Followers.*

THE Opinions of *John Wyckliff* prevailed very much (as I ſaid before) in the Univerſity of *Oxford*, and not a few Learned Men maintain'd them in the Schools, and Preached them up there, and in many other Places and Countries; inſomuch that in the Fourth Year of this King, 1381, *William de Berton*, Chancellor of that Univerſity, calling together ſeveral Doctors of Divinity, and other Profeſſors of *Spelman's Concil.* 2. Vol. f. 267.

and Skilful in the *Canon-Law*, to Examine into thoſe Opinions, they were upon great Debate and Conſultation judged to be *Erroneous*, Repugnant to the Determinations of the Church, and Contradictory to Catholick *Verity*; and therefore *forbad* every one, of what Degree or Condition ſoever, under the pain of the *Greater Excommunication*, publickly to Hold, Teach or Defend the ſame in the *Univerſity*.

Upon the further ſpreading of theſe Opinions amongſt the Great Men and Populacy, *William Courtney* Archbiſhop of *Canterbury*, and Seven other Biſhops of that Province, Fourteen Doctors of the Canon and Civil Laws, Seventeen Maſters of Divinity, and Six Batchelors of Divinity, on the Seventeenth of *May*, 1382, met in a Chamber of the *Fryar-Preachers* in *London*, where having Conſidered and Deliberated upon the Opinions and Concluſions, then divulged, Unanimouſly on the Seven and Twentieth of the ſame Month, Declared and Decreed ſome of them *Heretical*, others *Erroneous*, and contrary to the Determination of the Church. *Ib.* fol. 629, 630, 631.

The ſuppoſed *Heretical* OPINIONS were theſe.

1. *That the Material Subſtance of Bread and Wine, remained after Conſecration, in the Sacrament of the Altar.*
2. *Alſo, that the Accidents do not remain with a Subject after Conſecration in the ſame Sacrament.*
3. *Alſo, that Chriſt is not in the Sacrament of the Altar, Identically, Truly and Really, in his proper Corporeal Preſence.*
4. *Alſo, that if a Biſhop or Prieſt be guilty of Mortal Sin, he can neither Ordain, Conſecrate, nor Baptize.*
5. *Alſo, that if a Man were duly Contrite, all external Confeſſion was ſuperfluous and unprofitable.*
6. *Alſo, pertinaciouſly to aſſert, that Chriſt's having Ordained* Maſs, *had no Foundation in the Goſpels.*
7. *Alſo, that God ought to obey the Devil.* [But this is too Blaſphemous.]
8. *Alſo, if the Pope be an ill Man, and by conſequence a Member of the Devil, He hath no Power over the Faithful of Chriſt given Him by any one, unleſs perhaps by* Cæſar.
9. *Alſo, that after* Urban VI. *no Man is to be received as* Pope, *but we ought to live, as the* Græcians, *under our own Laws.*
10. *Alſo, to aſſert, That 'tis againſt Holy Scripture, that Eccleſiaſtics ſhould have Temporal Poſſeſſions.*

The ſuppoſed *Erroneous* CONCLUSIONS were theſe.

1. *That no Prelate ought to Excommunicate any one, unleſs he firſt knew he was* Excommunicated *by God.*
2. *Alſo, that any one who did ſo* Excommunicate, *became thereby an Heretick, and Excommunicate himſelf.*
3. *Alſo, a Prelate Excommunicating a Clerk, who appealed to the King and his Council, is in very deed* a Traytor to God, the King, and Kingdom.
4. *Alſo, they that leave off* Preaching, *or hearing the* Word *of God, or* Goſpel *Preached, for the Excommunication of Men, are Excommunicated, and ſhall be held for Traytors to God in the Day of Judgment.*

5. *Alſo, to aſſert that 'tis Lawful ſor any one, tho' a Deacon or* Prieſt, *to* Preach *the Word of God, without* Papal *or Epiſcopal Authority, or other, which ſufficiently appeareth.*

6. *Alſo, to aſſert that none is a Civil Lord, none is a Biſhop, none is a* Prelate, *while he is guilty of Mortal Sin.*

7. *Alſo, that Temporal Lords may at their pleaſure take away Temporal Goods from Eccleſiaſticks, being habitual Delinquents, or that the* Populacy *when they will, may correct Delinquent Lords.*

8. *Alſo, that Tythes are pure Alms, and that the* Pariſhioners, *for the Sins of their Curates, may detain them, and as they pleaſe give them to others.*

9. *Alſo, that particular* Prayers *applied to one* Perſon, *by* Prelates *or Religious, are no more Benefit to that* Perſon, *than General* Prayers *are to him, all other things being equal.*

10. *Alſo, in that very thing, that any one takes upon him of whatſoever private * Religion, he is made more unfit and unable to obſerve God's Commandments.*

* *i. e.* Profeſſions of Monkery.

11. *Alſo, Saints Inſtituting whatſoever private Religions, as well thoſe with* Poſſeſſions, *as* Mendicants, *have Sinned in ſo Inſtituting.*

12. *Alſo, that Religious* Perſons *living in private Religions, are not Christians.*

13. *Alſo, that* Fryars *are Bound to get their Food by the Labour of their Hands, and not by Begging.*

14. *Alſo, he that gives Alms to* Fryars, *or to a* Fryar-Preacher, *is Excommunicate, as well as he that receives it.*

Ib. 631, 632.

In perſuance of which Determinations, on the 20*th* Day of *June*, in the ſame Year and Place, *Nicholas Hereford*, Philip *Rapyngdon*, a Ca non Regular, both Profeſſors of Divinity, and *John Ayſhton* Maſter o Arts, and Scholar in Divinity at *Oxford*, and the Chief Followers o *Wyckliff*, appeared Perſonally before the Arch-biſhop, the ſaid Doctors and others, and there the ſaid *Nicholas* and P*hilip* were Commande to Anſwer, and to ſpeak fully and plainly what they thought of theſe Concluſions. Thereupon they gave in their Anſwers in Writing, *Pro teſting*, as otherwiſe they had done, that they intended to be humble and faithful Sons of the Church, and of *Holy Scripture*, and to obey i all things the Determination of the Church; and if they ſhould commi any E*rrour* againſt this their Intention, either in Word or in Deed they ſubmitted themſelves to the Correction of the Archbiſhop, and all others to whom it belonged to Correct them. This P*roteſtatio* premiſed, they Anſwer, that the Subſtance of Material Bread and Win remains in the Sacrament of the Altar after Conſecration; and to hol contrary to the ſenſe of the Decree of * *Firmitèr Credimus, We gran is Hereſie.*

* This is a Decree in the *Decretals*, beginning with theſe words.

To the Second Concluſion, That the Accidents do not remai without a Subject after Conſecration in the ſame Sacrament, to hol contrary to the Decree in the Decretals, that begin with theſe Words *Concedimus quod eſt Hæreſis*, We grant is Hereſie.

To the Third Concluſion, That Chriſt was not in the ſame Sacramen Identically, Truly, and Really in his Proper Corporal Preſence. The Anſwer, That altho' the Concluſion conſiſts of uncouth and unintell gible Words, yet to go contrary to the Senſe of that Decretal in th

Clementines, * *Si Dominum*, we grant is *Hereſie*. And briefly, as to the whole Matter of the Sacrament of the Altar, and every other, we profeſs we will, as well in Words as Senſe, Agree with the Holy Scripture, the Determinations of the Church, and Opinions of the Holy Doctors.

* This was a Decree beginning with theſe two words.

The Fourth and Fifth Concluſions they plainly granted to be *Hereſies*.

To the Sixth, That God ought to obey the Devil, they Anſwer to this Senſe; *That to ſay God in his proper Perſon or Eſſence ought to Obey the Devil with an Obedience of Neceſſity, We grant it is Hereſie*. And thus Evaſively and Sophiſtically they Anſwered to moſt of the Concluſions or Opinions, being both Heretical, and Erroneous.

Their Anſwers not pleaſing the Archbiſhop and his Aſſeſſors, they deſired others more Expreſs; but then they ſaid they knew not how better to Anſwer to the Three firſt, becauſe they had Anſwer'd in Writing, and would Anſwer no otherwiſe.

Ib.

And to the Sixth Concluſion, becauſe they had not Anſwer'd fully, and expreſly, they were asked, Whether God owed any mode or manner of Obedience to the Devil? they Anſwered Yea, *to wit*, the Obedience of Charity, becauſe he ſtill loved him, yet puniſhed him as he ought; and to prove that God ought thus to Obey the Devil, they offer'd themſelves againſt any Man, under pain of being burnt.

After theſe Firſt and Second Anſwers, the Archbiſhop asked all the Doctors what they thought of them? Who ſaid one by one, that the Anſwers to the Firſt, Second, Third, and Sixth Concluſions were Inſufficient, Heretical, and Deceitful, and to the others Erroneous, and Perverſe.

Whereupon the Archbiſhop again Admoniſhed them to Anſwer fully, plainly and expreſly, without any Subtle, Sophiſtical, or Logical Terms or Meanings, and gave them eight Days time longer for it, but they refuſed to do it.

There is nothing more of them in this Place, only that *Ayſhton* anſwered more impertinently, and nothing to the purpoſe, as if he underſtood not what was demanded of, or ſaid to him; which ſeems rather a piece of Cunning, than Simplicity.

The firſt we hear of them further, is, from the King's Writ, Dated *July* 13. in the Sixth Year of His Reign, which was the *July* next following; in which, as in ſeveral others about this Matter, the King takes upon Him the *Title of Defender of the Faith*, long before the Pope's pretended Gift of that Title to *Henry* the *Eighth*. ‘This Writ was directed to the Chancellor and Proctors of the *Univerſity* of *Oxford*, to enquire after all ſuch of whatever Profeſſion or Degree, or others within the Limits and Juriſdiction of the ſaid *Univerſity*, that favoured or believed any *Hereſies* or *Errors*, and eſpecially ſuch as had been Condemned by *William* Archbiſhop of *Canterbury*, and his Aſſeſſors; or that Believed, Held or Defended any of thoſe *Hereſies*, *Errors*, or the like, or that received *John Wycklif*, *Nicholas Herford*, *Philip Raypydon*, or *John Ayſhton*, or any one noted of the ſame *Hereſies* or *Errors* into their Houſes, or Converſed with them, or defended and ſhew'd them Favour; and if they found any ſuch, to Baniſh and Expell them the *Univerſity* and Town of *Oxford*, within Seven Days after they knew any of them, till they ſhewed, before the Archbiſhop of *Canterbury* for the time being, by manifeſt Purga-

Rot. Pat. 6 *Rich.* 2. Part 1. *N.* 32. Printed in Dr. *Braddy's* Append. *N.* 119.

‘tion, or denial of their Opinions, their Innocency; and they were further to ſearch the Colleges and Halls for Books Compoſed by *John Wyckliſſ*, and *Nicholas Hereford*, and to do all this upon the Faith and Liegance in which they were bound to the King, and under Forfeiture of the Liberties and Privileges of the *Univerſity*, and what elſe they might or could Forſeit; with Command to the Sheriff of the County, and Mayor of *Oxford*, and all other Sheriffs, Mayors, Bayliffs, Officers, and other His Subjects, to Obey and Aſſiſt them in the Execution of the Premiſes. Dated at *Weſtminſter, Tertio Decimo Julii. Per Conſilium.*

Lib. 1. f. 191. *Col.* 2. Mr. *Wood* in his Hiſtory and Antiquities of *Oxford*, tells us, that *John Ayſhton* made his *Recantation* and *Confeſſion* before the Archbiſhop of *Canterbury* on the 19*th* of *July* following, in *Latin* and *Engliſh*; whereupon by his Letters, he was reſtored to his *Univerſity*. Exerciſes, and Reading in the Schools, which he Performed without the leaſt touch of *Hereſie*.

Col. 2655, 2656. *Henry de Knyghton* reports the *Renuntiations* and *Confeſſions* of *Nicholas Hereford*, and others, and of *John Ayſhton*, in the Engliſh of thoſe Times, in theſe Words.

IN the Name of God, Amen. Wytes alle Chriſten Men, that we Nichol of Herford, and my fellow Priſtus, unworthy in Preſence of our Goſtely Fader, the Erchebiſhop of Canterbury, the nyngtende day of Juny, zeer of Grace a thouſand thre hundred fourſcore and two, in the Houſe of the Freres-Prechoures at London, when we weren required to ſayne what we felyde of divers Concluſions we maden this Proteſtation, and zit we maken: That our entent was, and is to be trewe Sones, and meke, of Holy Chirche and zif happy as God Schilde, that we erren agaynes this intent in wordus or in workus, we ſubmytte us mekelyche to the Correction of oure forſayde Fadur the Erche-Biſhop of Canturbery, and of all other to whom it longyth to Redreſs them that erren, and afterwarde to warn were requirede to ſay our beleve of the Sacrament of the Autere as to zoure underſtondyng, outh the People, we knowlechene fyrſt that the Pryſt takus in his honde, thorowe the Vertue of the Sacramental Wordus is made and turnyde veralyche into Chriſtus Body, the ſame that was taken, and ben of the Mayden Marye, and that ſufferide deth on the Croſſe for Mankynde, and that laye in the Sepulcre, and that ros fro deth to lyve the thirdde daye, and ſtey up into Hevene, and ſyttes in joye in the Bliſſe of the Fadur, and that ſchal come at the day of dome, to dome the quikke and the dede, and the Wyne is allſo turnyde veralyche into his Blode, ſo that leves after the Conſecration of Brede and Wyne, none other ſubſtance than that ilk that is Chriſtus fleſh and blode. And furthermore we beleve that the hole Body of Chriſt is whole in the Sacrament, and hole in everyche part ye of the Sacrament of the Autere; and alſo we beleve that Chriſt is verayliche in the ſame Sacrament in his Bodely preſence, to Savacion to alle hem, that worthelyche receyven to her dampnation; and this is our beleve, and in this bene thorou Grace of God, we will dye in Remiſſion of our Synes, and therefore we pry alle Chriſten Men to whom this Confeſſion ſchal come to that ze bere us wittneſs of this beleve at the day of Dome before the heyreſt Judge Jheſy Chriſt, and pray for us for Charitie.

That of *Ayſhton* is thus Verbatim in the old Engliſh Original.

In the Name of God Amen. Y John Ayſhon Priſt, unworthely required of my Lord Erchebiſhop of Canterbury, the Nyntene Day of June, in the Zer of Grace, in the Hous, &c. to ſay what I felyde in the matyr of the Sacrament of the Autere; Y have knowlechyde, and zit I do, that the ſelf Bred that the Priſt holdes in his hondes is made thorou the Vertue of the Sacramental wordus, verely the ſelf Chriſtus Body that was borne of the Maden Marye, and takun and ſuffrede Deth on the Croſſe, and three Days lay in the Sepulchre, and the thirdde Day roſe from the Dede to the Lyve, and ſteyed up into Heven and ſyttes on the ryght hand of God, and in the Day of Dome ſchal come to Dome the quikke, and the dede: and over this I believe Generally, all that Holy Writte determynet in worde and in underſtonding, or whatever Holy Kirke of God determynes of all this, when I was required ſpecially to ſay what I helde of this Propoſition. For I wote wele, that the matter and ſpeculation thereof paſſes in heyzte myn underſtonding, and therefore als mykele tellys openly for to leve in this matyr, or of any other touching the ryght beleve of Holy Kirke, that is nouzt expreſide in holy writte, I believe as our Modur Holy Kirke beleves, and in this belyve I will dye; and of this thing I beſeke all Men and all Wymmen to whom this Confeſſion come to, to bere me wittneſs before the higheſt Judge at the day of Dome. *Ib.*

As *Wykliff*'s Followers encreaſed, ſo their Doctrines multiplied, and they often Publiſhed and Preached different Opinions one from another. The ſame Author notes, he heard above Sixty Preach at *Leyceſter*, very different from, or beſides what were firſt Publiſhed by Doctor *Wyckliff*. *Id. Col.* 2657, *ad* 26. 81.

And further, this Author Reports, that the number of the *Lollards* mightily encreaſing, they alſo taught many new and very ſtrange Opinions; Twenty five he notes, whereof ſeveral were not taught before; amongſt which, (beſides ſome others) the Sixteenth is that of our preſent *Quakers* about Swearing: *viz. It is not Lawful to Swear in any manner; and when they Witneſſed any thing, theſe were their words*, I am syk yr it is ſoth; *i. e. I am ſure it is Truth*; or thus, *without doubt it is ſo.* *Id. Col.* 2706, *ad* 2708.

All I find further of the *Wyckliffiſts* or *Lollards* in this Reign, are chiefly ſeveral Writs or Commiſſions upon the Archbiſhop's Petition granted to him, and his Suffragans and others, to Impriſon the Preachers and Diſperſers of *Errors* and *Hereſies*; alſo a Commiſſion to *Rot. Pat.* 19. *Rich.* II. *M.* 12.

certain Perſons to ſearch for, and ſeize Books containing *Hereſie*, &c. and to bring them before the Council, and make *Proclamation*, that none ſhould Buy or Sell them under pain of *Impriſonment*, and to Arreſt and Impriſon all ſuch as complied not with the Proclamation.

There were many in the City of *London*, that about this time frequented Conventicles in Private Places, where the Opinions and Concluſions of *Wyckliff* and his Followers were Debated and Taught. Wherefore upon notice hereof, the King ſends his Writ to the Mayor and Sheriffs of *London*, to make Proclamation from time to time within the City and Liberties of the ſame, ‘That no one of whatever State, Degree, Sex, or Condition they might be, ſhould preſume to make any ſuch Conventicles, or Meetings, under pain of Forfeiting whatever they could Forfeit, and Impriſonment of their Bodies during the King's Pleaſure. It is very Remarkable that in all theſe Writs and Commiſſions, King *Richard* took upon Him the Title of *Defender of the Faith*, in theſe Words; *Nos Zelo Fidei Catholicæ, cujus ſumus & Volumus eſſe Defenſores*, ſerves as an Introduction to his Profeſſion, againſt all *Errors* and *Hereſies*.

I ſhall mention but one Record more of a *Memorandum* of an unuſual Oath, taken by ſome of this ſort of Men, when they relinquiſhed what they had Defended and Taught, and returned to the Practices, Opinions and Uſages of the then Church.

Rot. Clauſ. 19 *Rica.* 2. M. 18.

Be it remembred that on the firſt day of *September*, in the Year of the Reign of King *Richard* the *Second*, after the Conqueſt the Nineteenth, *William Dynett*, *Nicholas Taylour*, *Nicholas Poucher*, and *William Steyneur* of *Nottingham*, Perſonaly appearing in Chancery, every one by himſelf took an Oath in the Form following.

I William Dynett, before Yhowe Worſhipful Fadur, and Lord Arch-Biſhop of Yhork, and Yhour Clergie, with my free will and full abyſede, ſwere to God and to all his Seyntes, upon this Holy Goſpelle, that fro this day forward I ſhall worſhip Ymages with preyng and offering unto hem in the worſhip of Seintes, that they be made after. And alſo I ſhall never more deſpyſe Pygremage ne ſtates of Holy Chyrche in no Degree. And alſo I ſhall be * buxum to the Lawes of Holy Chyrche, and to yhowe as myn Arch-Biſhop, and to myn other Ordinaries and Curate, and keep tho Laws upon my Power, and meynteyn hem. And alſo I ſhall never more meynten, ne techen ne defenden, Errours, Concluſions, ne techynges of the Lollards, ne ſwych Concluſions and Techynges, that Men clepeth Lollardys Doctryne, ne I ſhall her Books, ne ſwych Books ne hem, or only ſuſpect or Diffamede of Lollardy reſceyve ne Company withall, wittingly or Defend in tho matters: And if I know ony ſwych, I ſchall with all the haſt that I may do yhowe, or elſe yhowr Offycers to wytten and of her Bokes. And alſo I ſhall excyte and ſtyrr all tho to good Doctrine that I have hindered with myne Doctrine upp my power. And I ſhall ſtond to your Declaration wych es Hereſie or Errour and do thereafter, and alſo what Penance yhe woll for that

* *i.e.* Plyant, or obedient.

I have done, for meynteyning of this falſe Doctrine I ſhall fulfill it, and I ſubmit me thereto up my Power. And alſo I ſhall make no other Gloſe of this myn Oth, but os the words ſtonde. And if it be ſo, that I come agayn, or do agayn this Oth, or any part thereof, I yheld me here Cowpable as an Heretick, and to Forfeit all my Goods to the King's Will, without any other Proceſs of Law; and thereto I require the Notary to make of all this, which is my Will, an Inſtrument agayns me.

> And moreover, the ſame *William Dynett*, the ſame Day granted and acknowledged that all his Goods and Chattels ſhould be Forfeit to Us, *i. e.* the King, in caſe he any ways contraven'd the ſaid Oath, or did any thing againſt what was Contain'd in it.

All I can further find concerning the Followers of *Wickliff*, is, that *A. D.* 1394, in the Eighteenth Year of this King, the Clergy being met in two ſeveral Synods, at St. *Paul's*, and *York*, thoſe of the Province of *Canterbury* Petition'd their Archbiſhop, as thoſe of *York* did theirs, (who was then the Lord Chancellor) for the ſpeedy and effectual Puniſhment and Suppreſſion of the *Lollards*, for ſo the *Wicklefites* began then to be called. And I ſuppoſe the reaſon of their Petition, was, becauſe whilſt theſe Convocations were Sitting, as well as the Parliament at the ſame time, ſome Perſons in the Name of theſe pretended *Hereticks*, had the boldneſs privately to fix certain * *Concluſions* (being Twelve in Number) to the Doors of St. *Paul's* Church; wherein calling themſelves *the Poor Men of Chriſt*, they declared againſt the Superſtitions of the Church of *Rome*; which, together with their Reaſons, being ſomewhat too long, I ſhall only give you the brief Heads of them.

Dr. *Wake's* State of the Church, *p.* 324.

* *Vid. Chronicon Manuſcr.* Thom. Walſingham, *in Bib. Bod.* N. B. F. 9. 1.

The Firſt *Concluſion* is againſt the Appropriations of Churches to Monaſteries. The Second, is againſt the Preiſtood, or manner of Ordination in the Church of *Rome*. The Third, againſt the Celibacy of Prieſts, as inducing Sodomy. The Fourth, againſt Tranſubſtantiation of the Bread in the Sacrament into the true Body of Chriſt. The Fifth, is againſt the Superſtitious Exorciſms and Benedictions uſed in the Church over Wine, Bread, Water, Oyl, Salt, Wax, *&c.* The Sixth is againſt the Temporal Authority exerciſed by the Pope. The Seventh, againſt Prayers for the Dead, and Chanteries Founded for that Purpoſe. The Eighth, againſt Pilgrimages to, and Oblations and Prayers made at certain Croſſes and Images. The Ninth, againſt Auricular Confeſſion, and Abſolution by the Prieſt, as neceſſary to Salvation. The Tenth, is againſt killing Men in War, as contrary to the Goſpel. The Eleventh, againſt Vows of perpetual Continency made by Women. The Twelfth, againſt a multitude of Arts or Trades in the Kingdom, tending either to Luxury, or the Diſtruction of Men, ſuch as *Goldſmiths*, and *Armourers*, &c.

But tho' the greateſt part of theſe *Concluſions* are the ſame whic
moſt Proteſtant Churches hold at this Day, yet it appears by th
Tenth and Twelfth of them that the Perſon who drew them up
held therein much the ſame Principles with our Modern *Quaker*
However, theſe and the foregoing Doctrines daily ſpreading, th
Clergy at laſt obtain'd an Act of Parliament in the next Reign
whereby all Perſons Convicted of *Hereſie* before their Ordinaries o
Biſhops, ſhould be deliver'd over to the Secular Powers to be Burnt
as I ſhall ſhew hereafter; if God grant me Life and Health, to perfec
another Volume.

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THE PREFACE TO THE APPENDIX.

SINCE I have already advertiſed the Reader in the Preface to the precedent Volume, of the Deſign of this Treatiſe, and the reaſon of its being made an Appendix, *I ſhall here need to ſay the leſs concerning it; and therefore when I have anſwered ſome Objections that poſſibly may be made againſt the Performance it ſelf, I will conclude with ſhewing the uſefulneſs of it to ſuch as deſire to be throughly verſt in our Antient Conſtitution: For which end I have here fairly put together all that hath (ſo far as I can find) or may be further written or ſaid by both ſides, on that long diſputed Queſtion about the Antiquity of the* Commons *of* England, *their being ſummoned to Parliament.*

And perhaps it may be asked me by ſome, that deſire to have no more knowledge in things of this nature, than what they think is abſolutely neceſſary for them not to appear groſly Ignorant, to what end or purpoſe I have given my ſelf the trouble of Collecting or Writing any thing on this Subject? Since the Commons *being a neceſſary conſtituent part of Parliament, is ſo well ſettled by a long and uninterrupted Uſage of above four hundred Years, that there can be no poſſibility of calling that Matter into Queſtion, or ever laying them aſide hereafter; eſpecially now, when the Ballance of Property in Lands, and conſequently of Power, is lodged in the hands of the Gentlemen and Freeholders of the Kingdom.*

I ſhall not deny what is here objected to be true, as to Matter of Fact; however, I muſt ſtill think that a Treatiſe of this nature is not unuſeful, nor unneceſſary, even at this time, ſince there has been, and is yet among us a ſort of Men of Arbitrary and Modern *Principles, who maintain, that not only the Houſe of* Commons, *but even the whole Great Council of the Kingdom, or Parliamont, owes its very Being and Eſſence to the Grace and Favour of our Princes; and they may retrench the Power and Privileges of this Aſſembly;*

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nay, omit to call it, when ever they in their Wiſdom ſhall ſo pleaſe; for they ſay the Legiſlative Authority *of the Nation is veſted* ſolely *in the King, againſt whoſe Prerogative, as no Time can preſcribe, ſo no inferior Power can limit or controul; and as for ſuch Reſtrictions which ſome Kings have been pleaſed to lay upon themſelves, by Laws or Statutes of their own making, or ſufferance, thoſe can no longer oblige them, than they ſhall think them to conſiſt with the Weal and Safety of their Perſons and Government; of all which they are the only Judges, as being the ſole ſupream Power of the Kingdom. So that whenever any future King ſhall conceive that the appearance and acting of the Repreſentatives of the People of* England *in Parliament (whether Lords or Commons) is too great for their Prerogative, and inconſiſtent with their reſolved Monarchy; they may warrantably, by this their uncontrollable Authority (as theſe Gentlemen aſſert) either retrench their Power and Privileges, as I ſaid before; or elſe omitting to call them, may take the Government wholly into their own hands; ſo that the conſequence muſt be, that then they may make what Laws, and raiſe what Money they pleaſe without the People's conſent.*

Nor can I ſee what other Deſign thoſe Gentlemen that have wrote ſo highly againſt the Antiquity of Parliaments, *and eſpecially of the* Houſe of Commons, *could thereby have, but to give a juſt pretence to ſome Arbitrary Prince of putting all theſe Principles that have been laid down, into practice; and thereby to reduce our mixed and limited Monarchy into the like abſolute and deſpotick Tyranny that is now exerciſed in* France.

Therefore to obviate and take off all ſuch Pretences and fallacious Arguments, the chief buſineſs of my Introduction to the firſt Volume of the Hiſtory of England, *was, as you may ſee, to ſhew that the antient Government of this Nation was not an abſolute, but a limited Monarchy, from its very Inſtitution; and that our* Engliſh Saxon *Kings were elected by the* Wittena Gemot *or* Parliament; *and therefore that Great Council muſt conſequently have been before, or at leaſt as antient, as Kings themſelves; and as for the conſtituent Parts of that Aſſembly, it is granted on all hands, that the Biſhops, Earls, Thanes, (or* Barons, *as they were called after the coming in of the* Normans) *were always neceſſary Members thereof; and I hope I have alſo clear'd in the abovementioned* Introduction, *that the* Commons *diſtinct from the Higher Nobility, made a part of that great Repreſentative of the Nation: But this has been denied by* Sir Henry Spelman *in his Gloſſary, and by Mr.* Prynne *and Dr.* Brady, *in ſeveral Tracts that they have written to prove the ſummoning of the* Commons *to*

Parliament, *to be no antienter than the 49th Year of* Henry *the Third; as the Doctor has endeavour'd to make out in his Anſwers to Mr.* Petyt *and Mr.* Atwood, *and alſo in his later Hiſtory of* Boroughs, *by many ſeeming Arguments and Authorities drawn from our Records and Hiſtories, that they were not again ſummoned till the 18th and 23d Years of the Reign of* Edward I.

But ſince I do not think thoſe Reaſons true nor convincing; therefore, for the ſatisfaction of thoſe that are curious to know the Antient Form of our Government, I have here briefly ſet down what I could find made uſe of by any Authors, to prove, that the Commons, *as well as the Biſhops and Temporal Lords, were a conſtituent part of our* Great Councils *or* Parliaments, *not only before, but alſo after the pretended Conqueſt by King* William I. *and therefore that the* Commons *can be no more omitted or left out of a full or compleat* Parliament, *than either of the other Eſtates; which I think may be very neceſſary to ſtop the Mouths and Pens of thoſe Men, who, upon theſe Principles, ſhall make any freſh Attempts to ſet up an Arbitrary and Deſpotick Power over this Free Nation: and I hope it may likewiſe be Inſtructive to thoſe Noblemen, Gentlemen, or Others, whoſe Intereſt it is to know the utmoſt that can be alledged on both ſides in this great and important Controverſy, which, I muſt grant, is ſomewhat intricate and obſcure, by reaſon of the ſilence of ſeveral of our Hiſtorians, and the loſs of the antient Writs of* **Summons** *to Parliament, beſides the Parliamentary Records themſelves, till the beginning of the Reign of* Edward *the Third: And I confeſs it is rendred yet more dark and perplexed, thro' the Prejudices and Artifices of ſome Writers of the contrary Opinion, who have uſed all their Skill and Cunning, not only to conceal, but to wreſt and pervert all Authorities that have been brought againſt their Notions, to a quite contrary ſenſe than ever they were intended; and for the truth of this I ſhall refer the Reader to the following Replies.*

I confeſs I have gone ſomewhat farther than at firſt I deſigned in this Diſcourſe, which was principally for an Inquiry only into the Arguments brought by Mr. Prynne *and Dr.* Brady, *concerning the Antiquity of the* Commons, *their being ſummoned to Parliament: Becauſe I have, ſince that, peruſed the Learned Dr.* Wake's *elaborate Work, entitled,* The State of the Church and Clergy of *England,* in their Councils and Convocations, *and there met with ſome Paſſages, wherein he, unhappily falling into Dr.* Brady's *falſe Notions, endeavours to make out, that the* Commons, *as well as the inferior Clergy, were not conſtantly ſummoned to Parliament, until the 23d Year of* Edward *the* Firſt *(tho' indeed he grants, that the*

Knights of Shires were once called up in the 18th Year of that King) and further takes upon him to Anſwer the Authorities that are found in ſome of our Hiſtorians to the contrary: which Anſwers, ſince they are not ſufficient to convince me, I preſumed he would not be diſpleaſed at my offering ſome ſhort Animadverſions upon them, which I have taken care to do with that Deference and juſt Reſpect as is due to that Reverend Author's great Learning and Character; and to whom I muſt own my ſelf very much beholden for that true light I have had into that before dark and obſcure Piece of Church-Hiſtory, *concerning the difference between Synods, Councils, and Parliamentary Conventions, or Convocations; which he hath handled with that truth, perſpicuity, and exactneſs, that not only thoſe of his own Profeſſion, but all others who are lovers of Antiquity, and deſirous to have a through knowledge of this important Subject, ought to own themſelves highly obliged to his excellent Performance.*

Before I conclude this Preface, I muſt alſo take notice of another thing that I foreſee may be further objected by thoſe of Dr. Brady's *Opinion, againſt this Performance; which is, that I do not deal fairly in writing againſt that Induſtrious Author now deceas'd, who (they ſay) had he lived, would have given it a ſufficient reply. But to this I ſhall beg leave to anſwer, that altho' the Doctor died before the coming out of theſe Sheets, yet I had finiſhed the greateſt part of them in his Life-time, and had then taken care to pay him thoſe Regards that were due to his Learning, even for his, as well as my own Reputation; and now have treated his Memory with all becoming Obſervance, as one that is reſolved to avoid perſonal Reflections, as unworthy at any time to be uſed by Men of an Ingenuous Education: my Exceptions being againſt his Opinions, and not againſt his Perſon, of which I had but little knowledge; yet whether he would have made any Reply or no to this Diſcourſe, I muſt ſtill doubt, becauſe moſt of the Arguments and Authorities here made uſe of, were publiſhed long ago, on which he never thought fit to make any* Animadverſions. *However, ſince my Deſign in writing this Diſcourſe is purely to diſcover Truth, and not to maintain any Faction or Party, I ſhould be very glad if thoſe Gentlemen, to whom the Doctor has bequeathed his Notes and Manuſcripts, would be pleaſed, from them, to make what Replies they can to the Arguments and Authorities here produced; for thereby they may not only give us clearer light into this important Controverſy, but alſo may vindicate the Doctor's Reputation, in ſhewing us, that he wrote nothing, but what he found he had ſufficient Reaſon and Proofs for, to juſtifie himſelf: Nor can his Friends (as I conceive) run any hazard in*

Vid. Bibliothec. Polit. Dial. 7, 8, 9.

ſo doing, becauſe whatſoever they publiſh in this kind, will no ways affect this preſent Eſtabliſhment, which is acknowledged on all hands to be ſufficiently ſettled by ſuch a continued Succeſſion of Years; ſo that it now ſeems rather a Queſtion relating to Antiquity, than to the preſent Conſtitution of the Government, which, I hope, no body will go about to alter, after ſo long an experience of its excellence and fitneſs for the Genius of this Nation.

But to come to the laſt Head I deſign'd to ſpeak of, viz. *the uſefulneſs of a thorough underſtanding of this Subject, eſpecially for all thoſe that are or ſhall be imployed as Parliament-men, or be put into other Civil Offices of the Government; and here I ſhall only ſay, that unleſs they are ſufficiently inſtructed in what is our Original Conſtitution, and the antient Rights and Privileges thereof, they can never be able to defend it as they ought, againſt thoſe that ſhall make it their buſineſs to cry down this excellent frame of Government, as if it were inconſiſtent with Monarchy: Nor indeed can the Perſons above-mentioned have that real value and eſteem for an Inſtitution, which (as ſome affirm) proceeded but a few Centuries ago, from the pure Bounty and free-will of our Kings, as they muſt have for the ſame Conſtitution, if proved to be as antient as Kingly Government it ſelf.*

The Appendix.

A Brief and Impartial Diſquiſition into that Great Queſtion, Whether the Commons *of* England *had ever any other Repreſentatives in Parliament, than the Tenants* in Capite, *before the* 49*th of* Henry the Third? *wherein all the Arguments that have been publiſhed in ſeveral Treatiſes on this Subject, are fairly repreſented; together with ſuch Anſwers and Replies as can be given to them.*

IN the enſuing Diſcourſe I ſhall perſue this Method; firſt, Set down the Arguments and Authorities that either have been, or may be made uſe of from our *Hiſtorians*, ſince the *pretended Conqueſt*; as alſo from the *Great Charter* granted in the ſecond and ninth Years of *Henry the Third*; and likewiſe from *Preſcription* out of the Antient Regiſter of Writs, to prove, that the Commons of *England* appeared in Parliament by their Repreſentatives choſen by themſelves long before the 49th of *Henry the Third.*

In the ſecond place I ſhall prove, that the *Commons* were repreſented by Knights, Citizens, and Burgeſſes, from the 49th of that King, to the 18th of *Edward the Firſt*, againſt Dr. *Brady*'s confident Aſſertion to the contrary.

Thirdly, That the People or *Commons of England* have always claim'd this Right by Preſcription, *i. e.* Time beyond Memory, of being ſo Repreſented; and that this Claim hath been allowed by the King and his Council; as alſo by all the Biſhops and Peers of this Realm in Parliament.

Fourthly, I ſhall give you the Teſtimonies of divers Learned Antiquaries, all of this Opinion, that it was the Antient Right of the *Commons of England* by Preſcription, both before and ſince the *Norman* Entrance.

In the ſecond Part I ſhall faithfully ſet down the Arguments produced by Sir *Henry Spelman*, in the ſecond Volume of his Gloſſary; by Mr. *Prynne*, in his Plea for the Lords; and by Dr. *Brady*, in his Introduction to the Hiſtory of *England*; and ſhall alſo add thereunto, as briefly as I can, ſuch Anſwers as may be given to thoſe Arguments and Authorities, either from Printed or Manuſcript Hiſtorians; and eſpecially from that which they moſt inſiſt upon, *viz.* the Great Charter of King *John*.

There are likewiſe divers other Authorities and Arguments draw from Hiſtory and Records, which Dr. *Brady* hath made uſe of, to prov that the Commons, as now underſtood, were not ſummon'd to Par liament, from the 49th of *Henry the Third*, to the 18th of *Edwa the Firſt*; which being his own particular Opinion, and he the fir broacher of it, I have anſwered it by it ſelf.

And now having laid down the Method I intend to take in th following Diſcourſe, I ſhall, in the next place, proceed to the Ar guments and Authorities themſelves, whereby it may be prov'd, th the *Commons* of *England* had Repreſentatives in Parliament befor the 49th of *Henry the Third*. And here I deſire the Reader to tak notice, that the Queſtion between the Doctor and Me, is not, Whe ther the *Commons* were not ſome way or other repreſented in Par liament? for he himſelf grants, that they were repreſented by th Tenants *in Capite*, tho' juſt before he ſays, that before that time th Body of the Commons of *England*, or Freemen (as now underſtood collectively taken, had not any ſhare or Votes in making of Laws fo the Government of the Kingdom, *&c.* which certainly ſuppoſe that they were repreſented one way or other: But in his Anſwer t Mr. *Petyt* he departs from this Conceſſion, and ſays, That the *Fi deles* mention'd in a Record of King *John* (who had uſually been call'd to Great Councils) were Tenants *in Capite*, but not *Barons* and only repreſented themſelves, and not the *Commons*; yet a few Pages further he affirms, † that other Tenants that held of the Te nants *in Capite* by Knight's Service, were bound by their Acts, in a Great Council or Parliament; but how they could be ſo obliged unleſs they were ſome way or other repreſented, I can by no means underſtand. But Sir *Henry Spelman*, in his Gloſſary, *Tit. Parliamen tum* grants, what the Dr. denies, in theſe words, *Et conſentire Inferior quiſque viſus eſt in Perſona Domini ſui Capitalis, prout hodie per Procuratores Comitatus vel Burgi, quos in Parliamentis* Knights and Burgeſſes, *appellamus*, i. e. Every inferior Tenant ſeem'd to conſent (*viz.* in a great Council) in the Perſon of his Capital Lord, as they do at this Day, by the Repreſentatives of Counties or Burroughs which we call *Knights* and *Burgeſſes* in Parliament: But let the Doctor contradict himſelf as he pleaſes, he hath granted enough for our purpoſe, that his Tenants *in Capite* were not Barons; and if ſo, ſome of them muſt be meer Commoners; and ſurely then, there were *Commons* in Great Councils or Parliaments, before the 49th of *Henry the Third*.

Vid. *Short Introduct. to his Anſwer to* Mr. Petyt, *2d Propoſition.*

† *P.* 74.

I ſhall now proceed to the Authorities themſelves, for the proving of the firſt Propoſition; and here I deſire the Reader would call to Mind, that in my *Introduction* to the firſt Volume I made it plain, by divers expreſs Teſtimonies, that the *Commons* had their Repreſentatives in Parliament under the *Engliſh Saxon* Kings; and that they did not loſe it by the Doctor's pretended Conqueſt of *William the Firſt*. I have there alſo prov'd, by * *Sulcardus*'s Manuſcript Chartulary of the antient Monuments and Charters belonging to the Abby of *Weſtminſter*, in *A. D.* 1071, being the fourth Year of that King's Reign, that the antient Privileges and Liberties of that Church were confirm'd by a General Synod or Common Council of the Realm, the Concluſion to the Charter then ſeal'd by the King

* *In Bib. Cotton.*

King, expreſly telling us, that there then appear'd thereat *many illuſtrious Perſons and chief Men of the Kingdom, whoſe Names, tho' omitted, yet were Conſenters and Witneſſes to this Confirmation of the Privileges and Liberties of that antient Monaſtery; and theſe were ſummon'd by the Royal Authority from divers Counties and Cities, to this General Synod held at the Abbey abovementioned*; of which I ſhall ſay no more, but refer the Reader to the *Latin* Original at the latter-end of the *Introduction* to my firſt Volume; where he will alſo find an Anſwer to Dr. *Brady*'s Objections, who will not allow the Perſons there mention'd to have been Repreſentatives of Counties or Cities, but only Spiritual Perſons ſent up from the ſeveral Dioceſſes and Cities of *England*, to repreſent the Inferior Clergy in a Synod that was then held. But I ſhall ſay no more concerning it in this place, having, I hope, already ſufficiently anſwer'd that Cavil.

In the 19th Year of this King, *A. D.* 1086, as * *Florence* of *Worceſter* relates, he commanded, *That the Biſhops, Abbots, Earls, Barons, and Sheriffs, with their Knights, ſhould all meet Him on the firſt of the Kalends of* Auguſt *at* Salisbury, *where, when they came, He made them and their Knights to ſwear Fealty to Him againſt all Men.* This was undoubtedly a Great Council, to which not only the Great Men above-mentioned, and the Sheriffs were ſummon'd, but Knights or Tenants by *Military Service*, who were certainly *meer Commoners*, ſo that this Council did not conſiſt of Tenants *in Capite* alone.

* *Ad hunc An.*

After this, I confeſs, we do not meet with any expreſs mention of *Commons* to have been preſent in any Great Council or Parliament in thoſe Times, which might however be included under the general words of *Principes & Nobiles Regni*, as they are often mention'd in *Eadmerus* and other Authors: But when his Brother *Henry* I. was elected King, by a Great Council of the whole Kingdom, He granted his Charter of Liberties to the Clergy, Nobility, and People of *England*; to which in the Copy of the *Red Book* in the *Exchequer*, as alſo in † *Brompton*'s Chronicle, theſe are ſet down as preſent and Witneſſes at his Coronation, *Teſtibus Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, & Vicecomitibus, & Optimatibus totius Regni, quando Coronatus fui*; where, beſides the Earls and Barons, the Sheriffs of *England*, and the chief Men were preſent; and by theſe *Optimates*, I ſuppoſe, the inferior Military Tenants are underſtood; ſince the word *Barones* then took in all the Tenants *in Capite*, both great and ſmall, as Mr. *Selden* hath prov'd in his Titles of Honour, *p.* 649; and as Dr. *Brady* himſelf confeſſes, in his Anſwer to Mr. *Petyt*, *p.* 102. *Gloſſ. p.* 28, 29.

Vid. Q. *Eadmerus.*

P. 16.

† *Col.* 1022.

And this too further appears from * *Florence* of *Worceſter*, and *Eadmerus*, in their Relations concerning that great Council held by this King, *A. D.* 1116, at *Salisbury*, for the declaring of his Son *William* his Heir, and to make all the People of *England* of any Note, to ſwear Allegiance to him; and tho' both theſe Authors differ in their Expreſſions, yet they agree in the Thing: The former of them calls it, *Conventio Optimatum & Baronum totius Angliæ*; and the latter ſtiles it, *Abbatum, & Principum totius Regni, apud Seruberiam Cogenti eos illuc Sanctione Regis*: From which two Hiſtorians I ſhall only obſerve, that not only the Biſhops, Lords, and Tenants *in Capite*, are, by them, comprehended under the Titles of

* *Ad hunc An.*

Optimatum & Baronum & Principum, but their inferior Tenants likewiſe, who were *meer Commoners*; and the Knights of Shires, whenever they were ſummon'd, might as well be comprehended under the ſame general Terms; ſo that if we had not other Authors to make it out, it would ſeem as if no more than the Biſhops and Great Lords of the Kingdom had been ſummon'd to this Council: But *William* of *Malmesbury* (an Author who lived at that very time) is more particular, for under this Year (being the 16th of this King's Reign) he tells us, that at this Council at *Salisbury*, *not only the Biſhops*, *Lords*, *and Tenants* in Capite, *but alſo all the* Freemen *of* England, *of whatſoever Order*, *Dignity*, *or Condition*, *or of whatſoever Lord they held*, *were oblig'd to ſwear Fealty to Prince* William, *the King's Son*, *being then ſcarce twelve Years of Age*. The original *Latin* runs thus: *Willielmo Filio ſuo*, *cum*, *viz.* 12 *Annorum eſſet*, *omnes Libri Homines &c. cujuſcunque ordinis & Dignitatis*, *cujuſcunque Domino Fideles manibus & Sacramento ſe dedere coacti ſunt.*

And that this was a General Council of the whole Kingdom, appears by the Teſtimony of * *Polidore Virgil*, who calls it a 'Common Council of the Kingdom, wherein the Controverſy between the Archbiſhops of *Canterbury* and *York* was debated; and the latter refuſing to yield to the former, it very much incenſed King *Henry*. And in this Council, the ſame Author affirms, that all the chief Men of the Kingdom ſwore Fealty to the King's Son, in a ſet form of words: For (ſays he) till this time the *Engliſh* Kings were very ſeldom uſed to conſult their People in a Council; ſo that this Inſtitution may be moſt properly aſcribed to this King, becauſe that for the future they conſtantly reſolved to do nothing for the well-government and conſervation of the Commonweal, without firſt conſulting this Council. But tho' this Author is certainly miſtaken in making our Great Councils or Parliaments no antienter than this King's Reign; yet he is ſo far in the right, that this Aſſembly at *Salisbury* was a General Council of the whole Kingdom.

* *Ad hunc An.*

But ſince the Gentlemen of Dr. *Brady*'s Opinion will not grant, (tho' they cannot deny the truth of the Matter of Fact, that there were ſuch Aſſemblies in the Reigns of *William* and *Henry the Firſt*, as the two laſt mention'd) that they were Common-Councils of the Kingdom, properly ſo called, but were only *Occaſional* Conventions or Aſſemblies, ſummon'd by the King for a particular end and purpoſe, *viz.* the former to do Homage and ſwear Allegiance to King *William* Himſelf; the latter to do the like to the young Prince, Son to King *Henry*, which was, however, not to take effect till after the Death of his Father; and further, that the ſubordinate or *Feudatory* Tenants, who, together with the Biſhops, Abbots, Earls, Barons, and other Tenants *in Capite*, were preſent at theſe Aſſemblies, were not there to do any Parliamentary Buſineſs, as to give Money or Advice, and Conſent in enacting of Laws, but only to make all ſorts of Men, who held by *Military* Tenure, to recognize and ſwear to maintain their Titles; and tho' that in this Aſſembly or Council at *Salisbury* there might be other Buſineſs diſpatched (as the Hiſtorians relate) yet this was only *Occaſional* and by the bye; and that none, except the Biſhops, Earls, and greater Barons, had any thing to do in that Judgment and Determination, concerning the buſineſs of the two Archbiſhops; as the Commons have not any thing to do at this Day in Matters of Judicature.

This Objection, tho' it ſeems ſomewhat weighty, I think, may admit of the following Anſwer: In the firſt place, I muſt here inſiſt upon the Proofs I have already brought in the *Introduction* to my firſt Volume, that the inferior Tenants or *Thanes*, below the degree of the Earls and chief *Thanes*, were conſtituent Members of the *Engliſh-Saxon* Great Councils, and that they continued to be ſo after the pretended Conqueſt, I have already fully made to appear in the beginning of this Diſcourſe, which alſo may be further clear'd up by the Charter of *William the Firſt*, by which *it is Ordained, Commanded, and Granted by Him, that all* Freemen *of the whole Monarchy of his Kingdom may have and hold their Lands and Poſſeſſions well and in Peace, free from all unjuſt Exactions and Tallage, ſo as nothing be exacted or taken unleſs their Free Services, which of right they ought and are bound to perform, and as it was appointed to them, and given and granted to them by Him, as a perpetual Right of Inheritance by the* Common Council *of the whole Kingdom:* From whence we may collect, that theſe Freemen mention'd in this Law, were not to be taxed without their own conſent, or that of their Repreſentatives in that Council; and therefore it will follow, that the Great Councils of thoſe times did conſiſt (or at leaſt ought to have conſiſted) of divers other Perſons beſides the Prelates, Lords, and Tenants *in Capite*, ſince the Freemen of *England* could not All be repreſented by them; and therefore theſe Aſſemblies holden by King *William* and *Henry the Firſt* were not extraordinary Conventions, but were Great or Common Councils of the Kingdom, properly ſo call'd, ſeeing otherwiſe it had been much eaſier for thoſe Kings to have iſſued out an Edict, that all the Subjects of *England*, of any Note or Condition, ſhould have taken the Oath of Allegiance to themſelves, or their next Heir, before certain Commiſſioners in their ſeveral Counties, rather than to have put the whole Kingdom to the trouble and expence of meeting and performing it in Perſon at one particular place.

See this Charter inter Leges Willielmi R. *at the end of* Lambert*'s* Saxon *Laws. As alſo in the Append. to the General Hiſtory, Vol.* II.

Vide J. 2.

But ſince Dr. *B.* in his Anſwer to Mr. *P.* will by no means allow this Law of *William* I. to be underſtood in that ſenſe, as if all the Freemen of *England*, of whatſoever Tenure, had any hand in making Laws or granting Taxes in thoſe Times, I ſhall give you the Sum of his Arguments againſt it. *Firſt*, he ſays, that there were no *Engliſhmen* at that time in the *Common Council* of the Kingdom, their Lands being already given away to the Conqueror's Soldiers and Followers. And in the next place he affirms, that the *Freemen* mention'd in this Charter, were not ordinary Freemen, by whatſoever Tenure, but only Tenants *in Capite*, or other Military Tenants under them; and whom they repreſented, by giving Taxes and making Laws for them, whenever the King pleas'd to ſummon the Tenants *in Capite* to his Great Council or Parliament. And *Thirdly*, That theſe *Liberi Homines*, or Freemen, were only ſuch Military Tenants, he endeavours to prove, from the 58th Law of this King, which he thus tranſlates; *We Ordain alſo, and firmly Command, that all Earls, Barons, Knights, and their Servants, or Eſcuyers, and all Freemen of our whole Kingdom be always fitted with Horſe and Arms,*

B. *Anſw.* P. *p.* 17, 18.

Arms, as they ought to be, and always ready to perform their whole Service to Us, when there ſhall be need, which they ought to do, according to, and by reaſon of their Fees and Tenures, as We ordain'd by the Common Council *of the whole Kingdom:* And then he makes this Comment upon it. Here all the Freemen of his Kingdom were to perform their Military Services with Horſe and Arms, according to their Fees and Tenures; therefore they were Tenants in Military Service (which in thoſe Times were the only Freemen, and that Service the onle Free-Service) which were meant in this Law; and how different they were from our ordinary Freeholders at this Day, (for whom neither of theſe Laws were made) I leave to the Judgment of every Ingenuous Reader.

I ſhall now reply to what the Doctor hath here too raſhly aſſerted; *Firſt*, he is miſtaken in ſo poſitively affirming, that theſe Laws no ways concern'd the *Engliſh*, when they were firſt made, ſince, for ought he knew, they were enacted; (for there is no date to them) within the firſt four Years of King *William*'s Reign; and then the Doctor himſelf acknowledges, in his Anſwer to Mr. *Cook*'s *Argumentum ante Normanicum*, as alſo in his Hiſtory, that the old *Engliſh* Proprietors were not at that time turn'd out of their Eſtates; and that the major part of them were not ſo at all, I think I have ſufficiently made out in the *Introduction* to my laſt Volume of the General Hiſtory of *England:* But this is only by the bye; the main Queſtion is, Who theſe Freemen were that are mention'd in both theſe Laws? that they were not only Tenants *in Capite*, or Military Tenants, appears by the very words here produced by the Doctor, where the *Univerſi Liberi homines*, or all the Freemen put after all the other Orders of Men (which comprehend all Tenants *in Capite*, and by Military Service, by the words *Barones*, *Milites & Servientes*, i. e. thoſe that ſerv'd under them) muſt be of a more extenſive ſignification, or elſe they need not have been put there at all; and that the Tenants of whatſoever Tenure, provided they were not Villains, were reckon'd amongſt the Freemen of the Kingdom, appears by this place in *Fleta*, where ſpeaking of the King's Tenants in *Antient Demeſne*, he ſays, 'That in Mannors of this kind, belonging to the King, there were Freemen or Freeholders, who being caſt out of their Eſtates by ſome more powerful Lords, were forced to receive them again in *Villainage*; and becauſe ſuch kind of Tenants are known to be Tillers of the King's Lands, therefore it is provided, that they ſhould be acquitted from performing any Suits to the County or Hundred Courts, whoſe Aſſembly or Meeting they called *Soka*; and hence it is they are ſtil'd *Sockmen*; and that ſuch *Sockmen* were alſo accounted *Freemen. See Spelman's Gloſſ. Tit. Sockman, where he ſays thus, Socmanus in Natura Brevium (ſub Brevi de Recto) propriè talis eſt, qui liber eſt, & tenet de Rege, ſeu de alio Domino in Antiquo Dominico terras ſuas ſeu Tenementa in Villenagio. In Libro Sancti Albani Tit. Houcton, Ch.* 1. *a Rege Angliæ Manerium de Houcton tenuerunt in Dominico; Omnes Tenentes Liberi, ſcil. & cuſtumarii qui per Sockam defendebant tenementa ſua, &c. ex quo patet Sockman Liberos homines ſignificare,* i. e. *A Sockman in the old* Natura Brevium, *under Title* Writ of Right, *is properly ſuch a One that is a* Freeman, *and holds of the King, or*

of

Pag. 299.

* *A Law Book ſo called.*

of any other Lord Lands or Tenements in antient Demeſne by Villainage. So in the Book of St. *Alban*'s, *Tit. Houcton Cap.* I. *All the Free and Cuſtomary Tenants held the Mannor of* Houcton *of the King in Demeſne, and acquitted their Tenements by the Service of the Plough:* From whence it appears, that theſe *Sockmen* were Freemen; and if theſe Socage Tenants in antient Demeſne were Freemen, no doubt but all other Socage Tenants were ſo too. And that not only Tenants by Military Service, but all Others of whatſoever Tenure were reckon'd among the Freemen of the Kingdom, who were bound to provide themſelves with Horſe and Arms, appears from that Statute or Aſſize of Arms made by King *Henry the Second*, whereby every Lay-Freeman, who had ſixteen Marks Rent, was to have a Coat of Mail, a Helmet, and a Sword; and every ſuch Freeman of ten Marks, the other Arms therein mention'd.

But ſince the * Doctor affirms, that ſoon after or near the Conqueſt there were very few or no great Socagers, that is, ſuch as held Eſtates in Socage; I muſt beg his Pardon if I am of a different Opinion; and therefore ſhall be very glad to be ſatisfied by any of his Friends, (ſince he himſelf is dead) by what other Tenure theſe following Freeholders held their Lands. *Firſt*, All ſuch as held of the King, or of any Abbot, Biſhop or Great Lord, Lands in *Alodio*, that is, diſcharged of all Services except the bare Tenure only. *Secondly*, Such as held of the King by petty Sergeanty, as yielding Him an Arrow, a pair of Spurs, or the like, or by being his Huntſmen or Faulkners; of which there are not a few mention'd in *Domeſday-Book*. *Thirdly*, Such as held of ſome Honour or Caſtle of the King's in Fee Farm, that is, paying a certain Annual Rent. *Fourthly*, Such as held Lands of the King, or of the Archbiſhop of *Canterbury*, Biſhop of *Rocheſter*, and other Lords in *Gavel-kind*, of which Tenure were antiently all the Lands in *Kent*, as alſo a great deal in *Worceſter-ſhire*, *Hereford-ſhire*, and the Marches of *Wales*; as the Ingenuous Mr. *Sylas Taylor* hath very well prov'd in his Diſcourſe of *Gavel-kind*. *Fifthly*, All Tenants of ſuch Abbots, Priors, Deans, and Chapters of Cathedral Churches, as held in *Frank-Almoigne*, and not by Knights Service in chief, and their Tenants in free Socage, paying Rents and Fines; or elſe ſuch Services as thoſe Eccleſiaſtical Bodies, would let them out at, either in Fee, or elſe for Lives. And, *Laſtly*, Such Cities and ancient Boroughs of the Kingdom, as *London*, *York*, &c. which being places of Trade, and Riches held of the King, or elſe of ſome Biſhop, Abbot, or Great Lord, either in *Socage* or *Burgage*-Tenure; nor could they be legally Taxed *de Alto & Baſſo*, at the Will of the King or other Lord, as the Doctor in divers places aſſerts. All theſe, if well conſider'd, will be found to have enjoy'd at leaſt a fourth, if not a third part of the Lands of the whole Nation; and not holding their Eſtates by Knight's Service, they could never be taxed in Parliament by the Tenants *in Capite*, who were not their Landlords, and therefore could no ways repreſent them, according to Sir *H. Spelman*'s and Dr. *Brady*'s Hypotheſis, that the Tenants *in Capite* gave Taxes and made Laws for the whole Nation.

This, tho' it may ſeem a digreſſion, yet indeed is not ſo, ſeeing it will ſerve to give the Reader a great deal of Light to what fol-

* Ib. *Pag.* 2[illegible].

follows, and ſhew him the neceſſity of ſuppoſing ſome other Repreſentatives, not only for the inferior Tenants *in Capite* themſelves, but for all the reſt of the People above-mention'd.

I ſhall now proceed to other Citations out of our antient Hiſtories; I confeſs the confus'd Reign of King *Stephen* doth not afford us many direct Authorities, yet *Florence* of *Worceſter*, under *A. D.* 1138. tells us, that this King held a Council at *Northampton*, in which *Thurſtin*, Archbiſhop of *York* preſided, the Biſhops, Abbots, Earls, Barons, and all the *Nobles* of the Kingdom being preſent, under which laſt words, *Nobiles quique* put after *Barones* in the *Latin*, may be very well underſtood the *Nobiles minores*, or Repreſentatives of the Commons; ſo likewiſe the ſame Author tells us of a Council held the next Year *coram Primoribus Angliæ*, before the chief Men of *England*; under which Term, that more than the Great Barons and Tenants *in Capite* may be included, I have prov'd in another † place; the like I may affirm of ſome other Councils of his Time, which are * ſaid to be held by the Biſhops, Earls, and the reſt of the *Optimates*; under which Term I ſhall ſhew the beſt of the Commoners under the degree of Lords may be underſtood.

† *Vid.* Introduct. to the 1ſt Vol.

* *Chron. Norman ad A. D.* 1152.

I ſhall now proceed to the moſt ſettled Reign of *Henry the Second*, who in his tenth Year *A. D.* 1164, held that famous Council at *Clarendon*, where the two Archbiſhops of *Canterbury* and *York*, with the Biſhops, Abbots, Priors, and chief Men of the Kingdom (in *Latin*) *Proceres Regni* were preſent, and who all Recognized the Conſtitutions there propos'd by the King, and that under the word *Proceres*, not only the Tenants *in Capite*, but their Inferior Tenants, being meer Commoners, are comprehended, I ſhall prove hereafter.

The next Council I ſhall inſiſt upon is, that which was held by this King at *Gaitington*, *A. D.* 1188, which as † *Hoveden* relates, conſiſted of Biſhops, Abbots, Earls, Barons, and many Others, as well *Clercs* as Laymen; the words in *Latin* are, *Et aliorum multorum tam Clericorum quam Laicorum*; where by the *Clercs* or Clergymen are to be underſtood the Inferior Clergy, as Deans and Arch-Deacons, and by the Laymen the Repreſentatives of the *Commons* put after the *Barones*; and in this Council was granted a *Tenth* of all moveable Goods for the Relief of the Holy Land.

† *Pag.* 683.

And that by theſe *many others* muſt be underſtood, not the Tenants *in Capite* ſeems evident, becauſe they were then reckon'd among the Barons, as appears by the Conſtitutions of the Council of *Clarendon*, *cap.* xi. printed in Dr. *Brady*'s *Appendix*, *p.* 43.

As for the Reign of King *Richard the Firſt*, there were not many Common Councils or Parliaments held in it, by reaſon of his long abſence from *England*; but in thoſe few that were ſummon'd after his return, it is evident, there were Others beſides the Biſhops and Lords: the Annals of *Margan*-Abby being an antient *Welch*-Chronicle ſuppos'd to be written about the middle of King *Henry the Third*'s Reign, ſpeaking of King *John*'s Coronation, *A.D.* 1199, ſays, He was Crown'd contrary to the *Judgment* of the Archbiſhops, Biſhops, Earls, Barons, *Et omnium aliorum Magnatum Regni Angliæ*, i. e. and all the other Great Men of the Kingdom of *England*, which was paſs'd at *Nottingham* before King *Richard* and his Brother, where he was adjudg'd and diſinherited for Treaſon.

Here by the *Aliorum Magnatum* may very well be underſtood, at leaſt the Knights of Shires, who are often ſtiled *Magnates* in our antient Parliamentary Records. So likewiſe in * *Hoveden* we find the Aſſize or Crown-Laws concerning *Foreſts* and other things, are ſaid to be made by the King, with the conſent of the Archbiſhops, Biſhops, Abbots, Earls, Barons, & *Militum*, *i. e.* of the Knights, (or Men at leaſt that held by Military Tenue.)

* *Pag.* 445.

Againſt which Authorities thoſe of the contrary Opinion do object, that by the words *aliorum Magnatum*, in the firſt Citation, are to be underſtood the leſs Tenants *in Capite*, as different from the greater Barons; and that the word *Militum* in the Title to thoſe Laws coming after *Barones* are meant the ſame ſort of Perſons.

To this it may be reply'd, that ſhould theſe words be admitted in this ſenſe, it would be a needleſs recital of the ſame Order or Degree of Men, ſince Mr. *Selden* in his Titles of Honour has prov'd, that till the *Great Charter* granted by King *John*, all the Tenants *in Capite*, as well Great as Small, were reckon'd alike under the Title of *Barons*, as I ſhall prove more at large hereafter.

I come now to the Reign of King *John*, who was † elected by a Great Council of the whole Kingdom, conſiſting of the Archbiſhops, Biſhops, Earls, Barons, and an *infinite number of other Nobles*; and this He himſelf acknowledges in one of his Charters, that He ſucceeded to the Crown by *Hereditary Right*, *Mediante tàm Cleri quàm Populi unanimi conſenſu & favore*, i. e. by the unanimous Conſent and Favour of the Clergy and People contributing thereunto. So likewiſe in a Charter on the * Rolls in the *Tower*, whereby He ſettles a Jointure on his ſecond Wife Queen *Iſabel*, who, in the beginning of it is ſaid to be Crown'd Queen, *by the common Aſſent of the Archbiſhops, Biſhops, Earls, Barons, and Clergy and People of the Land*, that is, in a Great Council conſiſting of the ſeveral Orders or Eſtates: To theſe Authorities I know the Doctor's Friends will ſay, that by the multitude of *Nobles* mention'd by this Hiſtorian, the leſs ſort of *Nobility* or Tenants *in Capite* are to be underſtood, who then, together with their Military Tenants that follow'd them to ſuch Great Aſſemblies, made up a very great Number, and yet was far from an *Infinite Multitude*, as this Author calls it by way of an *Hyperbole*. And as for the words *Clerus* and *Populus* in the Record laſt cited, † Dr. *Brady* hath proved in his *Gloſſary*, that they ſignify no more than the *Clergy* and *Laity* in general, and by the *Populus* in this place is meant no more than *Plebs*, by which the Doctor proves from *Matt. Weſtminſter*, that the Lay-Earls and Barons are to be underſtood, and not the *Commons*; and as for *Clerus* and *Populus* put after *Barones*, as the word *Clerus* may ſignifie ſome of the Inferior Clergy, ſuch as Abbots and Priors as held *in Capite*; ſo likewiſe by the word *Populus* are meant no others, than the leſs Lay-Tenants *in Capite*.

† *Chron. Brompton. Coll.* 1281.

* *Rot. Cant. 5 Johan. M.* 5. *n.* 33. printed in the Appendix to the Gen. Hiſt. of *England. n* 7

Pag. 24, 25.

† *Tit.* Clerus & Populus.

To this it may be reply'd, that the words *Infinita multitudo Nobilium*, tho' taken Hyperbolically, yet cannot mean the leſs Tenants *in Capite* alone; for they went at that time under the Name of *Barons*; and if their immediate Tenants under them are taken into the Account, the conſequence will be, that they had as much Right as their Lords to appear at this Great Council held at King

John's

John's Election, becauſe there lay no obligation upon them by reaſon of that Solemnity, to put themſelves to the trouble and expence of being preſent at this Coronation if they had no Right to be there.

As for the Words *Clerus* and *Populus* in the Record, what is comprehended under the former of theſe Terms, I ſhall not concern my ſelf to decide; only it is certain it was an Order of Clergymen diſtinct from the Archbiſhops and Biſhops, and ſo by the ſame Reaſon the Word *Populus* muſt mean another Order of Laymen from the Earls and Barons, or elſe this Word would be in vain, and to no purpoſe in this Record; but that *Populus* ever ſignified the leſs Tenants *in Capite* alone, the * Doctor cannot make out in his *Gloſſary*; tho' he allows that under the Word *Vulgus*, (which he grants to be the ſame with *Populus*) when put in oppoſition to *Clerus*, the Temporal Earls and Barons with the *Commons* were underſtood in the Reign of *Edward* I. So likewiſe in the † next Page he grants, that inthe Thirty fourth of the ſame King, the Word *Populus* comprehended the *Earls*, *Barons*, *with the other Great Men*, *and the Knights* of *Shires*, and not the Tenants *in Capite* alone; and why this Word ſhould not have a like ſignification in this Record, I can ſee no reaſon.

* *Page* 25.

† Ib. *pag.* 26.

In the ſixth Year of his Reign, in a * Record cited by Mr. *Selden* in his Titles of Honour, we find certain Laws made by this King, for the Defence of the Kingdom, by the common Aſſent of the Archbiſhops, Biſhops, Earls, Barons, *Omniúmq; Fidelium noſtorum Angliæ*, i. e. of all his *Faithſul Subjects*, by which ſeems to be meant the Repreſentatives of the Commons; and the Annals of *Waverly* under the Year 1207, tell us, that there was a great Council held this Year at *London*, about the beginning of *January*, at which were preſent, the Biſhops, Abbots, Priors, Earls and Barons, & *Magnates Regni*, i. e. the *Great Men* of the Kingdom; wherein he required the Biſhops and Abbots to permit the Beneficed Clergy to give him a certain part of their yearly Income. Now that by the *Magnates Regni*, or Great Men of the Kingdom, here put after *Barones*, the Knights of Shires may very well be underſtood, I ſhall make out from divers Precedents: Firſt, among the † Records of the Exchequer, in the Reign of *Edward* I. the *Knights of Shires*, and *Barons* of the *Cinque-Ports* are called *Magnates*; and in an old Printed * Book of Statutes in *Latin* and *French*, as alſo in *Raſtal*'s Statutes, 15 *Ed.* III. *Cap.* 4. there are mention'd, the Prelates, Earls, Barons, Knights, and other *Grandz*, i. e. Great Men of every County: And ſo likewiſe the Statute *de Servientibus*, in the 25*th* of *Ed.* III. was made by the aſſent of the ſaid Prelates, Earls, Barons, and other Great Men of the ſaid *Communalty* there aſſembled; ther yet, in the Statute 27 *Ed.* III. the Ordinances of the Staple are ſaid to be made, after good deliberation had with the *Prelates*, Dukes, Earls, Barons, and *Great Men* of the *Counties*, of each County one, and as many for the Commons and Cities and Boroughs of the Realm.

* *Rot. Pat.* 6. Johan. *M.*

† *Inter Communia Brevia Deter. eſtrin. An.* 34 Ed. I.

* *Penes Duum* Petyt.

Vid. Raſtal *Stat.*

And in the Parliament of the Eighth and Ninth of King *John*, the † *Univerſitas Comitum*, *Baronum*, *Militum*, *& aliorum fidelium*, complain'd againſt the Clergy about *Romeſcot*, i. e. making extravagant Pay-

† *Rot. Pat.* 8 & 9 Joh. *n.* 1.

Payments to the *Roman* Gourt, which ſeems moſt likely to be done in Parliament, tho' the Proceedings are now loſt. I know thoſe of the contrary Opinion will ſtrive to evade the Force of this laſt Authority, in ſaying that by *Omnes Fideles*, here mentioned after *Barones*, we ſhould underſtand the leſs Tenants *in Capite*; but to this I anſwer, that this is only *gratis dictum*, and we may as well deny, as they affirm it; for the tho' word *Fideles* is ſometimes taken for the King's Tenants or Vaſſals, yet it alſo extends to thoſe of others, beſides the King's: Thus in the above-mentioned Authority from *Malmesbury*, concerning the Great Council at *Salisbury* it is ſaid, that *cujuſcunque Domini Fideles*, the Tenants of whatſoever Lords were made to ſwear Fealty to the King's Son: but that the word *Fideles*, even in this King's Reign, muſt have been of a like comprehenſive ſignification, and mean all the Feudatary Tenants in *England*, appears by this King's * Writ of the 15th of his Reign, directed thus, *Rex Baronibus, Militibus & Omnibus Fidelibus totius Angliæ, ſalutem:* By which laſt Expreſſion Dr. *Brady* would have underſtood only the King's Tenants *in Capite*, which is very improbable; for if they are all comprehended under *Milites*, as the Dr. in other places avers, then theſe *Fideles* in this Record will ſignify the ſame thing; but theſe ſhort Writs did not uſe to abound in vain and unneceſſary words.

* *Rot. Pet.* 15. *Johan. p.* 2. *m.* 2.

I ſhall now paſs to the 15th Year of this King, where we find in *Matt. Paris*, that all the *Nobles* and *Freemen* of *England* being aſſembled at *Runnemede*, King *John* agreed to grant them the Great Charter of *Liberties* and *Foreſts*; the Title to this Agreement being ſtill upon Record, runs thus in *Engliſh*.

> *The Agreement between* John, *King of* England, *on the one part, and* Robert Fitzwalter, *Mareſchal of the Army of God and the Holy Church of* England, *and* Richard de Clare, *with five other Earls and ſix Barons there named, together with other Earls, Barons, and * Freemen of the whole Kingdom, on the other part*, &c.

Rot. Clauſe 17 *Johan. M.* 2. *Dorſ.*

* Liberi Homines

And tho' this Aſſembly was not call'd by the King's Summons, but met there againſt his Will, yet it is look'd upon by all our Hiſtorians as a Common Council of the Kingdom, conſiſting of the Nobility, Gentry, and Freemen of *England*, who were there preſent in their own Perſons, to conſent and accept of this Charter, which the King was then ready to ſeal to them.

But ſince Dr. *Brady* will not allow this to be a Great or Common Council of the Kingdom, any farther than in reſpect to the Great Lords and Tenants *in Capite*, I ſhall give you his Exceptions againſt it in his own words. In his Anſwer to † Mr. *Atwood's Jani Anglorum*, &c. where he will not allow that Gentleman's ſenſe of the words *Liberi homines*, that they comprehend all the Freemen or Free-Tenants of what condition ſoever, but that the *Liberi Homines* mention'd in the Title to this Charter, were the ſame whom the King calls *Liberi Homines noſtri* in the Charter it ſelf, and to whom He there immediately grants ſeveral Relaxations of the Rigid *Feudal* Tenure, by which the Doctor ſuppoſes it to be apparent, that theſe

† *Pag.* 169

Liberi Homines were Tenants *in Capite*, and then refers to his *Gloſſary* for the farther explication of theſe words, which we ſhall alſo examine by and by.

But I ſhall ſhew, that the Doctor is not only out himſelf, but, I fear, wilfully miſguides his Readers by this bold Aſſertion; for I leave it to any Perſon that will but read over King *John*'s Charter, as it is in *Matt. Paris*, and will alſo take the pains to compare it with two Original Charters in the *Cottonian* Library, and in the Archives of the Cathedral Church of *Salisbury*, with the various Readings of it, as they are publiſhed in the *Appendix* to the ſecond Volume of the General Hiſtory of *England:* I ſay, I leave it to any Perſon to find (if he can) the word *noſtri* join'd with *Liberi Homines* in the whole Charter, or the Additions to them, that were left out in the confirmation of it by *Henry the Third:* 'Tis true, in the ſecond Article or Chapter, the King grants, *Liberis Hominibus Regni noſtri*, &c. *omnes Libertates ſubſcriptas*, where 'tis plain, the word *noſtri* muſt agree with *Regni*, and not with *Liberis Hominibus*; but in no other Chapter or Article of this Charter can I find theſe words in the Plural, but only in the ſingular number, and then they are no Relaxations of the Rigid *Feudal* Tenures, as the Doctor will have them, but they extend to all the Freemen of the Nation in general, of whatſoever Tenure or Condition, as in *Cap.* 26. *Liber Homo non amercietur pro parvo delicto*, &c. *Cap.* 34. *Si aliquis Liber Homo capiatur, vel impriſonetur aut diſſeiſetur*, &c. indeed the 26th Chapter, which begins, *Nullus Liber Homo de cætero & amplius alicui det vel vendat de terra ſua*, &c. does extend to Tenants by Knight's Service in general, but not to Tenants *in Capite* in particular.

Let us now look into his * Anſwer to Mr. *Petyt*, where you will find he falls a Peg lower; and there, notwithſtanding his former poſitive Aſſertion, that the *Liberi Homines*, mention'd in the Title of this Charter, were only the Tenants *in Capite*, in the former Treatiſe he allows the *Liberi Homines* mention'd in the Conqueror's *Magna Charta* to be ſuch as held in Military Service, tho' under other Lords beſides the King. And in his *Gloſſary*, *p.* 51, he ſays, *They were the other Tenants* in Capite, *beſides the Barons, or at leaſt their Retinue, the Tenants in Military Service, who were at* Runnemede *when this Agreement was made:* The reſt, who were only their Followers and helped to augment the noiſe, were not Law-makers; for 'tis not probable (ſays the Doctor) that thoſe Men that had the Force of the Nation, would permit Men of ſmall Reputation to ſhare with them in Law-making; thoſe that had the Power of this or any other Nation *de facto*, always did give Laws, and Tax the People.

In reply to this, I cannot but obſerve the Doctor's plain contradiction of himſelf; for whereas in his Anſwer to Mr. *A.* above-cited, he allows the Title of a Freeman only to Tenants *in Capite*; yet in his * *Gloſſary* he vouchſafes it to all other Military Tenants by Knight's Service promiſcuouſly; but as for all the reſt of their Followers, the ordinary Freemen or *Freeholders* of the Nation, he ſays, they had nothing to do there, but to augment the noiſe; *for it is not probable that they who had the Force of the Nation would*

permit

* *Pag.* 17, 18.

* *Tit. Liberi Homines.*

permit Men of ſmall Reputation to ſhare with them in Law-making.

This is indeed to beg the Queſtion, and to ſuppoſe that the Tenants *in Capite* had the whole force of the Nation in their hands, when the inferior Tenants were ten times their Number; and every one knows that when they appear (as they did here) in a Military and not a Civil State, it is not Quality nor Riches, but Strength and Number that giveth them a Right to Vote or Act. For what Obligation had theſe Inferior Tenants to their Lords the Tenants *in Capite*, to follow them to make War upon the King till He would grant the Great Charter, if their Lords and not themſelves, had the Intereſt and Benefit by it? but if they were like to be the better for it in reſpect of their Civil Liberties (as certainly they were) ſince many of the Privileges in the Great Charter do not relate to the Tenants *in Capite* alone, but to all other Freemen of the Kingdom; therefore, as far as theſe General Liberties granted to all the Freemen thereof, equally concern'd every private Perſon in that Aſſembly that was a Freeman and no Villain; he had certainly as much Right to give his Aſſent or Diſſent to this Charter, as the greateſt Lord or Tenant *in Capite* who was then in that Field or Meadow, and conſequently, was a Party to this Agreement.

But as for the Objections that are raiſ'd from certain Clauſes in this Charter, to prove, that none but the Greater Barons and Tenants *in Capite* had any Right to come to the preſent, or any future Great Councils or Parliaments, they ſhall be conſider'd, when we come in the Second Part to recite Dr. *Brady*'s Arguments.

I ſhall therefore proceed to the long Reign of *Henry the Third*, where we find plainer Proofs for the *Commons* being preſent in Parliament than before; and I ſhall begin with the firſt Confirmation of this *Great Charter* by this King, in the ſecond Year of his Reign, when being but yet a Child, *Guallo*, the Pope's Legate, put his own Seal to it inſtead of the King's, which *Charter of Liberties, concludes with theſe words, *Pro hac conceſſione, Archiepiſcopi, Epiſcopi, Abbates, Priores, Commites, Barones, Milites, Libere-Tenentes, & omnes de Regno noſtro dederunt Quintam decimam partem omnium Mobilium ſuorum.* Now from theſe Freeholders, and all others of the Kingdom by their Repreſentatives, the Knights, Citizens, and Burgeſſes, made Parties to the granting of this Aid, it plainly appears that the *Commons* were preſent in this Parliament, as well as the Lords and Tenants *in Capite*: But ſince Dr. *Brady* has raiſed divers Objections not only againſt the ſenſe in which we take the words laſt mention'd, but has doubted of the Antiquity of the Charter it ſelf, I ſhall defer the further Conſideration of this Point, till we come in order of Time to the ninth Year of this King's Reign, when this Charter was again confirm'd in Parliament.

* *Vid. Chartam Mſs. in Bib.* Lambeth *& penes alios.*

I proceed to the other Authorities in our Hiſtorians and Records, and produce one made uſe of by Dr, *Brady* himſelf, to ſupport his Opinion, which I ſuppoſe may be better urged to the contrary purpoſe; it is cired in his *Gloſſary, p.* 52. and is a † Writ directed to the Sheriff of *Northampton-ſhire*, ſetting forth, that for the payment 'of the King's Debts, and the preſervation of *Poictou*, all the *Mag*-'*nates* and *Fideles*, i. e. all the chief Men and faithful Subjects of

† *Rot. Clauſ.* 4. *Hen.* 3. *M.* 5. *Dorſ. Append. Record.* 12.

‘ the whole Kingdom had granted him a Gift of two Shillings out
‘ of every Plough-Land, to be collected by the Sheriffs and two of
‘ the moſt Legal Knights of the County, who were to be choſen by
‘ the Good-Will and Conſent of all Men of the County, in a full
‘ County-Court to perform this buſineſs.

This Great Council, or Parliament, is not mention'd by any of our Hiſtorians except *Walter* of *Coventry*, who, in his Manuſcript Hiſtory thus reckons up the Members of this Aſſembly, *Archiepiſcopi, Epiſcopi, Abbates, & Proceres Angliæ*, where, under the general word *Proceres* in this Hiſtorian, and *Fideles* in the Record, I ſuppoſe not only Tenants *in Capite*, but their inferior Tenants, or their Repreſentatives, are comprehended. Dr. *Brady*, by this word *Fideles* would only have the Tenants *in Capite* to be here underſtood, but I ſee no reaſon for that, ſince the word is put without the reſtriction of *Noſtri*; and ſo may ſignifie either the King's faithful Subjects, as Knights of Shires, or elſe any other inferior Tenants of ſufficient Eſtates, who might grant this Tax in this great Council as well as their Lords; but yet that the word *Fideles* may be taken in either of theſe ſenſes, the Dr. himſelf allows in his *Gloſſary, Tit. Fideles.* Note this Tax was a *Carvage* on all the Plough-Lands in *England*, of whatſoever Tenure, and ſo could not be impoſed by the Tenants *in Capite* alone, upon thoſe that did not hold their Lands by that Tenure. And further it appears by this Record, that this Tax was to be gathered by two of the moſt Legal Knights of the County, choſen by conſent of all the County-Court; and therefore all who owed Suit and Service to that Court, had a concern in the gathering of this Tax: And it is very well known, that not only Tenants *in Capite*, but thoſe who held by *Socage*-Tenure, were obliged to appear at the County-Court, and conſequently had alſo their Repreſentatives for the granting of this Tax, or elſe they could have had nothing to do in the chooſing of thoſe who were to collect it.

The next is a piece of Hiſtory patch'd up by the * Doctor, as making for his purpoſe, which, I think, will ſerve much better againſt it; it is an Account from *Matt. Paris, ad Ann.* 1224, being the eighth of this King's Reign, of the Parliament held at *Northampton*, on the Octaves of *Holy Trinity*, where the King, with the Archbiſhops, Biſhops, Earls, Barons, *& multis aliis*, being aſſembled to treat of the Affairs of the Kingdom, the Brother of *Faukes de Brent* ſeiz'd the King's Juſtices then ſitting at *Dunſtable*, and carried them away Priſoners to *Bedford*-Caſtle; whereupon the King, by the Advice of his Parliament, rais'd Forces and beſieg'd that Caſtle till it was taken; after which He had granted Him for his Labour and Expences, as well from the Prelates as Laymen, a *Carucage* throughout all *England*, of every Plough two Shillings of Silver; and then the King alſo granted to his Great Men a *Scutage, viz.* of every Knight's Fee, two Marks *Sterling*; from whence the Doctor collects, that theſe *Alii multi* above-mention'd, were the Abbots, Priors, and other Lay-Tenants *in Capite*; who, together with the other Orders or Eſtates, granted this *Carucage*: But, I think, we may well interpret theſe words to extend not only to the Tenants *in Capite*, but to other Inferior Tenants, by whatſoever free Service, who were there

* B. A. J. p. 219.

by their Repreſentatives. For how otherwiſe (as I ſaid before) could a general *Carucage* upon all the Plough-Lands throughout *England* be legally impoſed? ſince the great Prelates, Earls, Barons, and Tenants *in Capite* could never repreſent the Tenants of ſuch Abbots and Priors, who held their Lands in *Frank-Almoigne*, and not *in Capite*, and ſo were not ſummon'd to this Parliament; as alſo all Tenants in *Antient Demeſne*, and by *Socage* and *Burgage*-Tenures; and laſtly, Tenants by *Petty Sejeantry*, and thoſe who held Lands of the King by Fee-Farm, paying a certain Rent: All which, together with their Under-Tenants, could never be Taxed or Rated by thoſe who were none of their chief Lords; ſince upon theſe Gentlemen's Principles, whom we oppoſe, the only reaſon why the Tenants *in Capite* could grant Taxes for their Under-Tenants, was, that holding their Lands of them in Fee, they did in ſome manner repreſent them, and were bound by their Acts: they could never repreſent or diſpoſe of the Eſtates of thoſe that had no ſuch Relation; and therefore by theſe *multi Alii* muſt be meant other than meer Tenants *in Capite*. But ſeeing a late Learned Writer, (who had done better if he had not given himſelf up too much to Dr. *Brady*'s Notions) thinks the Hiſtorian deſtroys the words *All others*, by what follows after, the King's meeting all the Eſtates above-mention'd, *Rex enim voluit uti Conſilio Magnatum ſuorum*, i. e. *for the King would make uſe of the Advice of his Great Men*; by which Expreſſion this Author ſuppoſes none but *Prelates*, *Great Lords*, and Tenants *in Capite* can be underſtood: Had he been a little better verſed in our Records, he would have found that under *Magnates*, the Knights of Shires, called *Grantz de Countees* in *French*, are often comprehended, as well as the Earls and Barons, as ſhall be made out in another place; but as for the *Scutage* here granted by the King to the Great Men, out of every Knight's Fee held of them, it had nothing to do with this Tax, neither did it extend to all the Sub-Tenants by Military Service, but only to ſuch of them, who, having either through the deſire to ſave Charges, or out of their Lord's Favour had been ſpared from performing their Services at the Siege of *Bedford*-Caſtle, the King, by his Prerogative, granted their Lords Writs or Warrants to receive *Scutage*-Service from all ſuch Tenants proportionable to the Time their Lords had been in the King's Service, ſometimes one Mark, ſometimes two or three, as * Dr. *Brady*, in his Anſwer to Mr. *Petyt*, acknowledges.

Dr. Wake's *State of the Church*, &c. p. 191.

* *Pag.* 116, 117.

I come now to the next Parliament held preſently after *Chriſtmas* the following Year, *viz.* 1225, where our † Hiſtorian tells us, the King being preſent with the Clergy, People, and Great Men of the Realm, *Hubert de Burgh*, in the King's Name, demanded a Subſidy of the Archbiſhops, Biſhops, Earls, Barons, and all Others there preſent, to which the whole Aſſembly of the Prelates, Earls, Barons, Abbots, and Priors, after ſome deliberation, anſwered, that they would willingly comply with the King's Deſires, provided He would grant them their long requeſted Liberties; the King hereunto conſented, and immediately order'd the Charters to be drawn up and ſeal'd with his Great Seal, and ſent into every County of *England*; which being perform'd, the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and all Perſons of the Kingdom

† *Matt. Paris Pag.* 272.

dom granted the King a *Fifteenth* of all their moveable Goods, as appears by the Confirmation of this Charter in the ſecond Year of this King; from whence it may be collected, that the *Clerus* and *Populus*, that granted this Tax, were different Perſons from the Great Men that follow in the ſaid Recital; and that under the word *Populus* here mention'd, are comprehended the *Milites*, *Libere-Tenentes*, & *Omnes de Regno*, in the concluſion of this Charter, and who (with the reſt of the aforemention'd Orders) granted the King this Aid.

But Dr. *Brady*, to evade the force of this Authority, hath rais'd divers ſpecious Objections againſt the validity of this Charter, as alſo againſt that granted in the ſecond Year of this King, as if there were not now any true authentick Copies of them, ſince the Originals are not extant; and therefore in his Anſwer to Mr. *A.* maintains with great Confidence, that the Great Charter commonly attributed to *Henry the Third*, and ſtil'd his Charter in our Statute-Books, was properly the Charter of *Edward the Firſt*, or perhaps rather his Explication or Enlargement of that Charter of King *John*, and *Henry the Third*, for we find neither the Great Charter of that or King *John*'s Form in any of the Rolls, until the 25th of *Edward the Firſt*; and He had a greater Summ of Money for the Confirmation of this Charter than *Henry the Third* had, as 'tis recorded in the Summons to a Parliament for that purpoſe: The Writ it ſelf you may find at length, of which I need not repeat any more than the Title, *De veniendo pro confirmatione Magnæ Chartæ*, i. e. a Summons for coming to Parliament for the confirmation of *Magna Charta*. I ſhall alſo add the reſt of what the Doctor ſays concerning this Subject, which will ſhew, that he wrote in haſte, and did not conſider, that the validity of theſe Charters could be made out againſt him: his words are theſe; † In this Charter, (*viz.* that of *Edward the Firſt*) then confirm'd, there is no proviſion made for any Summons to Great Councils or Parliaments, and the reaſon may well be, becauſe the Conſtitution of Great Councils or Parliaments was lately chang'd from what it was in King *John*'s Time, until the 49th of *Henry the Third*; nor perhaps was it ſo fix'd, and peremptorily reſolv'd on at this time, what it ſhould exactly be for the future, as to have it made an Article of the Charter; and to this conjecture, the frequent variations of Summons to Parliament in thoſe Times, do give a probable confirmation.

* B. A. J. *pag.* 211.

† *Ibid.*

The Doctor is here very right in the Obſervation he hath made upon this Charter, that the Clauſe concerning the ſummoning of the greater and leſs Tenants *in Capite* to the Councils of the Kingdom, is left out in this Charter of the Confirmation of *Edward the Firſt*; but he is very much miſtaken in ſuppoſing this to be the firſt time that it was ſo omitted; for had he been pleas'd to have conſulted any of the Manuſcript Copies of it, either of the ſecond or ninth of *Henry the Third*, he would there have found this very Clauſe to have been omitted in both of them; ſo that if the Doctor's Inference which he draws from this Omiſſion be true, it makes directly againſt his Hypotheſis; ſince according to his own Aſſertion, if the Conſtitutions of Great Councils or Parliaments was now chang'd from what it was in King *John*'s Time, this Change muſt have conſiſted (as the Doctor acknowledges) in the omiſſion of ſummoning the leſs Tenants *in Capite* to the Common Councils of the Kingdom, and conſequently of bringing in the Knights of Shires in their rooms, which muſt have been at leaſt as antient as the ſecond of *Henry the Third*, when we find the Clauſe above-mention'd to be omitted in his Charter.

But I ſhall ſay more concerning the omiſſion of this Clauſe in another place, when I come to conſider the Doctor's Arguments; in the mean while I ſhall only take notice, that his Concluſion is very precarious, *to wit*, 'that the very conſtitution of Parliaments was not 'ſo fixed and peremptorily reſolved on at this time (*viz.* the 25th 'of *Edward the Firſt*) what it ſhould be for the future, as to have 'it made an Article of the Charter. But to obviate this, it appears, that from the twenty third of this King's Reign, which we have ſtill left upon the cloſe Rolls, the Writs of Summons to moſt Parliaments are directed both to the Lords and Commons, to the end of the Reign of King *Edward the Fourth*: And tho' the Doctor, in other places, endeavours to ſhew ſome variation in the Writs of Summoning Knights of Shires, as that at ſometimes two, and at other times three or four, had been ſummon'd for each County; and that the Citizens and Burgeſſes were ſometimes omitted to be ſummon'd to Parliament at all in this King's Reign; I ſhall defer the further conſideration of this till I come to treat upon that Subject, when I ſhall plainly ſhew the Doctor's Miſtake in this Matter; and that it was not to Parliaments, properly ſo call'd, but only to Great Councils upon extraordinary Occaſions, that more than two Knights were ſummon'd for each Shire; and if the Citizens and Burgeſſes were omitted to be call'd to them, it was becauſe the King had then no need of their Advice.

But I ſhall now return to the Matter from whence the Doctor hath forced me to digreſs; and that is to Anſwer thoſe Cavils, rather than real Objections, which he hath made againſt the validity of the Charters of the ſecond and ninth of *Henry the Third*: And as to them it may be thus anſwer'd.

Firſt, For the Charter granted in the ſecond of this King, tho' the Original of it hath been long ſince loſt in *England*, yet there are ſtill extant divers antient Manuſcript Copies of it, as old as the time of that King, ſome of which I my ſelf have ſeen; and there either is, or was lately extant at *Dublin*, an antient Copy of this *Magna Charta* of the ſecond of *Henry the Third*, enter'd in the *Red Book* of the Exchequer there, granted to all the *Engliſh* Subjects of *Ireland*, being the ſame, *mutatis mutandis*, with that granted to *England*, which cannot be ſuppos'd to have been done, unleſs his *Engliſh* Subjects ſhould in the firſt place have had the like confirm'd to them. And as to the Authentickneſs of thoſe Copies that are extant of the ninth Year of this King, there are ſeveral of them in the Cuſtody of Lawyers and Antiquaries; and Mr. *Petyt* has one of them, in an antient Copy of the old Statutes written in the time of *Edward the Firſt*: But to put it more out of doubt, I have ſeen in the Cuſtody of Sir *Nathaniel Powel*, Bencher of the *Inner-Temple*, a fair Original of this *Magna Charta*, dated the ninth of *Henry the Third*, under the Seal of that King (which once belonged to *Battle-Abby.*) And there are alſo two printed Copies of it in the Annals of *Burton* and *Waverly*, in each of which the firſt of the Witneſſes is not Archbiſhop *Boniface*, as it is falſly printed in our ordinary Statute-Books, but *S.* which ſtands for *Stephen Langton*, who was then Archbiſhop: And if any one will take the pains to examine and compare theſe two Charters of the ſecond and ninth of *Henry the Third*, with the Charter confirm'd by *Edward the Firſt*, he will find them all one and the ſame in almoſt every word; and therefore this laſt was no explication or enlargement of the former Charters, as this Author fancies, I ſuppoſe, without ever troubling himſelf to compare the one with the other.

B. *A.* P. *p.* 11. Having aſſerted the Truth and Antiquity of theſe Charters, I ſhall now go on to anſwer the Doctor's Arguments, whereby he would prove, that none but the Biſhops and Lords granted King *Henry* a *Fifteenth* for the Confirmation of *Magna Charta*; and this he draws from the above-mention'd Relation of the manner of granting it, ſet down by *Matt. Paris*; from whom the Doctor obſerves, that none but the Biſhops, Earls, Barons, Abbots, and Priors, return'd the King this Anſwer, that they would comply with his Demands, if He would grant them their long requeſted Liberties; and that the King conſented to theſe their Deſires: And from this Account of this Parliament or Great Council, the Doctor concludes, that the Men that conſulted about the King's Demands, that gave the King this Anſwer, and that alſo granted a *Fifteenth* of the Moveables, as well of the Eccleſiaſticks as Laicks of the whole Kingdom, were only the Archbiſhops, Biſhops, Earls, Barons, Abbots, and Priors; and therefore they were the only Conſtituent Parts of this Parliament, as they were alſo of the Parliament held at *Merton*, in the 20th Year of this King's Reign; the circumſtances of which the Doctor has here given us from *Matth. Paris*.

I ſhall ſay nothing to this laſt Authority, till I come to it in order of Time, but will here only anſwer this Argument, or rather Conſequence the Doctor draws from the words of this Author: I would ask his Friends (ſince he is not, and ſo cannot anſwer for himſelf) if this be an exact Account in *Matt. Paris* of all the conſtituent Members of this Parliament, who gave the King this Anſwer, and conſequently the Aid that follow'd it, how this could be a Common Council of the Kingdom, according to King *John*'s Charter; for ſince the leaſt of the Lay-Orders there mention'd are Barons, the leſs Tenants *in Capite*, who were then no Barons, (by the Doctor's own Confeſſion) could be no Parties to this Anſwer, nor conſequently to the Grant of this Aid; ſo that it ſeems the Great

B. *A.* J *p.* 171. Charter of King *John* was no Pattern for all future Parliaments, as the Doctor has maintain'd in another place. But perhaps it may be ſaid, that the leſs Tenants *in Capite* were preſent in this Parliament, but did not give any Anſwer to the King's Demands, becauſe they left that to the Biſhops, Earls, and Barons, *&c.* to do it for them; yet that they were there, and gave their Conſents to the granting this Aid, appears by the very words at the latter-end of this Charter, where it is ſaid, that the *Milites* and *Libere-Tenentes*, that is, the leſs Tenants *in Capite* join'd in the granting the King this *Fifteenth* of their moveable Goods.

Well, ſuppoſe for the preſent we grant this to be ſo, what will then become of the Doctor's Aſſertion from *Matt. Paris*, that none but the Parties there mention'd gave this Tax? ſo that the leſs Tenants *in Capite* being quite omitted by this Author, there is no depending upon his Authority, that there were no other Lay-Perſons there, than the Earls and Barons, and the reſt there mention'd, ſince the very Charter it ſelf ſhews there were many Others, even beſides thoſe leſs Tenants *in Capite* who gave this Aid; for ſuppoſing as much as can be deſir'd, that by *Milites* are to be underſtood thoſe Military-Tenants, yet the *Liberi-Tenentes*, and *Omnes de Regno* muſt be another ſort of Men, who were alſo Parties to this Grant, or elſe the conſtituent Members of this Council would be twice or thrice repeated.

But becauſe the Doctor will not allow of this natural ſenſe of theſe words, and does his utmoſt endeavour to wreſt them to quite another meaning, and make the leſs Tenants *in Capite* no Parties to this Grant, I ſhall here give you his Arguments in his own words, 'If (ſays he) theſe words of this Charter are literally to be underſtood, that *Omnes de Regno*, that is, *All the Men of the Kingdom*, granted this Aid, then it will follow, that as well thoſe that had Eſtates in Land, as thoſe that had not, all Copyholders, all Tradeſmen, all Bondmen and Villains (of which there were great ſtore in thoſe Days) and all Servants were there preſent as Members of Parliament; and then I would willingly know where all theſe People ſhould meet, how their Councils ſhould be managed, and how it is poſſible in ſuch Meetings (if any ſuch there can be) to prevent the greateſt Confuſion imaginable? The meaning then of theſe words muſt be, that the Archbiſhops, Biſhops, Abbots, Earls, Barons, Knights, Free-Tenants, and all of the Kingdom, or all the King's Subjects *dederunt*, that is, *paid* a Fifteenth part of their Moveables to the King, for his granting theſe Charters, not that they themſelves gave or granted this Subſidy; and 'tis reaſonable to conclude, that all the King's Subjects paid the fifteenth Part, becauſe one way or other, little or much they enjoy'd the benefit of them. I take this to be the genuine ſenſe of theſe words, but *Matt. Paris* makes it very apparent, who were the conſtituent Parts of this Parliament; for if you pleaſe there to obſerve, the Men to whom the Chief Juſtice propoſ'd this *Fifteenth*, and thoſe who conſulted about the King's Demands, and thoſe that return'd an Anſwer to them; and alſo granted the fifteenth Part of the Moveables, as well of the Eccleſiaſticks as Laicks of the whole Kingdom, were only the Archbiſhops, Biſhops, Earls, Barons, Abbots, Priors; and therefore they were only the conſtituent Parts of this Parliament, as they were alſo of the Parliament or Great Council held at *Merton*, in the 20th Year of the King's Reign, whither, ſays *Matt. Paris*, *Conſummato cum gaudio Nuptiali convivio, Rex recedens à Londiniis venit Mertonam ut ibi convocati Magnates de Regni Negotiis contractarent.*

B. A. P. p. 152, 126.

Having given you the Doctor's forced Interpretation of this Clauſe of theſe Charters, and the Authority he hath brought to confirm it, I ſhall now make a Reply with ſome other Obſervations upon it; and to begin with his Objection againſt theſe words, *Liberi Tenentes & Omnes de Regno dederunt*; by which he will needs have it underſtood, that ſince it was impoſſible for all the Freeholders and Others of the Kingdom to be perſonally preſent at this Parliament, therefore they had no hand in the granting of this Subſidy upon their Goods, as if they could by no means grant any thing by their Repreſentatives: But the * Doctor in another place is more eaſy, when he grants, that the *Commons* were ſummoned to another Parliament (as appears by a Record of the 35th of *Edward the Firſt*) when the Archbiſhops, Biſhops, Earls, Barons, and *Communities* (*i. e.* the *Commons*) of Counties, gave the King a 'Thirteenth Part of their Goods, as if (ſays he) they were all 'Members and ſat in this Parliament; and ſo it is ſaid of the 'Cities and Boroughs, that the Citizens, Burgeſſes, or the Com'munities of Cities and Burghs, gave a Twentieth Part of their 'Moveables, as if they had been all there; but theſe words ſignify 'no more, than that the Knights and Freemen gave by their Re'preſentatives, as is moſt clear from the Writs of Expences for the 'Knights of *Lincolnſhire*, which he there gives us at large. Now, I would be glad if any one would inform me, what is here meant by the *Communitates Comitatuum & Communitates Civitatum*, &c. which the Doctor tranſlates *Communities*, but the *Commons* of thoſe Places? for the Doctor does not love to make uſe of that word if he can avoid it. *Secondly*, I would fain know the reaſon why theſe Freemen and *Communities* (as he calls them) could give by their Repreſentatives in the Time of *Edward the Firſt* the Tax abovemention'd; and yet the Freeholders, and all Others of the Realm, cannot be underſtood to do the like by their Repreſentatives in the Reign of *Henry the Third*; but if this be given for a Reaſon againſt it, becauſe the *Commons* were not then repreſented in Parliament any other ways than by their Lords the Tenants *in Capite*. This is to beg the Queſtion, quite contrary to the expreſs words in *Magna Charta*, which ſay, *That the Freeholders, and all Others of the Kingdom granted a Fifteenth*, as well as the Biſhops, Earls, and Barons.

* *Gloſſ. p.* 33, 34.

I ſhall now further ſhew, the Doctor's Error in the Interpretation of theſe words, whereby he would have it underſtood, that none but Archbiſhops, Biſhops, Earls, and Barons granted this Subſidy; for in the firſt place he hath here omitted his beloved Tenants *in Capite*, that were then no Barons, out of his Catalogue of Givers, who, it ſeems, as well as the reſt of the ordinary ſort of People, muſt only pay their ſhare, but granted nothing; yet ſince there is but only one Verb, *viz. Dederunt*, which governs the whole Clauſe or Sentence, I would fain know, why in reſpect of the Archbiſhops, and all the reſt of the Parties, the Doctor there mentions as the Granters of this Aid, this Verb muſt be conſtrued, *They granted*; but as to the *Liberi-Tenentes & Omnes de Regno*, it muſt be underſtood, they paid it? And why may not one, if he would be as perverſe as the Doctor, conſtrue it, *They paid* in reſpect of them all, that is, the King demanded a Fifteenth by his Prerogative, and they paid it, without any Power to Grant or Refuſe? but indeed there is no need at all to wreſt the word *Dederunt* from its natural ſenſe, and make it, *They paid*, more in reſpect of one than the other.

And therefore I ſhall give you ſome Authorities from divers Antient Writers, that this word *Dederunt* could only ſignify, *They gave*, in reſpect to *all the Parties* there mention'd; and for this ſee the Annals of *Waverly*, in the ſecond Volume of Dr. *Gale*'s Collections printed at *Oxon*, where, under this Year, *An. Dom.* 1225, after having given us a ſhort Account of the granting theſe Charters in the Ninth of *Henry the Third*, they recite the Concluſion of the Great Charter in the ſame words, as they are in the Charter it ſelf; only before *Dederunt* there is alſo added the word *Conceſſerunt*, which ſhews, that the Author of this part of thoſe Annals, who might very well write about the ſame time, or preſently after the Charter was granted, by the Addition of the Verb *Conceſſerunt*, intended to prevent any ſuch Miſtake in the Interpretation of the following word *Dederunt*. And that it was the Opinion of all other Hiſtorians of this Reign, is further confirm'd by the Manuſcript Chronicle of * *Walter* of *Coventry*, who lived and wrote in that very time, after he has given an Account of the Members of this Council, under the general Title of *Proceres Angliæ*; and that the King had then a fuller Treaty with the *Clergy* and *People*, to whom He then confirm'd the above-mention'd Charter of Liberties, concludes thus, *Ibidem conceſſa eſt Domino Regi à Commitibus & Baronibus, & Clero & Populo, Quinta Decima omnium Bonorum.* Now, who can be meant by the *Populus*, mention'd in both theſe Authors diſtinctly from the Earls and Barons, as preſent at this Parliament, but the Commons, as now underſtood? who alſo (as this laſt Author expreſly tells us) granted this *Fifteenth*, tho' *Matt. Paris* has omitted that remarkable circumſtance; and *Henry de Knighton*, who lived ſomewhat more than one hundred Years after this Charter was granted, in his Hiſtory, hath this Paſſage, under this Year, *Poſt hæc Rex Henricus conceſſit Magnatibus Terræ duas Chartas, unam de Foreſta, & aliam de Libertatibus propter quam cauſam* Communes Regni *conceſſerunt quintam decimam Partem mobilium.* The laſt words being very remarkable I ſhall tranſlate; for which cauſe the *Commons* of the Kingdom granted a Fifteenth of their Moveables: From whence it appears plainly, that at the time when this Author wrote, it was generally believed, that the *Commons*, under the Title of *Liberi Tenentes & Omnes de Regno* in this Charter, granted the Fifteenth of all their Goods.

Pag. 189.

* *In Bib Cotton.*

And further, in Anſwer to the Doctor's Citation concerning the *Magnates* who met at the Parliament at *Merton*, it appears, that under the word *Magnates* in *Knighton* the Knights of Shires muſt be included, or elſe King *Henry* granted thoſe Charters only to the Biſhops, Lords, and Tenants *in Capite*, which certainly no Man that hath read the *Great Charter*, and that of *Foreſts*, but once over, would take upon him to maintain; but the Doctor, in his * *Gloſſary*, in his † Anſwer to Mr. *A*'s. *Janus*, &c. as alſo in other places, will needs have the *Omnes de Regno* (who gave this Subſidy of a *Fifteenth* of their Perſonal Eſtates) to be Tenants *in Capite*; and that theſe words ſignifie no more than the *Omnes alii de Regno*, who are mention'd in a * Writ on the Cloſe Roll of the Nineteenth of *Henry the Third*, directed to the Sheriff of *Somerſetſhire*, in theſe words, *Sciatis quod Comites, & Barones, & Omnes alii, &c. de toto*

* *P.* 217, 218.

† *P.* 64.

* *M.* 6. *Dorſ.*

Regno noſtro conceſſerunt, nobis efficax Auxilium, which, ſays he, is further explain'd by another Writ on the ſame Roll, directed to the Sheriff of *Suſſex*, beginning thus, *Sciatis quod Archiepiſcopi, Epiſcopi, Abbates, Priores, Comites, Barones, & Omnes alii de Regno noſtro Angliæ quide nobis tenent* in Capite *nobis conceſſerunt*, &c. here (ſays the Doctor) the *Omnes alii de Regno*, were the *Omnes qui de nobis tenent* in Capite, which were then all the *Regnum* or *Communitas Regni*, that is, the whole Kingdom, or Body of it.

But I deſire no better an Argument for the Confutation of this Opinion, than his own Authority, which he hath here cited; for tho' in the firſt of theſe Writs, the Earls, Barons, and *All others* of the Kingdom, are ſaid to have granted this *Aid*; yet in the middle of this Record it is reſtrain'd only to the Earls, Barons, and *All others* who held of the King *in Capite*; and the next Writ plainly ſhews, who were the ſole Parties to theſe Grants, *viz. Omnes Alii qui de nobis tenent in Capite*; and I do not deny but that the Doctor hath produced ſeveral Precedents, to prove that the Tenants *in Capite*, in thoſe Times, gave the King Subſidies or Aids, not only for themſelves but their Tenants, who held of them by Knight's Service; but what doth this ſignify to this Clauſe in theſe Charters, where the words are not, *Omnes qui de nobis Tenent in Capite*, but *Omnes de Regno, in General?*

For, notwithſtanding all the Doctor's Skill, he could never be able to prove, that his Barons and Tenants *in Capite* were the ſole Repreſentatives of the whole Kingdom, as he there ſuppoſes; for who but himſelf could ever imagine, that the Tenants *in Capite*, who were not half the Kingdom, ſhould have a Power to Tax and Aſſeſs not only themſelves and their own Tenants, but thoſe that held by *Socage*-Tenure, as the Tenants of the King's *Antient Demeſns*, and *Socage*-Tenants of other Lords; as alſo thoſe that held of Biſhops and other Great Men; as likewiſe the Tenants of all ſuch Abbies, Nunneries, and Religious Houſes, whoſe Priors and Abbeſſes never appear'd in Parliament; beſides, the City of *London*, and all other Cities and Boroughs, ſome whereof held immediately of the King, and Others of Lords and Biſhops, not by Military, but *Socage* and *Borough*-Tenure, and conſequently could never be repreſented by the Tenants *in Capite*, unleſs the Doctor or his Friends could prove, that all Men in thoſe Days held their Perſonal Eſtates, as well as Lands by Military Tenure; which is ſuch an Abſurdity, that, I think, none that have any knowledge of the Laws of *England*, can ever be guilty of: But unleſs the Doctor can prove this, neither he nor his Friends will ever convince any indifferent Reader, that the Barons and Tenants *in Capite* could, in thoſe days, give a Fifteenth Part of the Moveable Goods of all the Subjects of the Kingdom, who never held of them at all. To conclude, if the greater and leſs Tenants *in Capite*, as the Repreſentatives of the whole Kingdom, could impoſe what Taxes they pleas'd upon thoſe that were none of their Tenants, they certainly very little underſtood their own Intereſt, and had been very improvident in granting the King ſo much out of every Knight's Fee, held either by themſelves or their Tenants, whereby all the reſt of the People eſcaped Scot-free; whereas if they had either given a general *Carucage*, or a Tax upon all Moveables, they and their Tenants would have been much more eas'd, and the Burthen have been equally laid upon the whole Kingdom.

I have dwelt the longer upon this Point, but hope I ſhall not be thought tedious, ſince if this be once plainly prov'd, that the Commons of *England* ſent their Repreſentatives to Parliament, in the Second and Ninth of *Henry the Third* (when the *Great Charter* was twice confirm'd in a few Years) it is highly probable they continued throughout the reſt of this Reign.

I ſhall therefore now go to the Sixteenth of this King, being *A.D.* 1232, when He held a * *Colloquium* or Parliament, with the Biſhops, Prelates, and *Proceres*, i. e. Chief Men of the Kingdom; now who theſe *Proceres* were, the ſame Chronicle tells us, preſently after, ſhewing, that then the King received from the Archbiſhops, Biſhops, Abbots, Priors, and Clerks, having Lands, which did not belong to their Churches; as alſo from the Earls, Barons, Knights, Freemen, & *Villani*, i. e. the Inhabitants of Towns, a fortieth Part of their Moveables. This is alſo confirm'd by a † Writ, which was iſſued out for the raiſing it, where it is expreſly recited, that all the Parties mention'd in this Hiſtorian, granted the King this Aid of a Fortieth Part of their Moveable Goods; tho' as to the *Liberi Homines* here mention'd, I know the Doctor would have them only mean all thoſe that held of the King *in Capite*; yet that they ſignify all other ſorts of *Freeholders*, I have already proved; and the Doctor himſelf, in his *Gloſſary*, grants, that they do not only ſignifie Tenants *in Capite*, but all other *Military Tenants* whatſoever; and by *Villani* * he allows to be meant, either Villains, or the Inhabitants of Towns or Villages, or elſe Repreſentatives for ſuch Towns as held of the King *in Capite*, ſuch as might be the Burgeſſes of St. *Alban*'s. As for the firſt of theſe Interpretations it can by no means be true, ſince the Villains or Bondmen having no Property could pay no Taxes; but if it be taken for the Inhabitants of ſmaller Towns, they were repreſented by ſome of the Orders of Men already mention'd: And if they were the Inhabitants of Boroughs, whether they were thoſe that held *in Capite* or not, they gave this Fortieth Part by their Repreſentatives; and therefore the Cities and Boroughs muſt have appear'd in Great Councils or Parliaments many Years before the Forty ninth of this King; and that not only ſuch of them as held *in Capite*, but other Boroughs, that held of Biſhops or Great Lords, I ſhall make out further in due Time: However, this Tax being a general one upon all *Moveable Goods*, could never reach the whole Kingdom, if only the Tenants *in Capite* had been the Granters of it, for the Reaſons already given; and therefore by the *Milites*, *Liberi Homines*, and *Villani*, mention'd in theſe Records and Hiſtories, the Knights, Citizens, and Burgeſſes are, and muſt be underſtood.

I ſhall now proceed to the Statute of *Merton*, cited by the Doctor to make out his Notion, that none but the *Magnates*, i. e. Great Men and Tenants *in Capite* were preſent at it; the Preamble of this Statute runs thus; * *Proviſum eſt in Curiâ Domini Regis* Henrici, &c. *coram Will. Cant. Archiepiſcopo, & Epiſcopis Suffraganiis ſuis, & coram*

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* *Annal de Waverley*

† *Rot. Clauſ. 16. H. 3. M. 2.*

† *Tit. Liberi Homines. p. 51.*

* *B. J. A. p. 220, 221.*

* *Vid.* Totel's Old Edition of Statutes.

ram majore parte Comitum & Baronum Angliæ ibidem exiſtentium, &c. ita proviſum fuit & conceſſum tam à prædictis Archiepiſcopis, Comitibus, Baronibus, quam ab ipſo Rege & Aliis. Now by theſe *Alii* put after *Rex* & *Barones*, I ſuppoſe the Commons in the Senſe they are now us'd are to be underſtood; but I am ſenſible that it will be alledg'd by thoſe of Doctor *B*'s Opinion, that by theſe *Alii* or Others, are to be underſtood the leſs Tenants *in Capite* only: To which it may be reply'd, That this is only *gratis Dictum*, and without any Proof; for if the Word, *Barones*, in the Doctor's Senſe comprehends all the Tenants *in Capite* in general, I would be glad to know, Why it ſhould not do ſo here too? And therefore it lies upon the Gentlemen of the contrary Opinion to prove, that theſe *Alii* here mention'd, were no Other than the leſs Tenants *in Capite*; whereas I may as well affirm the contrary, eſpecially ſince I have already proved from the laſt Authorities, that the Commons were preſent in the Parliaments of the Second, Ninth, and Sixteenth of *Henry* the *Third*; and therefore I cannot believe they were excluded that Great Aſſembly at *Merton*.

* *B. J. A. p.* 221. *Rot. Clauſ.* 21. *H.* 3. *m.* 7. *Dorſ.*

In another * Writ of the next Year (quoted alſo by the Doctor) it is there recited, 'that the Archbiſhops, Biſhops, Abbots, Priors, 'Earls, and Barons of the whole Kingdom, having on the Octaves 'of St. *Hillary* treated with the King, concerning the ſtate of the 'Kingdom the ſame Prelates abovemention'd, as alſo the *Clercs* or 'Clergymen) having Lands that did not belong to their Churches; 'and likewiſe the Earls, Barons, Knights, and Freemen, for themſelves and their *Villains*, granted the King, as an Aid, a Thirtieth 'Part of all their Moveables.

From which Record we may obſerve, that tho' none but the Parties firſt mention'd are here ſaid to have treated with, or adviſed the King; yet Others beſides them, *viz. the Clercs having Lands, and Freemen of the Kingdom*, are alſo made Parties to this Grant; and in this Record the word *Villani* ſignifies the Ruſtics or ordinary Husbandmen, or Copyholders at Will under thoſe Freemen, but they were not Bondmen or Slaves (as the Doctor will have them to be); for all the Goods they had being their Lords, they could not be capable of ſuch a Tax. The Doctor would alſo have theſe *Liberi Homines* here mention'd, to mean only the Tenants *in Capite*, but that is a great Miſtake; for the word *Milites* here placed after *Barones*, muſt, according to the Doctor's own ſenſe of that word, ſignify the leſs Tenants *in Capite*; and if by *Liberi Homines*, or Freemen, the ſame ſort of People are alſo to be underſtood, it would make this Record guilty of a fooliſh and impertinent Tautology, in repeating the ſame Order twice; and if none but Tenants *in Capite* granted this Tax, which was upon all the Moveable Goods of the Kingdom, then they muſt have taxed all thoſe whom they could no ways repreſent, which they had no Right to do.

My next Inſtance is from *Matt. Paris, ad A. D.* 1244, on the 28th of this King's Reign, when the *Great Men* of the Kingdom Aſſembled at *London* by the Royal Summons, *viz.* when the Archbiſhops, Biſhops, Abbots, Priors, Earls, and Barons, that is, the whole Parliament, were met at *Weſtminſter-Hall*, upon the King's deſiring an

Aid of them, they all left the Hall, the Archbiſhops, Biſhops, and the reſt of the Eccleſiaſticks laſt mention'd, went aſide by themſelves to treat of it; and when they had agreed, they ſent to the Earls and Barons (who were likewiſe in another place by themſelves) to know if they would unanimouſly comply with them; but they anſwer'd the Biſhops, that *Sine Communi Univerſitate*, that is, without the conſent of the whole Body of the Kingdom they would do nothing. The Doctor, I know, tranſlates theſe words, *Common Univerſity*, becauſe the Reader ſhould not know what is meant by them; and when he does undertake to interpret it * he always makes it to conſiſt of the Biſhops, Abbots, Priors, Earls, and Barons alone, or elſe of them and the leſs Tenants *in Capite*, taken together; yet that there muſt be more intended by it in this place, appears by this Anſwer of the Lords, that they would do nothing *without the Common* or *General* Body *of the Kingdom*. Now, if the Biſhops and other Eccleſiaſticks met in one Room, and the Earls and Barons, and Tenants *in Capite* in another, what could hinder theſe Eſtates from preſently agreeing and coming to a Concluſion, if they alone had made up this *Common Univerſity* (as the Dr. calls it)? but we find it otherwiſe; for tho' the Biſhops and the reſt of the Prelates ſent to the Lords to ſee if they would agree with what they had reſolved upon; yet the Anſwer of the Temporal Lords is, that *Sine Communi Univerſitate nihil potuerunt*, they could do nothing; now, I know not what ſhould be meant by theſe words, *Sine Communi Univerſitate*, but without the Repreſentatives of the Commons, as now underſtood; for that they were the leſs Tenants *in Capite*, * Dr. *Brady* will not allow, for they being meer Commoners, his Aſſertion would not have been true, that there were no Commoners in that moſt general Parliament of the 30th of this King: But to return to my Author.

* B. A. P. p. 94, 103, 104, 105.

* *Ib. p.* 127.

It there preſently follows, *that by Common Aſſent*, (that is, of the whole Body of this Parliament) there were elected four Biſhops for the Clergy, and for the Laity four Earls and two Barons, with two Abbots; yet this does not at all infer, that an Inferior Order of Men might not have join'd with them in their Choice, tho' they might not think fit to chuſe any of their own Order; as being not ſo powerful and conſiderable as the Great Earls and Barons.

I ſhall now further proceed to ſhew you, of what Members this *Univerſitas Regni*, or General Body of the whole Kingdom then conſiſted, which appears by that General Parliament, which *Matt. Paris* tells us, was held in the twelfth Year of this King, *A.D.* 1246. when there met at *London* All the Nobility of the whole Kingdom, that is to ſay, the Prelates, as well the Abbots and Priors, as Biſhops; and alſo the Earls and Barons, that they might treat effectually of the unſettled State of the Kingdom, according to the urgent neceſſity of it. In this very Parliament the King confer'd with the Biſhops by themſelves, the Earls and Barons by themſelves; as alſo with the Abbots and Priors concerning thoſe things about which He had already ſent his Ambaſſadors to the Council of *Lyons*, *viz.* the Grievances of the *Roman* Church: The reſult of theſe Conferences was, that yet for the reverence due to the Apoſtolick See, they ſhould again ſupplicate the Pope by Letters, to remove that inſupportable Yoke of Exactions here in *England*; whereupon the Biſhops wrote by themſelves, the Abbots and Priors by themſelves, and the Earls, Barons, *& Alii Magnates*, and the other Great Men wrote Letters to the Pope by themſelves, which are thus directed, *To the moſt Holy Father*, &c. *Your Devoted Sons*, Richard *Earl of* Cornwal, *and the reſt of the Earls there named, with the other Barons, and the Chief and Great Men of* England, *and the Noble Inhabitants of the Sea-Ports, as alſo the whole Clergy and People, wiſh Health.* From which Direction, drawn up in Parliament, on the behalf of all the Laiety and Inferior Clergy, it appears, that there were other Great Men called *Magnates* (moſt likely the Knights of Shires) and alſo the Barons of the Cinque-Ports, here called *Nobiles Portuum maris Habitatores*, who join'd in this Anſwer with the Earls and Barons abovemention'd. But * Dr. *Brady* will by no means admit of this Interpretation of theſe Phraſes, but will have them to be a meer *troop* of words drawn up in this Letter to no other purpoſe than to make an Impreſſion upon the Pope, and ſhew Him the great diſlike the Nation had of his Exactions and Encroachments, and to induce Him to a Compliance with their Deſires, the *Multitude* not being any ways Parties or privy to the writing of the Letter; for the Clamour of the People was a great Argument uſed in all theſe Letters to affect the Pope, how ungrateful his Impoſitions were to the Nation. And here the Doctor produces ſeveral Paſſages out of this Letter, as alſo out of the King's Letter to Him about the ſame Affair, that the Clamour of the Great Men and People againſt theſe Abuſes were ſo loud, that they were not any longer to be endur'd; ſo that it was from this general Clamour of the People, and not from their being Parties to it, that the beginning of this Letter from the Baronage of *England*, was ſtuffed with ſo many Words and Phraſes, being only done to awaken the Pope, and incite Him to redreſs their Grievances.

But with the Doctor's good Favour, I cannot believe that all this *was a meer empty troop of words* (as he calls it) only to frighten his Holineſs into a compliance with their deſires; for the Pope was better inform'd by his Tax-gatherers and Emiſſaries in *England*, concerning its Civil Conſtitution, than to be ſo impos'd upon; and therefore, albeit I do not affirm, that the Multitude or Rabble without Doors had any hand in this Letter; yet I cannot conceive, unleſs their Repreſentatives were Parties and privy to it, to what purpoſe the *Magnates ac Nobiles Portuum Habitatores* are here menton'd after the Earls and Barons; ſince had not this Clamour of the Great Men, Clergy, and People been made in Parliament, the Pope might have had good reaſon to deny the Matter of Fact, and return in Anſwer, that He did not believe there was any ſuch Clamour at all.

The ſame Author mentions another Parliament held in the thirty ſecond Year of this King, *A. D.* 1248, and to have met on the Octaves of the *Purification* of the Virgin at *London*; at which, beſides a multitude of Barons, Knights, and Nobles; as alſo of Abbots, Priors, and Clergy, there came nine Biſhops, and as many Earls; from whence I obſerve, that tho' by the *Milites* put after *Barones*, the leſs Tenants *in Capite* may be meant; yet by the *Nobiles* that follow them, I can underſtand no others than the *Nobiles minores*, the leſs *Nobles*, ſuch as Knights of Shires; for all the reſt of the Lay-Orders were already expreſſed.

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* B. A. P. pag. 106, 107.

A few Years after this the Annals of *Burton* under *A. D.* 1252, mention a Parliament to be held at *Weſtminſter*, where the two Archbiſhops, the Biſhops, Earls, Barons, and (*Magnates*) Great Men of the whole Realm of *England* were preſent; by theſe *Magnates*, put after the Barons, may we not underſtand, at leaſt, the Knights of Shires?

Under the Year 1253 *Matt. Paris* relates, that all the Nobility of *England* being met at *London*, by the King's Summons, He again confirm'd the two Charters, and then the Archbiſhop of *Canterbury*, with the conſent of the reſt of the Biſhops, ſolemnly *Excommunicated* all thoſe that ſhould violate them, the King himſelf being preſent, and conſenting to it; the circumſtances of which you may ſee in our Author; but that which is moſt remarkable is, that it appears by a Record of this Sentence of *Excommunication* ſtill extant on the * Rolls, that the Commons were preſent, and acted in this Parliament; for it is there recited, 'That the King, the Great 'Men, and the *Communitas Populi*, do publickly proteſt, in the 'preſence of the Archbiſhop, and of all the Biſhops, being at this 'Parliament, that if any thing be added or alter'd in the ſaid Sentence, when reduc'd into Writing, they never gave their Conſents 'to it, but abſolutely oppoſe and contradict it; and the concluſion 'is very remarkable too, that in Memory of this, and for a Teſtimony of the Truth, *the King, as alſo the ſaid Earls, have at the* '*Inſtance of the other Great Men and* People *there preſent, put to their* '*Seals.*

Now, by the *Communitas Populi*, mention'd in the Body of this Inſtrument, as alſo by the words *& Populi*, put after *Magnates* at the end of it, I can underſtand no Others, than the Repreſentatives of the Commons; for I do not find that the Tenants *in Capite* were ever ſtil'd the *People* in our Hiſtorians and Records: But ſince † Dr. *B.* in his Anſwer to Mr. *P.* will not allow, that by the *Communitas Populi* here, put after *Magnates*, is meant any Others than the Tenants *in Capite*, I ſhall give you the Sum of his Anſwer to it, for to ſet it down at length would be too tedious: *Firſt*, He cites * *Matt. Paris*, that at this Parliament, which was held fifteen Days after *Eaſter*, the whole *Nobility* of *England* was aſſembled; now, who theſe were he proves thus; the ſame Author ſays, that upon the King's Confirmation of *Magna Charta* the Church granted the Tenth of their Revenues for three Years; and then there was granted by the *Knights* (or Nobility) for that Year, a *Scutage* of three Marks upon every Knight's Fee, and then was pronounc'd the *Excommunication* in the manner already mention'd, againſt all that ſhould violate the *Great Charters*, which the * Doctor here ſuppoſes to be granted ſolely to the 'Archbiſhops, Biſhops, and other Prelates of *England*, to the Earls, Barons, Knights, and Free-Tenants, 'by whom the Doctor only underſtands, Tenants by Military or 'Knight's Service, for they only were ſuch as paid this *Scutage*, which 'was a kind of Compoſition with the King for *Magna Charta*: And 'the Doctor obſerves from this Relation of *Matt. Paris*, that all the

* *Rot. Parl.* 37. *H.* 3. *M.* 13. *Dorſ.* printed in Mr. P's Rights of the Commons. *p.* 164.

† *B. A. P. Pag.* 73.

* *Pag.* 865.

* *Ibid.*

'Temporal Nobility are called in the Grant of the *Scutage*, *Milites*, Military Knights. And *Secondly*, He further collects, that beſides the *Barones Majores* there came alſo to this Great Council or Parliament the other Tenants *in Capite*, according to the Direction of King *John*'s Charter, who were included in the words *Tota Nobilitas*, and the other Tenants that held of them by Knight's Service, *were bound by their Acts*: From all which the * Doctor concludes, 'that by theſe words in this Record, *Dominus Rex & prædicti Magnates Omnes, & Communitas Populi proteſtantur publicè*, &c. no more are meant, but the King, and all the Great Men and *Community* of the *People*, that is, of the Community of the Laiety in general, who proteſted publickly, in the preſence of all the Biſhops; for ſince the Clergy and Laiety are often expreſs'd and diſtinguiſh'd by *Clerus & Populus*, therefore that *Communitas Populi* does not here ſignify the *Community* of the *Commons*, but only the *Community* or Body of the Laiety there preſent. But I ſhall now ſhew, that the Doctor is very much out in his Obſervations and Concluſions from this Relation in *Matt. Paris*, as alſo in his Interpretation of the words *Nobilitas* and *Communitas Populi*: *Firſt*, As to the *tota Angliæ Nobilitas*, the Doctor does not make it out, that there were none but the Earls, Barons, and Tenants *in Capite* comprehended under that Title, ſince the *Meſne*-Tenants by Knight's Service, as likewiſe all Men of Eſtates, tho' they held them by *Petyt-Sergeanty* of the King, or in *Common Socage*, were reckon'd among the *Nobiles minores*, as I could prove from divers Inſtances; and that every Knight was reckon'd among the Great Men, appears † by a Prohibition of *Edward the Second* on Record, where any of the *Magnates Regni*, *viz.* any Earl, Baron, *Knight*, or *Other notable Perſon*, are forbid to go beyond Sea without the King's Licenſe; and conſequently the Knights of Shires (whom I ſuppoſe to have been preſent at this Parliament) might be the *Milites* that gave this *Scutage*; for that none but Tenants *in Capite* were at firſt capable of being elected is another Miſtake of the Doctor's, which I ſhall confute in due time; but that the Inferior Tenants to the Tenants *in Capite* were there reckon'd among the *Milites*, the * Doctor himſelf allows a little after. as appears by this Paſſage which he tranſlates from Sir *Henry Spelman*'s † Gloſſary; *for the Name of* Miles *was not from the Military Girdle or Cincture by which Knights were created, but from the Military Fee which the Knight enjoy'd; from whence he was ſometimes called a Free Tenant* (to which the Doctor immediately adds) *ſuch as had Lands given them for, or ſuch as held Lands by Military Service, and did Homage to thoſe of whom they held their Lands; and in this ſenſe* Matt. Paris *calls all the Temporal Nobility*, Milites, *when in the Parliament* 37 *of* Henry the Third, he ſays, *à* Militibus *conceſſum eſt Scutagium*, &c. This is the very Parliament the Doctor now treats of; and I ſhall leave it to the indifferent Reader, whether by the words foregoing he does not take in all the inferior Tenants by Military Service among the *Milites*, and conſequently into the Body of the Nobility: I grant he is of another Opinion in the place above-cited, but if he will contradict himſelf I cannot help it; yet I muſt not here omit taking notice of the diſingenuity of the Doctor (to call it no worſe)

that

* *Ib. p.* 75.

† *Rot. Clauſ.* 3. *Ed.* 2. *m.* 16.

* *Ib. p.* 103.

† *Fol.* 73.

that in his reciting in *Latin* all the Parties to whom theſe Charters were granted, he leaves out the words *Omnibus aliis de Regno* coming after *Militibus* with an *&c.* nor takes any notice at all of them in his Tranſlation, whereby he would make his Readers believe, that none but the Perſons there above-mention'd had any Intereſt in theſe Charters; whereas in the former Grants, not only the Military Tenants, but *all Others*, gave the King a Fifteenth of their Moveables; tho' the Doctor will not here allow even the former to have granted, but only paid this *Scutage*; whereas in this Author it is, *conceſſum eſt à Militibus Scutagium*, the word *conceſſum* being to be underſtood, tho' not expreſſed.

And if the word *Milites* in *Matt. Paris* muſt be taken in the Doctor's ſenſe, it cannot extend to any more of the Laiety than he expreſly mentions to have come to this Parliament, *viz.* the Earls and Barons, and conſequently the other Tenants *in Capite* being no *Barons*, could not be reckon'd among them who were preſent there.

But to add ſomewhat more concerning the Doctor's ſenſe of the *Communitas Populi*, which he will not have to ſignify the leſs Tenants *in Capite* (as one would ſuppoſe he ſhould) but the *Community* of the Laiety in general; the reaſon is plain, for if the Repreſentatives of the Commons came into the place of the Tenants *in Capite* (as the Doctor himſelf owns elſewhere) then by the ſame Rule, the words *Communitas Populi*, and the *Communitas Regni* (which are all one) muſt ſignify the ſame Order of Men in the Parliaments of the 49th of *Henry the Third*, and in all other ſucceeding Parliaments, which he will by no means admit: But to avoid this he falls into another as great an Abſurdity; for tho' it is true that the word, *Populus*, when it is coupled with *Clerus* by the conjunction *Et*, ſignifies all the Laiety, yet it cannot, without a notorious Tautology, be taken in that ſenſe in the Record now before us; for theſe words coming after *Omnes Magnates*, would then be needleſs, ſince if they comprehend all the Great Men or Lay-Nobility (whom the Doctor affirms to have been then the only Conſtituent Members of this Parliament) the following words, *viz. Et Communitas Populi* (in the Doctor's ſenſe) would have been to no purpoſe at all, ſince the whole Community of the Laiety, as repreſented in this Parliament, was already expreſſed by the *Omnes Magnates*; and therefore it muſt certainly mean ſome other Body of Men diſtinct from the former; but whether the Tenants *in Capite*, or the Repreſentatives of the Commons, ſhall be conſider'd by and by.

But that the Biſhops, Earls, and Barons, with the leſs Tenants *in Capite* did not then make the whole *Communitas Regni*, or Repreſentative Body of the Kingdom, will further appear from the next Parliament held in the 38th Year of this King, which was ſummon'd during his Abſence beyond Sea, by the Queen and Earl of *Cornwal* (then Regents of the Kingdom) to meet fifteen Days after *Eaſter*: At which tho' * *Matt. Paris* only mentions in general, that the *Magnates Regni* then aſſembled at *Weſtminſter*, yet that two Knights out of every Shire were alſo ſummon'd to it, appears by a † Writ upon the Clauſe Roll of this Year, directed to the Sheriffs of *Bedford* and *Buckingham*-Shires, whereby, among other things, he

* *Pag.* 887.

† *Rot. Clauſe* 38. *H.* 3. *m.* 7. & 12. printed at large in *B. J. A.* p. 21.

he is commanded, *To cauſe to appear before the King's Council, four legal and diſcreet Knights of the ſaid Counties, whom thoſe Counties ſhould elect to this purpoſe, in the ſtead of all and ſingular Perſons of the ſame*, viz. *two out of the one County, and two out of the other, to provide, together with the Knights of other Counties (whom the King had cauſed to be ſummoned to Parliament the ſame day) what Aid they would grant Him in ſo great a neceſſity*, &c. from whence it appears, that theſe Knights of Shires were ſent up to this Parliament to grant the King an Aid for themſelves and all others of thoſe Counties; and therefore theſe could not be the Repreſentatives of the leſs Tenants *in Capite* only. But ſince the Doctor [*] will by no means allow, that theſe Knights mention'd in this Record were ſummon'd to a Parliament, he therefore recites from *Matt. Paris* the whole Relation of the King's being then in *Gaſcoigne*, and his endeavours (in a former Parliament lately held) to get Money from the Barons on pretence of defending Himſelf againſt the King of *Caſtile*, who threatned to invade that Country; but all the Anſwer they had return'd thereupon was, *That they would, if there were occaſion, come over to his Aſſiſtance with conſiderable Forces, three Weeks after* Eaſter.

[*] Ib. p. 213.

The [†] Doctor here further takes notice, that there were ſome other Perſons then ſummon'd by the Writ above-mention'd; for upon that Promiſe of the Earls and Barons, the Sheriff was to ſummon all who held twenty Pounds *per Annum* of Land *in Capite*, to be ready to go towards *Portſmouth* three Weeks after *Eaſter*. Then he recites from the ſame Writ, another Clauſe for the Sheriffs to ſummon the four Knights above-mention'd: After which there is alſo a third Clauſe to command the Sheriffs to levy and pay in all the King's Debts into the *Exchequer* by a certain day. From all which the Doctor concludes, that this was not a Summons to a general Council or Parliament, for the King had tried that before without Succeſs; ſo that theſe Knights were neither ſummon'd *ad Tractatum vel Colloquium* (the uſual words for Parliamentary Councils in thoſe times) but only to appear before the King's Council to inform them what voluntary Aid each particular County would give the King in his great neceſſity, toward the defence of *Gaſcoigny*, againſt the intended Invaſion of the King of *Caſtile*; which buſineſs and neceſſity (as appears by the Writ it ſelf) the Sheriffs were diligently to ſet forth to theſe Knights, before they came up; from whence the Doctor concludes, that the *Univerſity* or general Body of the Kingdom in Great Councils or Parliaments, conſiſted of the Biſhops, Earls, and Barons, as *Matt. Paris* ſets forth.

[†] Ibid.

Now to take off this Authority of his, I reply, that if there were no others preſent at the Parliament above-mention'd, then the Parties above-recited, the loweſt degree of which were the Barons, it muſt follow, that the leſs Tenants *in Capite* (being no Barons) were not ſummon'd to it; and ſo this was no Council or Parliament at all, according to King *John*'s Charter, but only an Aſſembly of the Biſhops, Earls, and Barons; and conſequently this Citation from *Matt. Paris* will not ſerve the Doctor's deſign; but if the Doctor's Friends will ſay, that the leſs Tenants *in Capite* might be there, notwithſtanding they are not expreſly mention'd, and may be comprehended under the general Term of *Magnates Regni*, I may with as good Reaſon and Authority affirm, that the Knights of Shires alſo were comprehended under that Title; and from hence may alſo infer, that if ſo conſiderable a Body of Men as the leſs Tenants *in Capite* were then omitted to be mention'd by this Author, ſo might alſo the Repreſentatives of the *Commons*.

But to come more cloſely to this matter, I ſhall now prove, that theſe Knights were really ſummon'd to a Council or Parliament, for the Doctor ſlyly paſſes it by without ſaying a Word, yet * *Matt. Paris* expreſly mentions another Parliament to have met at *London* preſently after *Eaſter*, where the *Magnates Angliæ* refuſed to grant the King any Aid, as He then deſired; and the reaſon was, becauſe they were inform'd that the King of *Caſtile*'s Deſign to invade *Gaſcoigny* was off, a Peace being privately made between the King and Him; now to apply the above-cited Record to this Council, or Parliament, it plainly appears by the Day on which theſe Knights were to appear before the King's Council at *Weſtminſter*, *viz.* the Quindene of *Eaſter*, that this was the very time when this Parliament was to meet. But by the way you are to take notice, that the King's Council here mention'd, before whom theſe Knights of Shires were to give in their Anſwer, what Aid they would grant the King for their reſpective Counties, were not the King's ordinary Privy Council, but his Council in Parliament, of whom I ſhall ſay more in another place: And that before this Council, not only the Knights of Shires, but alſo the Prelates, Earls and Barons (when ſummon'd to Parliament) were ſometimes commanded to appear, and anſwer what Aid they would give the King in *Parliament*, appears from the Proceedings concerning the making Prince † *Edward* a Knight; and this Record the Doctor has printed in his *Appendix* to his Introduction, p. 32. by which it is evident that the Biſhops, Earls, Barons and Knights, Citizens and Burgeſſes, all appear'd before them, and there gave in their Anſwers, what Aid they would allow Him towards the Knighting his Eldeſt Son, as alſo for other great Expences He was at, for ſuppreſſing the Rebellion of *Robert Bruce*: And then the ſaid Parties granted the King a Twentieth part of their Moveables, and the Citizens and Burgeſſes a Twentieth. It is alſo very remarkable, that there is not any thing mention'd in this Record, whereby it may be gather'd, that this Summons was to a Parliament, and yet it appears by the * Clauſe-Rolls of 34 *Edward* I. that a Parliament was then ſummon'd; ſo that if we compare the Writs and Proceedings in both theſe Caſes together, they will appear almoſt the ſame, the Knights of Shires in the Thirty eighth of *Henry the Third*, were ſummon'd to appear before the King's Council in Parliament, to make their Anſwer what Aid they would give the King for the Defence of *Gaſcoigny*, and in the Thirty fourth of *Edward the Firſt*, the Knights were alſo ſummon'd to appear before the like Council, to treat about an Aid for the Ends above-mention'd. 'Tis true, in this laſt Writ theſe Words *Ordain* and *Treat* are expreſſed, tho' omitted in that of the Thirty eighth of *Henry the Third*, I ſuppoſe, by the Negligence of him that drew it up; but it muſt be underſtood, for how otherwiſe could they give in their Anſwers without *treating*, and tax themſelves and the Coun-

* *P.* 887.

† *Inter Commun. brevia Scac.* 34 Ed. I *n.* 4.

* *M.* 11. *Dorſ.*

Counties they repreſented, without *ordaining* the ſeveral Proportions then given: And tho' there are indeed other Clauſes in this Writ, beſides the ſummoning of theſe Knights, yet this might proceed from the haſt the King's Clerks were then in, to ſave them the Trouble of writing and ſealing ſo many different Writs.

Having now, I hope, render'd it more than probable, that the *Knights* of *Shires* mention'd in this Writ were ſummon'd to a Parliament properly ſo call'd, it will likewiſe here further ſhew the Doctor's Miſtake in ſo poſitively aſſerting, that no *Knights* of *Shires* were ſummon'd thither before the Forty ninth of *Henry the Third.*

And as I have fully ſetled the true Meaning of the Term, *Univerſitas Regni*, to be the whole Body of the Kingdom, as repreſented by the Biſhops, Temporal Lords, and Commons, ſo I ſhall proceed to explain the like Phraſe of *Communitas Regni*, or *le Commun de la Terre*, as it is in *French*, that is, the Community or Body of the Kingdom, which we find ſo often mention'd in the Records of this time; and to this purpoſe I ſhall produce ſome other Authorities, that have been likewiſe made uſe of by the [*] Doctor himſelf, which, I hope, I ſhall be able ſo to turn againſt him, as further to make out, that the Biſhops, Lords, and Tenants *in Capite*, did not then make the *whole Community* or Repreſentative Body in Parliament. The firſt Record to this purpoſe is to be found in the [†] Patent Rolls of the Forty ſecond of this King, which is in the nature of a Declaration, beginning thus, ' *Rex Omnibus*, &c. wherein He recites, That having on the *Quindene* of *Eaſter* laſt paſt ſummon'd the ' Great Men, and Others his Liege-Subjects, for divers arduous Affairs, touching Himſelf and the Kingdom, and chiefly concerning ' the Proſecution of the Buſineſs of *Sicily*, which was then treated ' of, they then anſwered Him, that if He would eſtabliſh the State of his Kingdom by the Advice of his Liege-Subjects, and that the Pope would better the Conditions concerning the matter of *Sicily*, by which they might proſecute that Buſineſs to effect, (the reſt I ſhall give you in the Original *Latin*) *ipſi diligentiam fideliter apponent ergà* Communitatem *Regni noſtri quod nobis Commune Auxilium ad hoc præſtetur*, i. e. that then they would faithfully do their Endeavour with the *Community* of his Kingdom, that a Common Aid ſhou'd be given Him for this Purpoſe; from whence you may obſerve, that taking the Words *Proceres* and *Fideles* in this Writ, in the Doctor's own Senſe, the former for the Biſhops and Lords, and the latter for the Tenants *in Capite*, who were called to this Great Counſel to conſult about the Buſineſs of *Sicily*, (which the King had before too raſhly accepted of for his Second Son *Edmund* from the Pope) yet tho' they were all met, they would do nothing, but give Him Advice, and could grant him no *Commune Auxilium*, i. e. Common Aids or Subſidies, without the Conſent of the *Community* of the Kingdom.

Now what can this *Community* here ſignify, but all the Eſtates? for all the great Lords and Tenants *in Capite* were met already, and if they alone had made up this *Whole Community*, or Body of the Kingdom, why could they not immediately have granted the King the Aſſiſtance He deſir'd (if they had a ſufficient Power ſo to do) without putting Him off with a Promiſe, that they would uſe their Endea-

[*] B. A. J. p. 197.

[†] M. 10.

Endeavour with the *Community* of the Kingdom, (which implies a diſtinct Order or Body of Men not there preſent) that this Aid or Subſidy ſhould be given Him another time, yet upon this condition, (as it is at the end of this Record) that the King promiſed them, He would amend the Eſtate of the Kingdom, *per Concilium Proborum & Fidelium Hominum ſuorum*, that is, *by the Advice of his good and faithful Subjects*.

So likewiſe in the next * Record of the ſame Year it appears, that the King not long after took an Oath, whereby He bound Himſelf to govern according as a Committee of Four and twenty *Fideles* or Faithful and Loyal Subjects ſhould direct, twelve of which were to be choſen out of the King's Council, and the other twelve by the Great Men of the Kingdom; and in the Concluſion of this Record, there is a Clauſe of like Import with the former, reciting, that the Earls and Barons had promiſed the King, provided the Affairs above-mentioned were perform'd, that they would labour that a *Common Aid* ſhould be granted Him by the *Community* of his Kingdom. This bears date the ſecond of *May*; from whence we may obſerve, that this Promiſe had been altogether in vain, if the Earls and Barons alone had made the *Whole Community* of the Kingdom.

* *Printed at large in Dr. B's Append. p. 189.*

I come now to the Parliament held this Year at *Oxford*, in purſuance of the late Agreement, where the *Great* † *Men* and *Nobles* of the Land appear'd on St. *Barnabas* day, (our Eleventh of *July*) with all ſuch as owed them Military Service; there with much ſtrugling they at laſt obtain'd, that the whole Government of the Kingdom ſhould be put into the hands of Four and twenty Perſons, twelve of which were to be choſen by the King, and twelve others by the *Whole Community* of the Kingdom; and theſe were for the future to chuſe the Chancellor, Juſtices, and other Officers, and alſo to have the Cuſtody of the King's Caſtles: And that by the Words *Communitas Regni*, which the Author here makes uſe of, muſt be comprehended another Body of Men beſides the Earls and Barons, appears by a * ſecond Writ or Declaration of this King in *French*, (mentioned alſo by the Doctor) which was iſſued out not long after the Diſſolution of this Parliament at *Oxford*, wherein is recited, that for the profit of his Realm, at the Requeſt of his † *Great and Wiſe Men*, and of the *Community of his Kingdom*, the King had conſented, that the twenty four Perſons above named ſhould have full power accordingly, and that whatever they ordain'd concerning the Eſtate of the Kingdom ſhould be firm and valid: by which it is plain, that this Ordinance was not made by the *Great and Wiſe Men* in the Doctor's ſenſe of the words, *viz.* the Earls and Barons only, but it had alſo the Conſent of another Body of Men called in French *Comune de la terre*, *Community of the Kingdom*, who, I ſuppoſe, were the ſame with the *Commons* in Parliament at this Day.

† Matt. Weſt. *ad hunc An.*

* *Rot. Pat.* 42 H. 3. *M.* 4

† *Predes & Hauz Homes.*

But becauſe * Doctor *B.* will not allow theſe Phraſes to be underſtood in this Senſe, but will have the *Latin* Words, *Communitas Regni*, and the *French*, *le Comun de la Terre*, to ſignify the whole Politick Body of the Kingdom, conſiſting of the Prelates, Earls and Barons, together with the leſs Tenants *in Capite*, (tho' oftentimes he omits them according as it will ſuit with the Record or other

* Vid. *Gloſſ.* p. 27, 28, 29, 30.

Quotation he makes uſe of) and hath brought ſeveral Authorities from antient Records, and ſome from Hiſtorians, to ſhew, that theſe Expreſſions ought to be taken in that Senſe he would put upon them, and no other: I ſhall therefore, for the ſatisfaction of my Reader, ſet down theſe Authorities of the Doctor, and then ſhew how egregiouſly he has wreſted the true Senſe and Meaning of the Words and Phraſes above-mention'd.

But firſt I muſt acknowledge, theſe Terms, *Communitas Regni*, or as in *French*, *le Commune* or *Communaltie de la Terre*, to have been often made uſe of in different Senſes in our Records and Hiſtories; as for inſtance, I grant the Words *Communitas*, *le Comune & la Communalte*, when put alone, ſignify in the barbarous *Latin* and *French* of that Age, any Civil or Politick Body of Men; but the determinate Senſe of theſe Words is only to be underſtood from thoſe with which they are joined in any Hiſtory or Record: Thus *Communitas Regni*, and *le Comun de la Terre*, when put alone, ſignifie the whole Body of the Kingdom or Nation, conſiſting of all Degrees or Orders of Men, but when join'd with *Baronum*, it means the whole Body of the *Barons*, called alſo the Baronage of *England*; and when the Word *Clerus* follows it in the Genitive Caſe, it ſignifies the whole Body of the *Clergy* both Superior and Inferior; but where this *Communitas* is put before *Commitatus* or *Commitatuum*, it then ſignifies the *Community* or Body of *County* or *Counties*, and by the *Communitates Civitatum & Burgorum*, are underſtood the *Commons* of *Cities* and *Boroughs*; as appears by the Record of the 34*th* of *Edward* I. which I have already made uſe of, and is cited by the * Doctor in his *Gloſſary*.

But he is ſo afraid of the Word *Commons*, leſt his Reader ſhould know that there were any ſuch thing in the Parliaments of thoſe times, that he will not uſe the Word, even then, when he allows them to have made a *Third Eſtate* of the Kingdom, as they did in this Thirty fourth Year of King *Edward*, of which I ſhall ſay more, before I have done with this Diſcourſe: But to return to the matter in hand; when the Words, *Communitas Regni*, are put after *Comites* and *Barones*, with the Conjunction *et* between them, they muſt then ſignify either a Different, or elſe a Larger Body of Men; for otherwiſe theſe Words would be ſuperfluous, and a vain Repetition of what was already expreſſed; and it is from the miſunderſtanding and miſapplying, or rather wreſting the Senſe of theſe Words, that the † Doctor hath fallen into ſuch groſs Miſtakes, both in his Anſwer to Mr. *Petyt*, and alſo in his *Gloſſary*.

And now I come to lay before you the Summ of the Doctor's Arguments for this his Notion and Conceit: In the firſt place he cites that Paſſage in *Matt. Weſtminſter*, which I have already made uſe of under the Year 1258, or Forty ſecond of this King, when it was ordain'd in the Parliament at *Oxford*, that for the Reformation of the Kingdom, the King Himſelf ſhould name Twelve Perſons, and the whole *Community* of the Realm, Twelve more, who being ſupported by the Royal Authority, ſhould undertake the Care of the whole Kingdom; and, ſays the Doctor, it appears upon Record that this *Tota Terræ Communitas*, was the *Barones*, or *Proceres*, or *Magnates* only, which were the ſame: And for proof of this, he

quotes

* *P*. 34.

† *B. A. P. p.* 27 *& dein. ad* 35.

quotes certain Letters * Patents of the Forty ſecond of this King, wherein it is recited, ‘ That He had granted *Proceribus & Magnatibus* ‘ *Regni*, that the Kingdom ſhould be reform'd by twelve Loyal or ‘ Faithful Perſons to be choſen out of his Council, and by twelve ‘ Others to be choſen by the ſaid *Proceres* or Great Men, who ſhould ‘ meet at *Oxon* at *Whitſontide* enſuing. In which the † Doctor makes theſe Obſervations: *Firſt*, That in the Margin of this Roll it is entred, *Pro Rege & Baronagio*, For the King and the Baronage. *Secondly*, The Perſons to whom He made this Grant, *viz.* the *Proceres* and *Magnates Regni*, the Great Men of the Kingdom. *Thirdly*, The Perſons who were to name the other Twelve by the King's Conſent, were the *Ipſi Proceres*, the very ſame Great Men firſt mentioned. And *Laſtly*, we ſee, that what the Record and the Hiſtorian deliver, was about the ſame buſineſs; ſo that upon the whole there can be no doubt, but that the *Tota Terræ Communitas* in the Hiſtorian, and the *Baronagium, & Proceres Regni* in the Record, were the ſame Perſons. So far the Doctor.

To which Authorities and Records I ſhall return this brief Anſwer, that the Doctor is very much beſide the Cuſhion in all theſe Inferences; for the Queſtion ſtill remains as it was before, who are meant by theſe words, the Barons or *Baronage* of *England*, and who are to be underſtood by the words *Proceres* and *Magnates*? for if the word *Barones*, mention'd by the Hiſtorian, are to be taken only for the Biſhops, Earls, and Great Barons of the Kingdom, what will become of the Doctor's Tenants *in Capite*, who (whatever they might have been antiently) were now, and had been for ſome time before King *John*'s Charter, not *Barons*, but meer *Commoners*? as * Mr. *Selden* has ſufficiently proved in his *Titles of Honour*. But if the Doctor will have the words *Barones* and *Baronagium* to be taken in a larger ſignification, it may alſo include the Inferior Barons, or Lords of Mannors, who either might come in Perſon to this Parliament, or elſe have appear'd by their *Repreſentatives* the Knights of Shires; and in either of theſe ſenſes might be comprehended under the *Baronagium Angliæ*, as ſhall be more fully proved in another place, when we ſhall come to give an Account of the antient ſignification of thoſe Terms.

But as for the *Magnates & Proceres*, with whom (as the Doctor obſerves) the King made that Agreement, concerning the choice of the four and twenty Perſons to Govern and Reform the Realm; that more than Great Lords and Tenants *in Capite* might be comprehended under thoſe words, appears from the Paſſage I have already cited out of *Knighton*, that King *Henry the Third* granted, *Magnatibus Terræ duas Chartas*, &c. by which certainly this Author meant, that all other Gentlemen of Eſtates had an equal Intereſt in them by vertue of that Grant, or elſe they would never have given the King a *Fifteenth* of all their Moveables; and that the word *Proceres* is of the like comprehenſive Signification, you may find in *Wikes*'s Chronicle, *ad An.* 1264, where ſpeaking of the Parliament of the 49th of this King, (to which All agree the *Commons* were ſummon'd) he has theſe words, *Viceſimo die Nativitatis Dominicæ, facta eſt apud* London *per Comitem Convocatio non minima* Procerum *Anglicorum*, i.e. on the 20th Day after our Lord's Nativity there was

* *Pat.* 42. *H.* 3. *m.* 10. *pro Rege & Baronagio.*

† *Ib. pag.* 28

* *Second Edit. p.* 588.

Pag. 65.

held no ſmall Aſſembly of the Chief Men of *England* by the Earl of *Leiceſter:* The Annals of *Waverly* call this *Magnum Parliamentum*, and *Matt.* of *Weſtminſter*, *Magnus Tractatus de Pace*, i. e. a great Treaty concerning the Peace. The Inference I ſhall make from theſe Hiſtorians, is, that the firſt of them compris'd the *Commons* under the word *Proceres*, or elſe wholly paſſed them by; and the other two take no notice at all of this great Change, which certainly they would have done, had the ſummoning of the *Commons* been then a *new Inſtitution*.

But admit I ſhould grant the Doctor all that he could in reaſon deſire, *viz.* that the word *Barones* in *Matt.Weſtminſter* ſhall only ſignify the Barons properly ſo call'd, and that by the *Magnates* and *Proceres* in the following Record, ſhall be underſtood only the ſame ſort of Perſons with whom the King made that Agreement concerning the four and twenty Councellors; does it from thence follow, that becauſe they were at that time the Chief Men in the Government, and made the greateſt Figure, as being the largeſt Proprietors of the Lands of the Kingdom; that therefore no other Perſons or Orders of Men had any thing to do in the granting of Taxes but themſelves? what will then become of all the leſs Tenants *in Capite*, who, not being Barons, could no more be comprehended under that Title, than the Knights of Shires, or Barons of the Cinque-Ports? but if, to mend the Matter, the Doctor's Friends will alledge, that theſe Tenants are to be underſtood under the *Proceres* and *Magnates* mention'd in the Record now cited, I have already ſhewn, that under the former of theſe words, the *Commons* may be compris'd, as well as the Lords and Tenants *in Capite*; and that by the latter, the Knights of Shires, nay, the chief Citizens of *London*, *York*, &c. may be ſo alſo, I ſhall further make out hereafter.

But this will here likewiſe ſerve to Anſwer another very material Objection of * Dr. *Brady*'s, who ſays, in the firſt Volume of his Hiſtory, *pag.* 625, 627, 628, that by the Proviſions of *Oxford* recited in the † Annals of *Burton*, it is ordain'd, that the four and twenty Perſons above-mention'd (one half whereof were choſen by the *King*, and the other half by the *Barons*) ſhould reform the State of the Kingdom; and to this end have power to appoint three Parliaments in the Year, which they did accordingly: Then the *Community* of the Kingdom being met in Parliament, choſe twelve out of their Body to repreſent them in theſe Parliaments, to ſave the Coſt or Charges of the *Community*, who, with the King's Council, were to treat for the *whole Community* of the Realm upon all Publick Buſineſs; whoſe Names (being all of Biſhops, Earls, and Barons, and Great Tenants *in Capite*) the Doctor has there ſet down; as alſo the Names of the firſt Twenty four that made the Grand Committee, who were all of the ſame Order; from whence he infers, that the Biſhops, Earls, and Barons alone, were then the *whole Community* of the Kingdom, becauſe none but they were either the *Electors*, or the Perſons *Elected* to repreſent the whole Body. But to this it may be reply'd, that if this Argument hold good, then the leſs Tenants *in Capite*, not being Barons, had nothing to do in this Election, ſince they were at that time meer *Commoners*, by the Doctor's own Confeſſion; neither was any one of theſe Inferior Te-

* *Ib. p.* 416.

† *Pag.* 415.

Tenants choſen to be of the firſt Twenty four Reformers, nor of this Committee of Twelve choſen by the *Whole Community*; ſo that let the Doctor's Friends ſay what they can, if the Words *le Commune de la Terre* ſhall be here taken for no others but the Barons properly ſo called, then this could be no Parliament or Great Council, according to the Form of King *John*'s Charter.

But I ſhall here ſhew the Doctor's Miſtake; and that under theſe Words, *le Comune de la Terre*, another ſort of Men, *viz. meer Commoners*, are comprehended; for it does not follow, that becauſe none but Biſhops, Earls, and Barons, were choſen to be of the Council of the Twenty four, and of the Twelve that were to repreſent the *Whole Community*, therefore none but thoſe, of the ſame Order, were the Electors of thoſe Twelve; for this *Community* who choſe them to ſave the Coſt and Charges of all the reſt, as I have ſaid before, appear to have been, by this very Circumſtance, of a Quality much inferior to the Biſhops, Earls, and Barons, for they were Men of ample Eſtates, and conſequently the Governing-Party in Parliament; and therefore ſuch a *Community* as the Doctor ſuppoſes, of all *Barons*, and great Tenants *in Capite*, and not one *Commoner*, wou'd never have given up all their Power of granting Taxes, and making Laws, into the Hands of thoſe twelve, only to ſave Charges.

The next thing I ſhall take notice of, is a Letter written after this *Oxford* Parliament (cited by Mr. *Petyt* in his Rights of the Commons, and to be found in * *Matt. Paris*) from the *Community* of the Kingdom to the Pope, againſt *Adomar* Biſhop Elect of *Wincheſter*, whereby it may be proved, that the *Community* conſiſted of *Others* beſides the Earls and Barons; the Title of this Letter is, *Literæ miſſæ à Communitate Angliæ Domino Papæ*; a Letter ſent from the *Community* of *England* to the Lord the Pope, and the Direction thus, *Sanctiſſimo in Chriſto Patri*, Alexandro, *divinâ Providentiâ Sanctæ Univerſalis Eccleſiæ Summo Pontifici*, *Communitas Comitum*, *Procerum*, *Magnatum*, *Aliorumque Regni* Angliæ, *cum ſubjectione debitâ*, *Pedum Oſcula Beatorum*, &c. which runs thus in *Engliſh*:

* *Additamenta fol.* 217.

To the Moſt Holy Father in Chriſt, *Alexander*, by Divine Providence, Pope, or Great Biſhop of the Univerſal Church, the *Community* of the Earls, Noblemen, Barons, Great Men and *Others* of the Kingdom of *England*, with due Subjection kiſs your Bleſſed Feet, *&c.*

This Letter was ſeal'd, as the Record ſays, by ten of the ſaid Committee of Twelve Perſons, to whom the *Whole Power* of the Kingdom was committed, and were all Great Earls and Barons of the Kingdom, whoſe Names you may find in *Matt. Paris*, and not one Inferior Tenant *in Capite* among them.

From which Citation in the Author above-mention'd, † Dr. *B.* falls upon his Antagoniſt Mr. *P.* with theſe puzling Queſtions; ‘Did theſe Perſons, all Great Earls and Barons, repreſent the *Whole Commons* or *Community* of *England*, as at this day underſtood? Or did they repreſent the *Community* of the Barons only, together with the *Alios*, the *Milites*, which held by Military Service of the Great Barons, and the Leſs Tenants *in Capite*? For the *Whole Com-*

† *B. A. P. p.* 81.

‘ *munity* here intended, muſt be One of them : Let him faſten upon ‘ which he will, he muſt yield his Aſſertion; for certainly theſe ‘ Great Earls, and Barons, that ſealed this Letter, *Vice totius Com-* ‘ *munitatis*, were neither choſen, nor ſent by the *Commons* to this ‘ Parliament, or Meeting; nor were the *Commons* repreſented as at ‘ this day by them.

The Doctor farther inſiſts upon the Pope's Letter, in anſwer to the Petitions of the *Community* of *England* ſent before to his Court, *&c.* which is directed thus, To our beloved Sons, the Noblemen, Counſellers of our moſt dear Son in Chriſt, the Illuſtrious King of *England*, and the other *Noble* and *Great Men* of the Kingdom of *England*, Greeting and Apoſtolical Benediction.

The * Doctor here undertakes to frame ſome Anſwers for Mr. P. ſuch as he thinks fitting, which not being very much to the purpoſe, I ſhall try to mend them : As to the firſt *Query*, whether theſe Perſons there named, being all Earls and Barons, did repreſent the *Commons* or *Community*, as at this day underſtood ? To which I anſwer, Yes; that theſe Lords, being only a Committee of Parliament, might as well repreſent all the *Commons* as now underſtood, *as they did the* Alios, *the* Milites, *who held by Military Service of the Great Barons, and the Leſs Tenants* in Capite, which the Doctor himſelf thereby allows to be part of this *Community*; and then ſure it did not conſiſt of Earls and Barons only, (as he has before aſſerted) ſo that if they repreſented thoſe, who by his own Confeſſion were no Barons, and who then made far the greateſt part of the Doctor's *Community*, I deſire his Friends to tell me, Why theſe Great Earls and Barons might not alſo repreſent all the reſt of the *Commons* of *England*, as at this day underſtood? and therefore his Concluſion, that the Earls and Barons who ſeal'd this Letter on the behalf of the whole *Community*, were not choſen by the *Commons*, nor were they repreſented as at this day, is very precarious.

* Ibid. *p.* 82.

But that the *Communitas Regni*, or *le Comune de la Terre*, whom this Committee of Earls and Barons muſt certainly repreſent, conſiſted of more than the Earls, Barons, and Tenants *in Capite*, may farther appear by that Writ or Proclamation in Old *Engliſh*, which is to be found upon the † Roll of this Year, and was firſt publiſhed by Mr. *Somner* in his *Saxon* Dictionary, intitled *Unnan*, the Contents of which are, to confirm and reinforce whatſoever the Great Men or Counſellers, choſen by the King Himſelf and the *Loandesfolk* (as it is in the Old *Engliſh*) People of the Land had done, or ſhall do; now tho' by this Word *Loandesfolk*, I will not affirm the *Commons alone* are to be underſtood, any more than by the *Latin* Tranſlation of it, where it is render'd *à Gentis Plebe*, and in *French*, *par le Commune de la Terre*; yet that the *Loandesfolk*, or People of the Land, muſt ſignify ſome Others beſides Great Lords and Tenants *in Capite*, appears from the Comprehenſiveneſs of the Word it ſelf. And further, that this *la Comune* or *Gentis Plebs*, were a larger body of Men than the Council of *Twenty four*, or Committe of *Twelve* above-mentioned, is made ſtill more evident by the juſt Remark of that Learned Prelate, (the now Lord Biſhop of *Carliſle*, in theſe Words, ‘ I ſee the Biſhop of *Worceſter*, ‘ the Earls of *Leiceſter*, *Gloceſter*, *Warwick*, &c. (who were all Mem- ‘ bers

† *Rot. Clauſ.* 42 *H.* 3. *m.* 15. *n.* 40. *See it printed with the Tranſlation, in the* Append. *to* *Vol.* II. *of the* *General Hiſto-* *of* England.

Preface to the Scotiſh *Hiſt. Library*, *p.* 26, 27.

'bers of that Council) are named as Witneſſes to it; and, to my 'Apprehenſion, it looks a little incongruous that a Grant ſhould be 'atteſted by thoſe very Perſons to whom it is made. For theſe 'Reaſons I am yet of Opinion that this ſame *Saxon* Record is fault'leſs, both in the Original and Tranſlation; that it was given and 'granted to the uſe and behoof of thoſe Members of Parliament, 'who were choſen by the *Commons* of *England*, and that it as unde'niably proves them to be of a more antient ſtanding than the '*49th Hen.* III.

But as for his Obſervation concerning the Pope's Anſwer to the Barons Letter, being directed only to the Noblemen, Counſellors, and other Great Men of *England*, and not to the *Whole Community*, there is no great difficulty to reply to that; for ſince the Pope very well knew, that the *Whole Power* of the Parliament was now lodged in the *Four and twenty* Great Men above-mention'd, it was needleſs for Him to direct his Letter to any Other, becauſe they only were to receive, and return an Anſwer to it, if there were Occaſion.

And that by the *Community* of *England*, muſt be underſtood a larger body of Men than Doctor *B.* will allow of, will ſtill more evidently appear by a remarkable Paſſage out of the * Annals of *Burton*, under the Year 1259, being the Forty third of this King, and the Year after the Parliament that was held at *Oxon*, whilſt the Power of this Committee of Lords, Barons and Counſellors ſtill continued: The Paſſage I ſhall here faithfully tranſlate; 'The Feſtival of St. *Edward* the Confeſſor being Royally celebrated by 'the King at *Weſtminſter*, the † *Community* of the *Bachelary* of *England* 'declared to the Lord *Edward* the King's Son, the Earl of *Glouceſter*, and the other Perſons ſworn at *Oxford*, that the King had 'done, and fulfilled all things which the *Barons* had provided and 'impoſed upon Him to be perform'd, and that the *Barons* had acted 'nothing as they had promiſed for the Benefit of the *Common-Weal*, 'but only for their own private Profit, and to the damage of the 'King in every particular; and that unleſs there were a Reforma'tion of it, other means ſhou'd be uſed to make good their Agree'ment; whereupon the Lord *Edward* preſently anſwered for Him'ſelf, that tho' He had unwillingly taken an Oath at *Oxford*, yet 'however He ſhou'd be ready of his own accord to diſcharge, and 'to venture his Life for the *Community of England*, and for the Pro'fit of the Common-Weal, according to what He had there ſworn; 'and then He particularly declar'd to the * Barons ſworn of the 'Council, that unleſs they fulfill'd their ſaid Oath, He would ſtand 'by the *Community* till death, and make them to perform what they 'had promiſed: At length the Barons perceiving that it was better to have their Promiſes perform'd by themſelves than by Others, agreed to what He propoſed, and held another Aſſembly or Parliament at *Michaelmas* following.

* P. 427, 428.

† Communitas Bachelerix.

* *That is, the Twenty four Lords of the King's Council.*

And it ſeems this Remonſtrance had ſo good an Effect upon them, that this *Committee* of the *Twenty four* being again aſſembled, they made and publiſhed certain Laws or Proviſions that follow in theſe Annals, the Title of which being tranſlated out of *French*, runs thus:

Theſe are the Proviſions and Eſtabliſhments made at the Parliament at Weſtminſter, *at the Feaſt of St.* Michael, *by the King and his Council, and the Twelve elected by the Common Council of the Kingdom*; after which follow theſe remarkable Words in *French*, *Pardevant le Communaute d' Engleterre que adunk fu a* Weſtminſter *le an del Regne* Henry *le fiz le Rei* Jehan *quarantieme Terz*, i. e. before the *Community* of *England*, which was then at *Weſtminſter* in the Forty third Year of the Reign of *Henry* the Son of King *John*.

From whence we may obſerve, that notwithſtanding the late Ordinance which transferr'd the *Whole Power* of the Parliament to theſe *Four and twenty* Perſons, yet the *Community* of *England* (by which I underſtand the *Bachelary* or *Commons* of it) were preſent at this Parliament; and tho' they might not then make Laws, (which ſeems to have been the Buſineſs of the *Four and twenty* above-mention'd) yet their Province might ſtill be to repreſent the Publick Grievances of the Nation; as appears by this their Remonſtrance, upon which the above-mention'd Proviſions were enacted.

And that by this *Community* of the *Bachelary* of *England*, who remonſtrated againſt the unfair Proceedings of the Barons, (and were alſo preſent at this Parliament) not the Tenants *in Capite* alone, but alſo meer *Commoners* are to be underſtood, will appear by comparing this Paſſage in the Annals with another Tranſaction mention'd by *Wikes*'s Chronicle in the Year 1264, wherein it is related, that a great many of the ordinary People of ſeveral Cities and Towns taking up Arms, (and calling themſelves by the Name of the *Batchelary)* ran up and down, and did much prejudice to the better ſort of Citizens and Townſmen: I do not cite this, as if theſe were any other than the meer ordinary People, or *Mobb* and *Rabble* (as we now call them) but only to ſhew, that theſe to imitate their Betters call'd themſelves by the ſame name; and *Matt. Paris* under the Year 1249, ſpeaks of a great Torneament at *Brackley*, *where many of thoſe Knights of the Univerſity of the Kingdom*, who will be called *Bachelors*, were ſlain; ſo likewiſe in the * Patent-Rolls of *Richard* II. He immediatly after his Coronation appointed certain Perſons to be of his Council, *viz.* two Earls, two Barons, two Bannerets, and four Bachelors: Now theſe laſt were as certainly *Knights Bachelers*, as the other were *Knights Bannerets*; and to make it yet more evident, it appears, that the Knights of Shires and Burgeſſes, are called in the *French* Inſtrument of the Depoſition of this King, which then paſſed in Parliament, the *Bachelers* and *Commons* of the Land, and are reckoned as a diſtinct Eſtate: And even at this day we know, that a Knight Bacheler is the loweſt Order of Knighthood proper to what is called the leſs Nobility, *viz.* Knights and Gentlemen.

Printed at the end of the X Scriptores.

From what hath been already ſaid, I think we may draw this Concluſion, that this *Community* of the *Bachelary* was looked upon in the Reign of *Henry the Third*, as part of the Civil Body of the Kingdom, but yet were not Tenants *in Capite*; and therefore muſt be ſuch Knights and Gentlemen, who holding of other Lords beſides the King, came up to this Solemnity of the Feaſt of St. *Edward*, and were alſo preſent at the enſuing Parliament: And that theſe Inferior Tenants made a conſiderable Figure in the Government in thoſe Times, appears by theſe Paſſages out of * *Bracton*, where reckoning up all the principal Lay-Orders and Degrees of Men in Chriſtian Kingdoms, he ſays thus, *Sunt Duces*, *Comites*, *Barones*, *Magnates* ſive *Vavaſſores*, & *Milites*, & etiam *Liberi Homines*, & *Villani*, & *diverſæ Poteſtates ſub Rege Conſtitutæ*, i. e. There are Dukes, Earls, Barons, and Great Men, or *Vavaſſors*, and Knights, and alſo Freemen, and Inhabitants of Towns, and divers Powers, or Magiſtrates appointed under the King; and a little lower (ſpeaking of *England* in particular) *ſunt & alii Potentes ſub Rege*, *qui dicuntur* Barones, *hoc eſt*, *Robur Belli*; *ſunt & alii qui dicuntur* Vavaſſores, *Viri magnæ Dignitatis*, i. e. there are other Perſons under the King, called *Barons*, as alſo Others called *Vavaſſors*, Men of great Dignity. Now that by theſe laſt are always underſtood not Tenants of the King *in Capite*, but of Biſhops, Abbots, and other Meſne Lords, ſee Sir *Henry Spelman* and *Du Freſne*, their *Gloſſaries* under that Title; and that theſe were the Perſons that then made this *Bachelery* of *England*, mention'd in the Annals above-cited, I think we have no reaſon to queſtion, after all that has been ſaid on this Head.

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* *Rot. Pat.* 1. Rich. II. *p.* 2. *m.* 16.

* *Lib.* 1. *cap.* 8

Near ſix Years having been ſpent in Diſputes and Quarrels between this King and the Barons, about his not obſerving the *Proviſions* made at *Oxford*, they were at laſt for a time decided by the Battel of *Lewes*, where the King, his Brother the Earl of *Cornwal*, and their Sons, were all made Priſoners.

The King being under the Power of *Simon Montfort*, the Head of the Baron's Faction, was forced by him to call a Parliament to be held at *Weſtminſter* eight Days after *Trinity-Sunday*, or two and twentieth of *June*, being the Forty eighth Year of this King, *A. D.* 1264, to which (beſides the Biſhops, Earls, and Barons, particularly ſummon'd) there were alſo four Knights to be return'd by the *Conſervators* of each County, according to the Writs or Commiſſions above-mention'd: When this Parliament was thus Aſſembled, they agreed upon an Inſtrument, which is on Record, and enter'd under this * Title, which I ſhall put into *Engliſh*.

This is the Form of the Peace unanimouſly approved of by our Lord the King, and the Lord Edward *his Son, and all the Prelates, and Barons, together with the* whole Community *of the Kingdom of* England: *it is thus, That a certain Ordinance was made in the Parliament held at* London, *about the Feaſt of St.* John Baptiſt *laſt paſt, for preſerving the Peace of the Kingdom, until ſuch time as a Peace between the ſaid Lord the King, and the Barons at* Lewes, *according to the Form of a certain* Miſe *or Agreement, ſhould be fully concluded.* From which we may obſerve, that not only the Biſhops, Earls, and Barons, but the four Knights return'd for each County, now made the *Community* of the Kingdom.

* *Rot. Pat.* 48. *H.* 3. *m.* 6. *Dorſ.* See it at large in Dr. *B*'s. Appendix to his 1ſt Vol. of Compleat Hiſt. *N.* 213.

But ſince Dr. *Brady* doth all he can to prove, that this *Community* of the Kingdom here mention'd, did not comprehend the *Community* of the *Commons*, but only of the Prelates and Barons, I ſhall give you his * Argument, which he draws from certain Paſſages out of this *Ordinance*, whereby it was appointed that three Perſons ſhould be choſen, who ſhould have Power and Authority from the King to chooſe or name Nine Counſellors, Three whereof ſhould always

* *B. G. p.* 29

always be with the King ; and He by their Advice, ſhould order and diſpoſe of the Government of his Caſtles and Forts, and all other Buſineſs of the Kingdom ; and alſo by the ſame Advice ſhould chooſe his Judges, Chancellor, Treaſurer, and other Officers great and ſmall, either of the Court or Kingdom ; and when any of theſe Nine were to be removed, and others choſen, it was to be done by the Advice of the firſt three Electors ; *Et ſi videatur* Communitati *Prælatorum & Baronum Concorditer expedire*, &c. and if it ſhould ſeem expedient to the *Community* of the Prelates and Barons, to have all, or one of the three firſt nominated or elected removed, and others put in their places, *Dominus Rex per Conſilium* Communitatis *Prælatorum & Baronum, alium vel alios ſubſtituat*, the King was to ſubſtitute another or others by the Counſel of the *Community* of the Prelates and Barons. And to confirm this, the Doctor cites *Matthew* of *Weſtminſter*, who (he ſuppoſes) makes it more plain, what the *Tota Communitas Regni*, the whole Community of the Kingdom was, which made this Ordinance : *Convenientibus Londini, Prelatis, Commitibus & Baronibus partis illius, quæ Regem ſuum tam Seditioſè tenuit Captivatum, Compromiſſi Lewenſis immemores*, &c. *Statuentes, quod duo Comites & unus Epiſcopus* (which were the Earls of *Leiceſter* and *Gloceſter*, and Biſhop of *Chicheſter*) *ex parte* ipſius Communitatis *electi, novem perſonas eligerent*, i. e. (ſays he) the Prelates, Earls, and Barons of that Party, who ſeditiouſly kept the King in Priſon, met at *London*, and unmindful of the compromiſe at *Lewes*, determin'd, that two Earls and one Biſhop, to be choſen on behalf of, or by that *Community*, ſhould chooſe Nine, *&c.* we ſee, he ſays further, that the *Tota Communitas Regni Angliæ*, in the Preamble to the Ordinance upon Record, was the ſame with the *Community* in the Hiſtorian, and were the *Community* of Prelates, Earls, and Barons, *&c.*

I think there may be no great difficulty in anſwering this forced Interpretation, concerning the *Community* of *England*, if we conſider, in the firſt place, the Title to this Form of Agreement, which is ſaid to be made, *by the King, the Prelates and Great Men, with the* whole Community *of the Kingdom* ; which laſt words would be a vain repetition, if they comprehended no more than thoſe that went before ; and therefore, tho' it be there ordained, that the Nine Councellors above-mention'd, were to be choſen by the Advice of the Three firſt Electors ; and that if it ſhould ſeem expedient to the *Community* of the Prelates, Earls, and Barons, to remove any three of the firſt Electors, *&c.* the King was to ſubſtitute others in their places by the Council of the *Community* of the Prelates and Barons, yet this makes nothing to the Matter before us ; for the *Community* of the Prelates and Barons here mention'd, is a different Body from the *Tota Communitas Angliæ* ; this ſignifying the whole Body of the *Commons*, diſtinct from the Biſhops and Lords, and the other the Committee of Prelates and Barons, which conſiſted of *Nine* Perſons, who were to remove any of the three firſt Electors, and nominate others in their places ; and this appears by the next words following, in this Form or Ordinance, *viz. Omnia autèm predicta Dominus Rex faciet per Concilium predictorum* Novem *in formâ ſubſcriptâ, vel Ipſi, vice & auctoritate Domini Regis*, i. e. but all the

Matters aforegoing, the King ſhall perform by the Council of the aforeſaid Nine, or they themſelves ſhall do it on the behalf, and by the Authority of our Lord the King.

If the Doctor would have been pleas'd to have added theſe words to what went before, it would have hinder'd any body from confounding (as he doth) this ſmall Body of Prelates and Barons with the *Community* of the whole Kingdom: And then, after this, it will be very eaſy to anſwer the Authority of *Matt. Weſtminſter*; and his not mentioning any Others to have met at *London*, beſides the Prelates, Earls, and Barons may be eaſily accounted for, ſince imitating *Matt. Paris*, he only recites the moſt conſiderable Members or Eſtates who met at this Parliament; and if this Author's Expreſſions ſhould be ſo taken as to exclude all others, beſides the Orders above-mention'd, what will become of the Doctor's beloved Tenants *in Capite*, who being no Barons could have no place in this Parliament? And here I cannot but obſerve the Doctor's unfair tranſlation of theſe words, *Ipſius Communitatis*, in this Author, which he renders, *of that Community, viz.* of Prelates and Barons mention'd a little before; whereas there is in this Author a *Full-Stop* inſtead of a *Coma*, after the word *Captivatum*; and the next Sentence begins with *ex parte ipſius Communitatis electi*, i. e. there were elected on the behalf of the Community it ſelf Nine Barons, tho' the Doctor to conceal this falacy ſtops at the word *Nine*, with an *&c.*

And further, this Writer's Inconſtancy, and how he can have this *Community* of the Kingdom to conſiſt either of fewer or more Members, according to the Hiſtory or Record he is to make uſe of, will appear by a *French* * Record, which he cites immediately before this Form of the Peace here mention'd; where, for redreſſing the Grievances of Holy Church, and the Injuries done to her in the time of the late Troubles, three Biſhops were to be choſen *per commun: aſſentment du Roy, & des Prelats, des Countes, & des Barons de la Terre*; by the common aſſent of the King, and of the Prelates, Earls, and Barons of the Land, to whom, *ſoit done plein poer du Roy, e de le Communaute des Countes & des Barons, & des Grauntz Homes de la Terre*, ſhould be given full Power from the King, and the Community of the Earls and Barons, and of the Great Men of the Land, to provide and order things neceſſary and profitable for the full Reformation of the ſtate of Holy Church, to the Honour of God, and the Faith of the Lord the King, and the profit of the Realm; *E ceo ſoit promis en bon foi par le Roy, & par les Contes e les avandits Barons & par les autres Grauntz Homes de la Terre*; and ſo it was faithfully promiſed by the King, and by the Earls, and the foreſaid Barons, and other Great Men of the Land. Now (ſays he) the other Great Men of the Land were great Tenants *in Capite, that were actually neither Earls nor Barons*; and theſe altogether are here eſteemed part of the *Community* of the Land, as well as they are called the Earls, Barons, and Great Men of the ſame; and by putting the chief part of the Tenants *in Capite* for the whole, are oftentimes called the *Community* of the Land, or Kingdom.

* *Rot. Pat.* 48. *Hen.* 3. *m.* 2. *Dorſ. n.* 14. *Ib. p.* 28.

Here you ſee, by the Doctor's own Confeſſion, not only the Prelates and Barons, but the leſs Tenants *in Capite*, who were *neither*

Earls, *nor Barons*, made up the *Community* of the Kingdom, and conſequently the Prelates and Barons did not conſtitute it alone, as he confidently aſſerts in the very ſame Page; but if theſe Tenants *in Capite* were no Barons, I will leave it to the Doctor's Friends to conſider, whether there were not *Commons* in Parliament a Year before the 49th of *Henry the Third*, unleſs they can ſhew me, that theſe Tenants *in Capite* were a third ſort of People, who were neither Lords nor Commons. But to ſay ſomewhat more to the Record it ſelf (part of which he hath here cited) it appears, that notwithſtanding the three Biſhops that are ſaid to be choſen by the Prelates, Earls, and Barons, yet they could not have full Power of acting without the conſent of other Great Men of the Realm, as appears by the Record it ſelf; and therefore this *Community* of the Earls and Barons alone, could not be the *whole Community* of the Kingdom, without the *Grantz Homes de la Terre* here mention'd, whom tho' he will have to ſignify the Body of the Tenants *in Capite*, yet, notwithſtanding his poſitiveneſs, I may with more reaſon aſſer, that theſe Great Men here mention'd, were the *Knights* of *Shire*, call'd *Grantz des Counties*, or Great Men of the Counties, in divers Parliament-Rolls, which the Doctor himſelf acknowledges in another place; only * there affirms, that, *without doubt*, they were moſt *commonly* the greateſt Tenants *in Capite*, under the degree of Barons, in each County; the Truth of which Aſſertion ſhall be conſider'd in another place: but at preſent it is ſufficient to ſhew, that theſe *Great Men* mentioned after the Barons in this Record, as here cited by the Doctor, were not the Tenants *in Capite*, but the four Knights, that were return'd to this Parliament by the Conſervators of the Kingdom, and were *without doubt* choſen and impower'd by their reſpective Counties, tho' (the Writs of Summons being now loſt) it cannot be from thence ſo fully made out, as otherwiſe it might.

* *B. A. J.* *Pag.* 214.

But the next Parliament held in the Forty ninth Year of this King will evidently clear up this matter, and ſhew us who then made up this *Community* of the Kingdom: For *Simon Montfort* having (as I have ſaid before) got the King in his Power, iſſued out Writs in his Name, for a Parliament to meet at *Weſtminſter*, on the Octaves of St. *Hillary* (or twenty ſecond of *January*) next enſuing; by which were ſummon'd, not only the * Archbiſhops, Biſhops, Earls and Barons, but almoſt all the Abbots and Priors of *England*; and beſides theſe, other Writs of Summons were alſo ſent to the Sheriffs of the Counties to elect and return *two Knights* for each Shire and *two Citizens*, and as many *Burgeſſes* for each City and Borough of *England*, and for each of the *Cinque-Ports* as many Barons, as appear ſtill upon † Record in the *Tower*, which is likewiſe taken notice of by the Writer of the * Annals of the City of *London*; only he miſtakes in the number of the Knights of Shires, making them to have been four inſtead of two, and the like he does in the number of the Citizens, Burgeſſes and Barons of *Cinque-Ports*, that were ſummon'd.

* *Rot. Clauſ.* 49 *H.* 3. *m.* 11. *Printed in Dr.* Brady's *Anſwer to Mr.* Petyt, *p.* 137.

† *Ib.* in Scedula *printed*, *p.* 140.

* Liber Antiq. de Legibus London. *in the Office of the preſent Town-Clerk.*

This Parliament was chiefly call'd to deliver the Prince out of Priſon upon certain Conditions, and to cauſe him, when at liberty, to join with the King his Father to confirm what had been done by the Parliament the Year before; and then they agreed upon a new † Form of Peace concluded on between the King and his Barons,

† *Rot. Cart.* 49 *H* 3. *M.* 5.

rons, which is printed at large in Dr. *B*'s *Appendix*, *n.* 6. in which, after a Recital of the late Agreement made at *London*, by the Prelates and Great Men of the Land, in *June* the Year before, which is in *Latin*, the reſt of this Inſtrument goes on in *French*, and is to this effect: *And that this Order may be the better obſerved, our Lord the King ſhall command and enjoin, and the Lord* Edward *aſſent and require, as hauz homes, & au Comun de la Terre,* i. e. the Great Men and *Commons* of the Realm, by their Letters Patents, which were to remain in each County, that this Ordinance ſhall be firmly obſerved: And a little lower it follows thus; *and if our Lord the King, or Lord Monſier* Edward *ſhall act againſt the Peace of the aforeſaid Ordinance, or ſhall injure the Earls of* Leiceſter, *or* Gloceſter, *or any of their Party, by reaſon of the aforeſaid Actions, that then the Great Men and* *Commons *of the Land ſhall be againſt them, to reſiſt them to the utmoſt of their Power, and ſhall diſobey them in all things, as if they were not at all bound to them, until ſuch time as theſe things ſhall be amended, redreſſed, and obſerved, according to the Form of the Ordinance of the Peace aboveſaid:* And a Line or two lower it goes on thus; *and our Lord the King, and Monſier* Edward *have ſworn upon the Holy Evangeliſts, and the Great Men and* Commons *of the Kingdom do ſwear, by the Commandment of our Lord the King, and by the Aſſent, and at the Requeſt of Monſier* Edward, *and by their Letters Patents, that our Lord tbe King and Monſier* Edward, *and all the Great Men,* (the reſt being difficult and obſcure to tranſlate, I ſhall give it you in *French*) *de qi len les vodra aver endeiront ices choſes a fere e a tenir ſi com il eſt avandit:* Theſe Paſſages, I think, are ſufficient to ſhew, that the *Commons* or *Community* of the Realm, here mention'd after the Great Men, were not the *Community* of the Tenants *in Capite* in this Parliament, but the *Community* of the Knights, Citizens and Burgeſſes, who were now ſummon'd to it, as the * Doctor himſelf acknowledges, inſtead of the leſs Tenants *in Capite*.

This being, I hope, made clear enough, I ſhall in the next place ſhew you how confidently and groſly the Doctor can impoſe upon his Readers; he hath in his * *Gloſſary* given us the Title to this Inſtrument of the Form of the Peace between the King and the Barons, which I ſhall here tranſlate; *The Ordinance which was provided at* London *by the Common Accord of the Prelates and Great Men of the Realm, who were there in the Month of* June, *in the Forty eighth Year of the King, ſhall be firmly obſerved and maintain'd in the Form as follows*, &c. by this Record (ſays the Doctor) it is plain, that the *Tota Communitas Regni Angliæ*, the whole *Community* of the Kingdom of *England*, by whoſe Common Accord this Ordinance was made at *London* in the Month of *June* preceding, in the Forty eighth Year of *Henry the Third*, were the Prelates and the *Hauz Homes*, that is, the Great Men of the Land, or Men of High Condition; hitherto the Prelates, Earls, and Barons, or the Prelates and Great Men, or the Prelates and *Hauz Homes*, Men of High Condition, have by Record and Hiſtory both appeared to be the *Community* of the Kingdom.

I muſt animadvert upon this Obſervation of the Doctor's, and deſire his Friends (if they pleaſe) to anſwer for him, why in the beginning of this Record by the Prelates and Great Men muſt be

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* Le Comun de la Terre

* *B. A. P.* pag 143.

* *P.* 30.

underſtood only Earls, Barons, *&c.* and Men of *High Condition*? when it is plainly manifeſt, by the ſubſequent part of it, that in this preſent Parliament, the *Repreſentatives* of the *Commons* made a part of the *Community* of the Kingdom, tho' he is not willing to take any notice of it.

But to ſhew you this Gentleman's Sincerity, he hath here recited the firſt Clauſe, (which I have tranſlated) and has render'd *Le Comun de la Terre*, the *Commons of the Land*; but then ſpeaking of thoſe Letters Patents that were to remain in every County, he hath this Remark, *viz.* In one of theſe Letters-Patents, or Charts, ſent into *York-ſhire*, it is evident, that the Prelates, Earls, Barons, and *Community* of the Kingdom ſignified the ſame thing, or that the *Community* of the Kingdom ſignified very little, if any thing, as to the tranſacting of Publick Affairs in thoſe Days: and then he gives us at large a Copy of one of the Writs in *Latin*, which was ſent down into the County of *York*, wherein it is recited, that by the unanimous conſent of the King, and of the Lord *Edward* his Eldeſt Son, and of the Prelates, Earls, Barons, and *Community* of the Kingdom, and for the Peace and Security thereof, the Lord *Edward*, and *Henry* Son to the King of the *Romans* had been deliver'd as Hoſtages; wherefore it is there provided, that a certain Ordinance made in the 28th Year of this King's Reign, by the Prelates, *&c.* (*viz.* all the reſt of the Parties above-mention'd) ſhall be inviolably obſerv'd: Upon which the Doctor thus learnedly Paraphraſes; here the Prelates, Earls, and Barons muſt be the ſame with the Prelates, Earls, Barons abovemention'd, and the *Commons* of the Kingdom had nothing to do in making the Ordinance at *London* in the Month of *June*, concerning the ſtate of the Kingdom; and yet in the Preamble of it 'tis ſaid they had.

I ſuppoſe the Doctor was here ſenſible, tho' he doth not ſhew it, that the *Commons* were now ſummon'd to this Parliament, or elſe he would never have ſo far debaſed this *Community* of the Kingdom, as to affirm, 'That they ſignified very little, if any thing, as to the 'tranſacting Publick Affairs in thoſe Days, whereas but in the * Leaf 'before (ſpeaking of the leſs Tenants *in Capite*) he calls them the *Other* 'Great Men of the Land, that were neither Earls nor Barons, and 'who altogether made part of the *Community* of it: And in the ſame place adds further, 'That putting the chief part of the Tenants *in Capite* for the whole Body of them, theſe are oftentimes 'called the *Community* of it: So that you ſee ſometimes the whole Body, and ſometimes but a part of it are ſufficient (according to the Doctor's Notions) to conſtitute the *whole Community* or Repreſentative of the Kingdom in Parliament.

* *Ib. p.* 29.

But why the *Knights*, *Citizens*, and *Burgeſſes*, (whom he grants in another † place to have come to the Parliament in the 49th of *Henry the Third*) ſhould not have the ſame Power as the leſs Tenants *in Capite*, in whoſe room they came, I can ſee no reaſon, eſpecially ſince he alſo aſſerts but a few * Pages further, that they were ſummon'd by *Simon Montfort*, to curb the too great Power of the Nobility and Tenants *in Capite*, occaſion'd by the large Retinues they brought along with them to the Parliament at *Oxford*. Thus the Doctor can advance or debaſe the Authority of his leſs Tenants

† B. *A. P.* *Pag.* 136.

* *Ib. p.* 143.

in Capite, according as he thinks it will ſerve his preſent purpoſe.

But he is ſomewhat hard put to it in his laſt Obſervation upon this Writ above-mention'd; for ſince the words *Communitas Regni* happen to be there omitted, he therefore will not allow, that the *Community* even of his leſs Tenants *in Capite* had any thing to do in making the Ordinance of the Month of *June* precedent; and I ſuppoſe it was for this Reaſon, becauſe he was aware, if he ſhould allow, that the leſs Tenants *in Capite* (who were meer *Commoners*) had any hand in making the former Ordinance, in that Parliament of the 48th of *Henry the Third*, then it would follow, that the *Repreſentatives* of the *Commons*, who, as part of the *Community*, confirm'd the aforeſaid Ordinance in the 49th Year of this King, might have alſo had ſomething to do in other Parliaments before that time.

And therefore, the more to perplex this Matter, he recites the Clauſe I have already tranſlated, *whereby the King, the Lord* Edward *his Son, and the Great Men and* Commons *of the Land, ſwore to obſerve the aforeſaid Ordinance*; but the Doctor did not think fit to render theſe words into *Engliſh*, for then it would have appear'd, that the *Commons*, as well as the *Lords*, took this Oath, and conſequently that thoſe words were not a meer *Chimera* or vain Repetition, without any ſignification, as the Doctor will have them to be; and therefore, after a recital of what Puniſhment thoſe were to undergo, who ſhould act contrary to this Form of the Peace, he tells us, the next words in this ſame Record are, *E ceſte choſe eſt firmement eſtabli par le Roy, Munſir* Edward, *e par le* Comun *de la Terre*: And this was firmly eſtabliſh'd by the King, and Monſieur *Edward*, and by the *Commons* of the Land, as if they only made this Eſtabliſhment. Can any Man imagine, that the Prelates, Earls, and Barons were not preſent, and conſenting to the making of this part of the Form of Peace? 'Tis ſaid in the * Charters, or Letters-Patents, directed to the County of *Middleſex*, that for the obſervation of both, by the unanimous conſent of King *Henry*, and Prince *Edward* his Son, and the Earls, Barons, and *Community* of the Realm, it is ordain'd, that thoſe that act againſt this Statute ſhall be diſinherited, *&c.* And in the Margin over-againſt the words *Comun de la Terre* he hath this Note. In this place the *Community of the Land* ſignifies the *Biſhops*, *Earls*, *Barons*, *and Great Men*, *or theſe* Eſtabliſhments *were made without them*, *which is a contradiction to both theſe Records*: And then he concludes, So we ſee that in this part of the Record, *Le Comun de la Terre*, or the *Community* of the Land comprehended the Prelates, Earls, and Barons, and in other parts of it, the Prelates, Earls, and Barons, were mention'd as the *Community* of the Land. In anſwer to this, I need but obſerve how much the Doctor can contradict and vary from himſelf in two pages; for whereas * he before acknowledges that the Inferior Tenants *in Capite* were part of the *Community* of the Kingdom in Parliament, now only the Prelates, Earls, and Barons muſt have any thing to do in it; and this proceeds either from his own Ignorant or perverſe Miſtake of the words, *E par le Comun de la Terre*, which he renders by the *Commons* of the Land, and then asks a puzling Queſtion, whether the Prelates, Earls, and Barons were not preſent and conſenting to the making this Form of Peace? which no body denies,

* *Rot. Cart.* 49. *Hen.* 3.

* *Pag.* 3[illegible]

denies, but by the *Comun de la Terre* here mention'd, is not to be underſtood the *Commons* of the Land, nor yet the Earls, Barons, and Great Men, according to his falſe Gloſs in the Margin; but the *Community* or Politick Body of the whole Kingdom in Parliament, as repreſented by the Prelates, Earls, Barons, with the *Knights*, *Citizens*, and *Burgeſſes* for the *Commons*, who made a part of the *Community* of the Kingdom when this Form of Peace was made, as appears by the date of it being ſeal'd in the Parliament at *Weſtminſter* by the Parties there mention'd, on the eighth Day of *March* 1264, being the 49th Year of King *Henry the Third*, tho' it be not there expreſs'd; for this Parliament had began to ſit on the 22d of *January*, and was not Diſſolved till the middle of *March*, as appears by the * Charter of Pardon which was paſſed by this King to the Barons and Others of *Montfort*'s Party, bearing date at *Weſtminſter* the 14th of *March*, in the 49th of his Reign; in which alſo there is this remarkable Clauſe; *and further it is unanimouſly provided by Our (that is the King's) Aſſent and Will, and that of our Son* Edward *the Prince, the Prelates, Earls, and Barons, and the* Community *of our Kingdom, that the Antient Charters of* Common Liberties *and of* Foreſts, *already confirm'd to the* Community *of our Kingdom, by Our Selves and the Pope, as alſo all Articles already granted by our Own, and by the common Aſſent of the Great Men of the Kingdom, ſhall be inviolably held and obſerved:* Which Paſſage evidently clears the diſtinction I have already made between the *Communitas Regni*, when coming after *Comites* and *Barones*, and the ſame words when put alone; for in the firſt ſenſe it ſignifies the *Community*, or *le Comun de la Terre*, that is, the *Commons* of the Kingdom, and in the other, the whole Civil Body of it, to whom theſe Charters were granted. And, to conclude this Head, it is manifeſt, that the Doctor's confounding of theſe two Phraſes, has lead him into theſe (I doubt) wilful Miſtakes; for had he acquainted his Readers, that the *Commons* had been ſummon'd this time to Parliament, it would have ſaved him the trouble of Writing, and his Readers of peruſing two or three Pages to no purpoſe; yet ſince he is reſolved not to leave off ſo, but will have his Tenants *in Capite* to make the *whole Community* of the Kingdom, long after the time wherein he muſt allow the *Knights* of *Shires*, and *Citizens*, and *Burgeſſes*, to have been conſtantly ſummon'd to all Parliaments, I ſhall go on with him a Page further, and give you the reſt of his Authorities for this Opinion.

* *Rot. Cart.* 49 *H.* 3. *m*, 4. See it printed at large in the Append. to the Gen. Hiſt. of *Engl.* *pag.* 34.

B. G. *p.* 32.

The firſt is a Writ from **Pat. Roll** of 30 **Edw. I. m. 1.** which I ſhall render in *Engliſh*, and refer you to the Doctor for the *Latin* of it: 'The King to the Archbiſhops, Biſhops, Earls, Barons, Knights, and all Others of the County of *Kent*, Greeting, know ye, that on the firſt Day of *June*, in the 18th Year of our Reign, the Prelates, Earls, Barons, and the reſt of the Great Men of our Kingdom, by one Aſſent, for themſelves and the *whole Community* of the ſame Kingdom, granted unto Us in full Parliament, forty Shillings of every Knight's Fee in the ſaid Kingdom, for an Aid to marry Our eldeſt Daughter, *&c.* which Aid We have hitherto graciouſly forborn to levy for the eaſe of the ſaid *Community*, &c. By this Record it is very clear, that ſuch as paid *Scutage*, that is, ‘forty Shillings for a Knight's Fee, were the *Tota Regni Communitas*, and no Others: And of theſe, the Tenants *in Capite* granted, and paid it firſt for themſelves and Tenants, and then their Tenants in Military Service, by vertue of the King's Precept, paid it to them, for ſo many Fees as they held of them, as hath been ſufficiently evinced by Record in the Anſwer to Mr. *Petyt*, Fol. 121.

I will not deny, but that the Doctor may have truly tranſcribed this Writ, and yet for all that, it is not true, that the *Prelates*, Earls and Barons, and all Tenants *in Capite* of the County of *Kent*, were then in a ſtrict Senſe the *whole Community* of the Kingdom, ſince there were a vaſt number of Others that were a part of this *Community*, and that did not hold *in Capite*: And no County can be a better Inſtance of this than the County of *Kent*, where above two parts of three held in *Gavelkind*, which every one knows, was *Soccage*-Tenure; and therefore by the Words *All Others* of the County of *Kent*, in this Writ mentioned, muſt not only be underſtood of *all ſuch as held* in Capite: And ſo likewiſe, that by the *whole Community* of the Kingdom, cannot be meant only the *Community* of the Tenants *in Capite*; but that theſe Tenants firſt paid it for themſelves and their Under-Tenants: Tho' the * Doctor ſuppoſes, and endeavours to prove in his Anſwer to Mr. *Petyt*, that at the Parliament held in the Eighteenth Year of this King, the *Knights of Shires* were not ſummon'd; yet that this is a great Miſtake, I hope I ſhall be able to prove, when I come to conſider his Arguments.

* *B. A. P. pag.* 149, 150.

But that the Tenants *in Capite* did not make the *whole Community* of the Kingdom during this King's Reign, appears by the ſecond Record cited by the * Doctor from the *Exchequer*; by which it is plain, that the King ſummon'd a Parliament in the Thirty fourth Year of his Reign, to meet on the Morrow of the *Holy Trinity* about an Aid for making his Son a Knight, and aſſiſting Him againſt *Robert Bruce*, who was up in Arms with conſiderable Forces in *Scotland*; and the Prelates, Earls, Barons, and other Great Men, as alſo the Knights of Shires, treating together, with deliberation upon this matter, conſidering the Aid that was due, and the Burthen that lay upon the King by reaſon of the *Scotch* War, at length unanimouſly granted Him for themſelves and the *whole Community* of the Kingdom, a *Thirtieth* part of all their Moveables, for making his Son a Knight, and toward the Expences of his War in *Scotland*; and then the Citizens and Burgeſſes, and other Tenants of the King's antient Demeſns, being aſſembled together, and treating about the Premiſſes, granted to the King a *Twentieth* part of their Moveables.

* *Ib. p.* 33. *See in his* Append. *Rec.* 4. *p.* 33.

Here the Prelates, Earls, Barons, and Great Men, with the Knights of Shires conſulted together, and gave for themſelves and the *whole Community* of the Kingdom, a *Thirtieth* part of their Goods; and the Citizens, Burgeſſes and Tenants of the King's Demeſns, which were none of the *Community* of the Kingdom, gave a *Twentieth* part; for if they had been of the *Community*, they had paid no more than a *Thirtieth* part: And therefore 'tis moſt certain, at this time they were not taken to be part of the *Community* of the Kingdom, unleſs they paid both a *Twentieth* and a *Thirtieth* part of their Goods, and that the Tenants *in Capite*, or at leaſt the Military Men and Tenants in Military Service, were only ſuch.

The Doctor could not have brought a better Record than this, to have confuted the Falſity of his Notion, that the Tenants *in Capite* made the *whole Community* of the Kingdom, in the 34*th* Year of *Edward* I. and therefore I ſhall only ask thoſe of the Doctor's Opinion, whether thoſe Perſons that paid a *Thirtieth* part of their Goods towards this Tax above-mention'd, were All Tenants in *Capite*? if they ſay, Yes, then it will follow, that none but Tenants by *Knight's Service* could pay it, for their Lords the Tenants *in Capite* could not give Taxes for thoſe who did not hold of them; but if they ſay, No, which is the Truth, then neither the Tenants *in Capite*, nor thoſe by *Military* Service, (as the Doctor qualifies it at the end of this Paragraph) could alone make the *Community* of the Kingdom, ſince all Tenants by *Petyt Seirjeanty* and *Soccage*-Tenure muſt be likewiſe included in this Grant, and muſt therefore make a part of the *Community*, or Civil Body of the Kingdom. And tho' in his Marginal Note upon theſe *Knights* of *Shires*, ſitting and treating with the Earls and Barons, concerning the granting of this Aid, the Doctor ſays it was, becauſe they were of the ſame Order, that is, Tenants *in Capite*; this is a meer Conceit of his own, as I ſhall ſhew hereafter; and therefore I ſhall only obſerve at preſent, that theſe *Knights of Shires* could not grant this Tax upon Moveables, for themſelves and the *whole Community* of the Kingdom, as they were Tenants *in Capite*, but as they were the *Repreſentatives* of the Freeholders of the whole County, by whatſoever Tenure they held. As for the other part of the Doctor's Argument, that the *Citizens* and *Burgeſſes*, with the King's Tenants in *antient Demeſn*, gave by themſelves a *Twentieth* part of their Moveables, when all the reſt of the People paid but a *Thirtieth*, and therefore they were not then part of the *Community* of the Kingdom; I allow that theſe were not in that Record reckon'd as part of this *Community*, and the Reaſon might be, becauſe this *Community* of the Kingdom, extending ſtrictly to no Others, than thoſe who were a part of the *Community* of the *Commons* of Counties, the Cities and Boroughs being then (as now) ſeparate Bodies from the Counties, and enjoying diſtinct Priviledges in ſending their own Members to repreſent them in Parliament, were therefore in that Senſe no part of the *Community* of the Kingdom; yet as they paid a very conſiderable ſhare in all Taxes to the Government, which were granted by their *Repreſentatives*, they were certainly in a larger acceptation a part of the *Community*, or Politick Body of the Nation.

And this is alſo made out and confirm'd by another * Record of the Thirty fifth of this King, (which is alſo cited by the † Doctor) being a Writ for the collecting of this *Twentieth* and *Thirtieth* part, 'directed to the *Knights*, *Freemen*, and the *whole Community* of the 'County of *Middleſex*, reciting, that the Archbiſhops, Biſhops, Abbots, Priors, Earls, *Knights*, *Freemen*, and the *Community* of the 'ſaid County had kindly granted the *Thirtieth* part of all their 'Moveable Goods; and the Citizens, and Burgeſſes, and *Communities* of Cities and Boroughs of the ſame Kingdom, as alſo the 'Tenants of his *Antient Demeſn*, had granted a *Twentieth* part of 'their Moveables, *&c.* from whence we may obſerve, that as the People of the Counties in general are here called *Communitas*

Comitatuum,

* *Vid. Dr.* B's Append. *Record 7. printed there at large.*

† B. G. *p.* 33.

Comitatuum, ſo thoſe of the Cities and Boroughs are called the *Communities* or *Commons* of thoſe places, and certainly then, theſe *ſeperate Communities* muſt make a part of the *General Community* or Civil Body of the Kingdom.

Since we have now ſettled the true meaning of the words, *Communitas Regni*, or *Le Comun de la Terre*, and proved, that it always comprehends, and ſometimes ſignifies the *Commons of England*, only as repreſented by *Knights*, *Citizens*, and *Burgeſſes* in Parliament, I ſhall next proceed to ſhew, that the ſame Expreſſions are to be underſtood in a like ſenſe throughout the reſt of King *Henry the Third*'s Reign, as alſo that of his Son King *Edward*; which brings me to the ſecond Head I undertook to treat of, that from the 49th of *Henry the Third*, to the 18th of *Edward the Firſt*, incluſively, the *Commons* were repreſented in Parliament by *Knights*, *Citizens*, and *Burgeſſes*, in the ſame manner as they are at this Day; but ſeeing the Writs of Summons to thoſe Aſſemblies, as well to the Biſhops and Temporal Lords, as to the *Commons*, from the 49th of *Henry the Third*, to the 23d of *Edward the Firſt*, are long ſince loſt, it is in vain to go about to prove, from ſuch Records, that there were any Parliaments at all; and therefore we muſt have recourſe, for the diſcovery of this Matter, to the Titles of Statutes, the Patent-Rolls in the *Tower*, and the concurrent Hiſtories and Chronicles of thoſe times.

I ſhall begin with the Statute of *Marlbridge*, made *A. D.* 1267, being the 52d Year of *Henry the Third*, which Statute has this Title before it; *Convocatis Diſcretioribus ejuſdem Regni, tàm de Majoribus quàm de Minoribus ita proviſum eſt, & Statutum*, i. e. there being ſummon'd the moſt diſcreet or wiſe Men of the Kingdom, as well of the Great as Leſs ſort, it is provided and ordain'd, *&c.* where by the leſs ſort of Men, I underſtand the *Commons*, put by way of diſtinction from the Lords; and this ſeems to be ſo worded, in imitation of the *Saxon* Great Councils, commonly ſtiled *Wittena-Gemots*, i. e. Aſſemblies of the *Wiſe Men*; but ſince Dr. *Brady* has endeavour'd to make out, that at this Parliament, not all the Barons of *England* were ſummon'd, but only ſome of the wiſer ſort, whom the King was pleas'd to call; I will defer the further conſideration of that Matter, till I come to examine the Doctor's Arguments.

In the next Year, *viz.* * 1269, being the 53d of this King, *Tho.* * *Wikes* tells us, a Parliament met at *Weſtminſter*, at the Feaſt of St. *Edward* (or ~~third~~ 13th of *October*) for the removal of his Relicts, and placing them in a richer Shrine; his words, as far as concerns the Matter in Queſtion, are as follow, * *Convocatis Univerſis Angliæ Prelatis & Magnatibus, necnon cunctarum Regni ſui Civitatum pariter, & Burgorum Potentioribus*, i. e. All the Prelates and Great Men of *England*, as alſo the principal or richeſt Men of the Cities and Boroughs of his Kingdom, being ſummon'd or call'd together, beſides a great crowd of ordinary People who flock'd thither: After the Solemnity of this Tranſlation was over, the Noblemen began, according to their cuſtom, to treat in Parliament about the Affairs of the Kingdom; and, in concluſion, there was a Tax granted by the Laity towards Prince *Edward*'s Expedition to the *Holy Land*.

* T. W. *Edit. Oxon.*

* *Pag.* 88.

And for a further confirmation of this, there are found in the Patent Rolls of this Year, two ſeveral *French* Charters of Pardon, which certainly were likewiſe granted in this Parliament; the * firſt of which recites, that the King, by the Advice and Conſent of his Brother, the King of the *Romans*, *as alſo of the Earls*, *Barons*, and *Le Commune de la Terre*, i. e. the *Commons of the Kingdom*, pardons the Earl of *Gloceſter* and his Adherents, all Treaſons, &c. The ſecond is on the ſame Roll, whereby the King, with the Advice of all the ſame Parties laſt mention'd, remits to the City of *London* all Rancour and Ill-will; from whence we may obſerve, that at this Parliament the *Commons* are again expreſſed by the *French* Phraſe, *Le Comun de la Terre*, which we may very well tranſlate (as well as *Communitas Regni*) the *Commonalty* or *Commons* of the Realm.

Dr. *Brady* takes no notice at all of this Parliament, in his Hiſtory; * a late Learned Writer (who too implicitly has follow'd the Doctor's Opinions) has undertaken to prove, that the Citizens and Burgeſſes were not then ſummon'd to Parliament: I ſhall firſt ſet down his Objections.

He indeed allows the Quotation to be as I have given it, yet ſays, that what *Wikes* relates imperfectly, the Annals of *Waverly* more fully diſtinguiſh, when they tell us, that in order to this Solemnity, a Convention or Aſſembly was held of the Biſhops, Earls, Barons, Abbots, Priors, and *Many Others*. Now it is obſervable, (ſays the Doctor) that the firſt Author only ſays, *That the Tranſlation being over, the* Nobles *treated, and gave the King the* Twentieth *part abovemention'd*; ſo that here is a diſtinct Account of the *Tranſlation*, and of the Parliament; to the One a great Company of People flock'd together, and ſo were preſent at it with the Prelates and Great Men; but in the Other none but the *Nobiles*, *Majores Regni*, *Prelati*, *Proceres & Magnates*; and then the Doctor falls upon his Antagoniſt for making a falſe and deluſory Repreſentation of this Meeting. But, I doubt, upon Examination it will be found, that the former of theſe Doctor's is miſtaken in the ſenſe he puts upon this Quotation; and I ſhall leave it to the indifferent Reader to conſider, whether there is no difference to be made in this firſt Author's Relation, between the *Citizens* and *Burgeſſes* being here ſaid to be ſummon'd or call'd together, as well as the Biſhops, Earls, and Great Men, and the ordinary Sort or Common People, who flock'd thither only to gaze; or can any one believe it was worth the King's while to ſummon up the Chief Citizens and Burgeſſes from all the Cities or Boroughs of *England*, and to put them to the expence of ſo long a Journey, only to ſee a *Show*? I ſuppoſe no Man will ſay, this was ſuitable to the Methods of thoſe frugal Times, unleſs the King had other buſineſs with them, and what other Buſineſs could there be, beſides their granting the *Twentieth* part of all their Moveable Goods? 'Tis true, this Author mentions, that after this Solemnity was over, the *Nobles* treated of the Affairs of the Kingdom; which might be, and yet the Citizens and Burgeſſes who were not taken into ſuch Conſultations, might give their Conſents to the granting this Aid: And as for theſe *Nobiles* it is moſt likely, that by the *Magnates* mention'd in the Annals of *Waverly*, the

Knights

* *Rot. Pat.* 53 *H.* 3. *M.* 16.

* Dr. *Wake's* State of the Church and Clergy. *pag.* 212.

Knights of *Shires*, called in the *French* Records *Grantz des Counteès*, were then reckon'd among the *Nobiles minores*. But to ſatisfy the Doctor, that this Tax was really given by the *Commons*, as well as by the Biſhops and Temporal Lords, I deſire he would once more conſider the words of the *Waverly*-Annaliſt, who calls this Parliament an Aſſembly, not only of all the Parties above-mention'd, but adds, *& multorum Aliorum*; and be pleas'd to tell us, who were theſe many Others, put after the Barons, unleſs the *Commons* as now underſtood? If it ſhould be anſwer'd, they were the leſs Tenants *in Capite*; to that it may be reply'd, that this is only *gratis dictum*, and it is more likely to be the *Commons*, for they were call'd to Parliament in the 49th Year of this King; and it does not yet appear, (but rather the contrary) that they were ever omitted being ſummon'd after that time. But to make this Point paſt diſpute, the Doctor may pleaſe to take notice of a * Writ on the Patent Rolls of this very Year, directed to certain Commiſſioners to levy this Tax of a *Twentieth* part upon Moveables in *Dorſetſhire*, wherein it is thus recited, *Cum occaſione viceſimæ nobis in ſubſidium Terræ Sanctæ conceſſæ tàm à Magnatibus & Militibus, quàm aliis Laicis hominibus de Bladis*, &c. This bears date the 14th of *December* after this Grant was made, with which the antient * Manuſcript-Annals of the City of *London* agree, and very well explain, who are meant by the *Aliis Laicis Hominibus*, and ſay expreſly, *That in this Parliament all the Freemen of* England, *as alſo of the* Cities *and* Boroughs *granted to the King a* Twentieth *part of all their Moveable Goods*, that is, they did it by their *Repreſentatives*, the *Knights*, *Citizens*, and *Burgeſſes*, as Doctor *Brady* has very well explain'd it in his *Gloſſary*, concerning a like Aid granted to King *Edward the Firſt*, in the 34th Year of his Reign.

* *Rot Pat.* 54. *H.* 3. *m.* 16. printed in the Append. to the Gen. Hiſt of *Engl.* p.36.

* *Lib. de Legibus Ant. ad hunc An*

In the following Year, *viz.* 1270, on the *Monday* after *Eaſter*, the ſame City-Annals tell us, *That the Biſhops, Earls, Barons, Knights, and Freeholders of the whole Realm, were aſſembled in Parliament at* Weſtminſter *by the King's Writs, and there they treated of divers Matters relating to the State of the Nation; but they were chiefly taken up in the reconciling Differences between Prince* Edward *and the Earl of* Gloceſter.

The ſame Annals further mention another Parliament held at *Wincheſter* about *Midſummer* following, when the King took his *Croſs* (by which He ſtood ſtill engaged to undertake the *Cruſado*) and deliver'd it to the Prince his Son, which was confirm'd by the Suffrages of all there preſent, as appears by the * Patent or Commiſſion granted by the King to the Prince not long after for that purpoſe, wherein it is recited, *That tho' He was deſirous to go (together with his Son) for the Relief of the* Holy Land, *yet becauſe it ſeemed to the Prelates, Great Men, and Commonalty of the Kingdom to be neither expedient nor ſafe for Himſelf and his Son to be both abſent at once, therefore He committed this Affair to the Prince alone.* This bears date at *Weſtminſter* the fourth of *Auguſt*. Dr. *Brady* cites this Record, and will have the words *Communitatem Regni* here, to ſignify only the *Community* of Tenants *in Capite*, but I think I may with much better Authority affirm, that it here ſignifies the *Community* or Body of the *Commons*, as they were repreſented in

* *Rot. Pat.* 54. *H.* 3. *m.* 7. *Intuſ.* printed in Dr. *Brady's* Append. to Vol. II. of his Hiſtory, &c. *pag* 249.

the 49th Year of this King, as well as in ſeveral other Parliaments ſince that time; and I can ſee no reaſon why it ſhould not have the ſame ſignification in this, unleſs the meaning of Words and Phraſes in Records muſt alter, when ever it makes for the Doctor's *Hypotheſis* to have it ſo.

Thus I have gone through all the Great Councils or Parliaments held during the long Reign of *Henry the Third*, wherein I could find any mention of the *Repreſentatives* of the *Commons* as now underſtood; and therefore ſhall now proceed to that of his Son King *Edward the Firſt*, and prove, that they continued to be ſo repreſented from the very beginning, to the eighteenth Year of his Reign; and were it not for the unreaſonable Conceits of Dr. *Brady*, and thoſe of his Opinion, this ungrateful Task might very well be ſpar'd; for if the *Commons* are prov'd to have been ſummon'd to Parliament during all the reſt of the then late King's Reign, after the 49th, I can ſee no reaſon why they ſhould not continue to be ſo likewiſe in this; yet prejudices, either from Humour, Education, or too much relying upon the Authorities of Others, have made ſome learned Perſons to embrace ſuch falſe Notions, as that the *Commons*, after the Battel of *Eveſham*, were left off being ſummon'd any more till the eighteenth of King *Edward the Firſt*.

I am indeed ſenſible, that the loſs of the Writs of Summons to Parliament, both to the Lords and Commons, from the 49th of *Henry the Third*, to the twenty third Year of his Son's Reign, as alſo the general Words, in which ſome of the Titles to his Statutes of the beginning of his Reign are penn'd; together with the ſilence of *Matt. Weſtminſter*, and ſome other Hiſtorians, who have written this King's Life and Actions concerning the *Commons* being preſent in Parliament, and barely calling it Parliament, without any particular recital of the Conſtituent Members of it, have given Dr. *Brady* ſome occaſion to believe, that they were not ſummon'd again till the Fiftieth Year of this King; however, I hope I ſhall from the Titles to certain Statutes, as well as from other Records and Hiſtorians, prove, that the Doctor was miſtaken, and has lead divers well-meaning Men into the ſame Error.

I ſhall begin with the Firſt of this King's Reign we are now treating of; and here we find, that not long after the Nobility had met at the *New-Temple*, *London*, to recognize and ſwear Allegiance to Him, the Conſervators or Regents of the Kingdom, ſummon'd a Convention or Great Council of all the Eſtates at *Weſtminſter*. *Thomas Walſingham* indeed takes no notice of this Meeting, but *Wikes*'s Chronicle, and the Annals of the Church of *Worceſter*, which were both written in this King's Time, give us a large Account of it, almoſt in the ſame words, which I ſhall faithfully tranſlate as follows; ' The Guardian's of the Kingdom having ſum-
' mon'd all the Eſtates thereof to meet at *Weſtminſter*, there Aſſem-
' bled the Archbiſhops, Biſhops, Earls, Barons, Abbots, Priors, as
' alſo *four Knights* for each County, and *four Citizens* out of each
' City, and did all in the preſence of the Lords, *William* Archbiſhop
' of *York*, *Robert de Mortimer*, and *R. Burnel*, Clerk, take an Oath
' to the Lord *Edward*, as King of this Land, as alſo firmly and truly
' to keep the Peace of the Kingdom.

This Great Council or Convention, as I ſaid, is not mention'd by *Walſingham*, tho' it is by *Matt. Weſtminſter*, but he barely ſays in general, without naming any particular Degrees or Orders of Men, that the *Nobiliores Regni* were ſummon'd to it: Now under this Title we often find, not only the higher Nobility, but the *Commons* to be comprehended; which alſo ſhews, that the Arguments brought by Mr. *Pryn* and Dr. *Brady*, from *Matt. Paris* and this Author, for their only mentioning the *Nobilitas* or *Nobiles Regni*, to be ſummon'd to divers Parliaments in the Reign of *Henry the Third*, are no Proofs that the *Commons*, as well as the Biſhops and Temporal Lords were not comprehended under that Title, which I ſhall prove more at large by and by, when I come to anſwer the Doctor's Arguments.

The * Reverend Author of *the State of the Church* will not allow 'theſe four Knights to be any other than Tenants *in Capite*, whom 'this Convention of *Nobles* thought fit to call, to ſecure the Right 'of the King, and Peace of the Kingdom; and therefore will not give it the Name of a Parliament, but only of a *Convocation*, as the Annals of *Waverly* call it: I ſhall not diſpute about Words with him, but that it was a Great Council of the Kingdom aſſembled upon an extraordinary Occaſion, tho' after an unuſual manner, is very certain, for *Matt. Paris* calls it a *Council*, as I have already noted; and ſince the Doctor has thought fit to ask his Antagoniſt ſeveral Queſtions about theſe *Repreſentatives* of Counties and Cities, I will ſet them down, and make bold to anſwer them on his behalf, till he is at leiſure to do it himſelf: Firſt, the Doctor asks, if this were a Parliament, how the *City-Repreſentatives* came to be called *Knights*, and not by their proper Term of *Citizens*? Secondly, how the *Boroughs* came to be forgotten?

To the firſt of theſe Queries I anſwer thus, that there is no neceſſity of conſtruing this word *Quatuor* here ſet alone without a Subſtantive, by four Knights; for who can ſuppoſe ſo many Knights, or conſiderable Tenants *in Capite*, to have been in every City of *England*, eſpecially in the ſmaller ones, ſuch as *Litchfield*, *Hereford*, *Worceſter*, &c. and that in the firſt Year of this King's Reign? Therefore I do believe, that the beſt way to Solve this Difficulty, is, to ſuppoſe the Word, *Cives*, to be here either left out by the negligence of the Tranſcribers, or elſe to be underſtood according to the Subject (*viz.* the *Cities* who ſent thoſe Members) of which theſe Authors are treating; ſince none can imagine, that all the Cities of *England* could afford four Knights apiece. And as to his ſecond Query, I think it may be anſwer'd thus, that this being no formal Parliament to give Money, or enact Laws, the Regents of the Kingdom might think it not worth while to ſummon the *Burgeſſes* of all the Boroughs in *England* to come up to this Aſſembly, only to recognize and ſwear Allegiance to the King; and yet that they might be ſummon'd to Parliaments properly ſo called, when any General Aid was to be given, eſpecially upon all Moveable Goods, in which Grants they were particularly concern'd. But now I deſire I may take my turn, and ask the Doctor a few Queſtions concerning his Aſſertions; as in the firſt place, how he knows or can prove theſe *Milites* to have been the King's Tenants *in Capite*, under

the

* P. 216.

the Degree of Barons, and only call'd up by the *Nobiles*, and not choſen by their particular Counties? *2dly.* If they were ſo call'd up, how without any Election,they could repreſent any Body, but themſelves? *3dly.* As to theſe City-Members, whom he will have likewiſe to be Knights, (and I ſuppoſe Tenants *in Capite* as well as the former) how he can make it out that there were Tenants *in Capite* in all the Cities in *England*, ſince ſeveral of them never held of the King at all, but of Biſhops or Great Lords, as I have already ſhewn? now if the Doctor pleaſes to give us a full Anſwer to theſe few *Queries*, he may perhaps find himſelf under greater Difficulties, than Mr. *A.* or I can be in anſwering thoſe he has there put.

However I ſhall make no other Uſe of this Great Council or Convention, but leave it to the Judgment of the indifferent Reader, whether it be at all probable, that if all the leſs Tenants *in Capite* had been ſummon'd to all Parliaments held in the Reign of the late King, (the laſt of which was but three Years before his Deceaſe) that at this Council held during the new King's Abſence, when Affairs were as yet unſetled, the Guardians of the Kingdom ſhould preſume to exclude almoſt all theſe Tenants *in Capite* from the Great Council above-mention'd, and ſummon'd no more than four of them, out of each County, to repreſent all the reſt? but if theſe Knights were choſen in the County-Courts by all the Suitors to it, (as it is moſt likely they were) then there is no neceſſity to ſuppoſe them to have been all Tenants *in Capite* any more than they are now; there being no Clauſe in the Writs of the Forty ninth of *Henry the Third*, or in any other part of the Reign we are now treating of, that directs they ſhall be Tenants *in Capite:* And that the contrary was practiſed, I ſhall prove hereafter. In the mean while I ſhall return to the Hiſtory of the Parliaments of this Reign. Preſently after the King's return, *viz.* in the Year 1274, he ſummon'd his Parliament at *Weſtminſter*, the * Title of which runs thus: *Theſe are the Eſtabliſhments of King* Edward, *the Son of King* Henry, *made at* Weſtminſter, *at the firſt General Parliament after his Coronation, on the morrow of the cloſe of* Eaſter, *in the third Year of his Reign, by his Council, and by the Aſſent of the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and the* whole Commonalty *of the Land, thither ſummon'd.*

* *Vid.* Raſtal's *Statutes.*

In the French, toute la *Communalte* de la Terre.

Dr. † *B.* in his Paraphraſe upon this Statute, according to his uſual manner, ſuppoſes, by the *Commonalty* of the Land, is to be underſtood, *the leſs Barons or Tenants* in Capite; 'tis true, that the Writs of Summons to this Parliament are loſt, which gives the Doctor this Confidence; but ſince I have already proved, that by the Words *le Comun* and *Comunitas*, &c. are to be underſtood the *Commons* as repreſented by *Knights*, *Citizens* and *Burgeſſes* in Parliament, and that they were alſo ſummon'd to the laſt Great Council; I cannot ſee any reaſon why theſe Words *et toute la Communalte de la Terre* ſhould not have the ſame ſignification, as the like *French* and *Latin* Terms in the laſt King's Reign: But the moſt expreſs Authority that we have to bring againſt the Doctor's Opinion, and to prove that the *Knights*, *Citizens*, and *Burgeſſes* were actually ſummon'd to Parliaments, or Great Councils of the Kingdom, within the firſt eighteen Years of this King's Reign, wherein he ſuppoſes them to have

† *B. A. P. p.* 146.

have been excluded, appears from *Thomas Walſingham* and other Hiſtorians, and thoſe ſufficiently confirm'd by a Writ of Summons to a Parliament at *Shrewsbury*, in the eleventh Year of this King, (for ſo our Hiſtorians call it) wherein *David*, Brother to Prince *Llewellyn*, was ſentenc'd to be drawn, hang'd, and quarter'd, by all the Temporal Eſtates of the Kingdom.

But before I come to the matter it ſelf, I ſhall for the better underſtanding of this remarkable Tranſaction, give you the precedent part of this Hiſtory, which is thus: It appears by a Writ of the 11th of King * *Edward* I. to the Archbiſhop of *Canterbury*, acquainting him with the Rebellion of *Llewellyn* Prince of *Wales*, that He (the ſaid King) *de Concilio Prælatorum*, *Procerum*, *&* *Magnatum Regni*, *necnon* totius Communitatis *ejuſdem*, (which can mean nothing leſs than a Parliament) had reſolved to put an end to this *Welſh* Rebellion; ſo that it ſeems this War had been concluded on at the Parliament held the Year before, which was here mention'd in this Record; and which that Valiant and Fortunate Prince effectually put an end to, by the total ſubduing of *Wales*, and the killing of *Llewellyn*, whoſe Head was cut off, and ſent to *London*; the Particulars whereof are related by *Knighton*, as well as other Hiſtorians, at large; and alſo that preſently after *David*, the Brother of this *Llewellyn*, (the Cauſe of all theſe Miſchiefs) was *in magno Parliamento apud* Shrewsbury, condemned, and afterwards drawn, hang'd and quarter'd.

* *Rot. Walliæ m.* 2. *Dorſo.* See it at large in the *Append.*

Walſingham is indeed more ſhort in the Relation of this Parliament, and only ſays, that in the Eleventh of *Edward* I. *habitum eſt Parliamentum apud* Salopiam, in which this *David* was condemned and executed; but *Thomas Wikes*, who lived at this very time, in his Chronicle, will better inſtruct us, than either *Walſingham* or *Knighton*, and his Account of this Parliament is as follows.

† *Circa Feſtum Sancti* Michaelis *Rex convocari fecit apud* Salopeſberiam *Majores Regni ſui*, *&* *Sapientiores tam de Civibus*, *quam de Magnatibus*, *&* *fecit illuc adduci* David, *qui apud* Rothelan *fuerat Captivatus*, *ut ſuper exigentiam Delicti ſui*, *Corporale ſubiret Judicium*, &c. and then relates particularly the manner of his Execution; from which Paſſage we may obſerve, that this Author makes it plain, who were the *Communitas Regni* mention'd in the former Record of the Eleventh of this King; and who conſtituted this Great Parliament at *Shrewsbury*, viz. the *Majores* and *Magnates Regni*, which laſt, as I have often ſaid, takes in the *Knights* of *Shires*, and the beſt of the *Citizens* in Parliament.

† *T. W. ad An.* 1282. but it is a Miſtake, for indeed it was 1283. *p.* 111.

Quod morte quaſi varia interiret, primo Equis diſtractus, ſecundo ſuſpenſus, tertio decollatus, &c.

* But all this is confirm'd beyond Diſpute from the ſame *Welſh* Roll, in which there is enter'd at large a long Writ of this 11th Year of *Edward* I. whereby all the Earls and Barons of the Kingdom are ſummon'd to meet the King at a *Colloquy* or Parliament, to be held at *Shrewsbury* the morrow after *Michaelmas*-day; and there is on the ſame Roll a ſecond Writ directed to ſeveral Cities and Boroughs, for electing *two Citizens*, and *two Burgeſſes*, to this Parliament, with a void ſpace to inſert more Names, had the Clerks thought fit to enter them; and alſo a third Writ is directed to the Sheriffs of every County of *England*, to cauſe to be choſen *two Knights pro Communitate ejuſdem Comitatus*; and laſtly, there is a fourth

* *Rot. Walliæ Ibid.*

fourth Writ directed to the Juſtices and Others of the King's learned Council, with the ſame Preambles to each of them, being commanded to appear at the ſame time and place: The chief Buſineſs of all theſe Summons was about that Traytor *David*, and they met accordingly, and agreed upon that Judgment as is already mention'd.

This Record was diſcover'd by Mr. *Petyt*, the preſent Keeper of the Records in the *Tower*, not long after he came into that Office; but whether Dr. *Brady* ever found it or not, I cannot affirm; but thus much is certain, that it did not well become him to be ſo confident in a falſe Opinion, before he had ſearch'd the Records that were in his keeping, and ſeen whether there was not ſufficient Evidence to prove he was miſtaken.

But to deal ingeniouſly, I have heard from ſome of the Doctor's Friends, that he was not convinced by this Authority; becauſe he ſaid, it was not a true Parliament, but only a Colloquy or Treaty with the *Earls* and *Barons*, and *Knights* of *Shires*, with ſome of the *Citizens* and *Burgeſſes*, concerning what was to be done with this *David*; and beſides it doth not appear by theſe Writs above cited, that the Biſhops or any of the Clergy were ſummon'd to be there; ſo that if this were no Parliament, they will have his Aſſertion to be ſtill true, that the *Commons* were not ſummon'd to Parliament from the Forty ninth of *Henry* the *Third*, to the Eighteenth of this King.

Having given you all I know which can be objected by the Doctor, or his Friends, againſt this Parliament at *Shrewsbury*, I ſhall now conſider the Force of this Objection; firſt then, I have all the Hiſtorians on my ſide, who call this a Parliament; and certainly it doth as well deſerve this Title, as that at *Salisbury* in the Twenty fifth Year of this King, which was held *excluſo Clero*, as you will find in the preceding Hiſtory under that Year; and this was done by the King's ſole Prerogative. But the true Reaſon, why the Biſhops and Abbots were not ſummon'd to this Parliament, was, becauſe the Buſineſs they met about was to paſs Sentence upon this Prince *David*, which being a matter of Blood, all Eccleſiaſtical Perſons were forbid to meddle therewith, as appears by the Conſtitutions of *Clarendon*, which you may find in the Reign of *Henry* the *Second*.

But to comply with the Doctor's Opinion as far as is poſſible; ſuppoſe we ſhould admit at preſent, that this Aſſembly at *Shrewsbury* was no true Parliament, but only a Colloquy or Treaty, held by the King with the *Earls*, *Barons*, and *Commons* of the Kingdom, to give their Judgments in a particular Caſe; yet however, it cannot be denied, but that it was a *Great Council* of the Kingdom: And then can any Man imagine, that the King ſhould think it worth his while to ſummon the *Knights*, *Citizens*, and *Burgeſſes*, to ſuch a Council, where the Advice of the Tenants *in Capite* (if they had been then in Uſe) would have done the Work full out as well, if not better, unleſs they had been wont to have been formerly ſummon'd to Parliaments, from the beginning of his Reign, for the giving of Aids, and conſenting to Statutes; for certainly if they were ſummon'd to Leſs Councils, they had a much greater Right to appear at the Greater: But ſince my firſt writing of theſe Sheets, I find the learned * Doctor *Wake* to have a ſingular Opinion of his own concerning

* Rights of the Church, *&c.* p. 223.

cerning this Matter, ‘ for he will not allow this Aſſembly at *Shrewſ-* ‘ *bury* to be a *Great Council* of the Nation for the publick Affairs of ‘ State, but only a *Lay-Court* for the Tryal and Condemnation of ‘ that unfortunate Prince. But I muſt beg this Reverend Author's Pardon if I differ from him in this, and that for the following Reaſons; *Firſt,* Had it been only a Court erected for this Tryal, there had been no need to ſummon any *Commoners* at all to it; for Prince *David* having been made a Baron of *England*, and having an Eſtate in Lands given him to be held by that Tenure, the *Peers* alone had been his proper Judges, and the *Commons* had nothing to do in it. But, *Secondly*, It appears by the Writ above-mention'd to the *Knights* and *Citizens*, &c. that they were not ſummon'd only to try this Prince, but to adviſe the King what was to be done with him; for he being a Perſon of that High Quality, and born in *Wales* out of his Territories, the King would not proceed againſt him, without the Conſent and Advice of the Lay-Eſtates of his whole Kingdom; and if they met and gave their Judgment in it, this was certainly a great Affair of State, paſſed in a *Great Council*, and not barely the trying and condemning of a Criminal, in which (as a Court of Judicature, and not as a Parliament, or Great Council) the *Commons* had nothing to do.

I need not (I think) perſue this Point any further, ſince there was but only One Parliament more, *viz.* that of *Weſtminſter* the *Third* held in the fourteenth of his Reign, between the eleventh and eighteenth Years of this King; the Title of which is very ſhort, and doth not expreſs all the conſtituent Members whereof it conſiſted; but 'tis more than probable, that there was no Alteration made in the Members of it, but that they were the ſame ſort of Men who were ſummon'd to the Parliament or Coloquy laſt mention'd. There were divers other Parliaments held in this King's Reign, in the Titles to which, ſince the *Commons* are not expreſly named, and from thence Dr. *Brady* hath taken an occaſion to urge thoſe Titles as ſo many Arguments to prove, that they were not ſummon'd to them, becauſe they are not particularly ſet down; I ſhall leave the conſideration of thoſe Statutes, until I come to the *Second Part* of this Treatiſe, to anſwer the Doctor's Arguments, whereby he pretends to prove, that the *Knights* of *Shires* were not ſummon'd, from the beginning of this King's Reign, until the eighteenth, nor any *Citizens* and *Burgeſſes*, till the twenty third Year of his Reign; tho' I think, by what hath been already ſaid on this Head, that Conceit of his is ſufficiently confuted.

In the mean time I ſhall proceed to the third General Head, which was to prove, that the People or *Commons* of *England* have from the 23d Year of *Edward the Firſt*, claim'd this Right of being *Repreſented* by *Knights*, *Citizens*, and *Burgeſſes* by *Preſcription*, *i. e.* from Time beyond Memory; and that this Claim had been allow'd by the King and his Council, as alſo by all the Biſhops and Peers of this Realm in Parliament.

I ſhall begin with the * firſt Writs of Summons we can find of the *Commons* to any Parliament of this King's Reign, which is to the Sheriff of *Northampton*, to ſummon *two Knights* for that County, and *two Citizens*, and *two Burgeſſes* for each *City* and *Borough*

* *Clauſ.* 23. E. I. *m.* 4. *Dorſ.*

within the ſame, to appear at a Parliament at *Weſtminſter*, to be held on the *Sunday* after the Feaſt of St. *Martin* in the Winter: This bears date at *Canterbury* the third day of *October*; however, this Parliament did not meet on the day appointed by the abovesaid Writs, but was Prorogued until the *Sunday* before the Feaſt of St. *Andrew* the Apoſtle, as appears by the King's * Writ of Prorogation of it, dated at *Odmer* the ſecond day of *November*.

* *Clauſ.* 23. *Ed.* I. *m.* 2. *Dorſ. de Parliamento prorogando.*

But that this was not the firſt time that *Knights* of the *Shires* were ſummon'd to Parliament, appears by that remarkable Clauſe of, *Prout alias in Caſu conſimili fieri conſuevit*, inſerted into the Writs for their Expences of the 28th Year of this King, being the firſt that are extant on the Rolls.

Rot. Clauſ. 28. *Ed.* I. 12. *Dorſ.*

Now can any one imagine, that theſe words had ever been inſerted in this Writ, if *Knights* of *Shires* had been no longer ſummon'd to Parliament, than from the eighteenth Year of this King, from which, till the twenty eighth, there were ſcarce ten Years? and ſuppoſing there had been a Parliament held every Year (as there was not) it could not have created ſuch a Cuſtom as to have given occaſion to have inſerted the Clauſe above-mention'd in all following Writs for Expences of *Knights* of *Shires*, and alſo for the *Citizens* and *Burgeſſes*.

And tho' indeed the Writs for their Expences are loſt, till thoſe of the twenty eighth of this King, but juſt now mention'd, yet we find by the like Summons on the Cloſe-Rolls, and the * Writs to the Sheriffs, perſuant to them of the 29th, and 33d, and 34th of this King, for levying their Expences *for coming to*, *ſtaying*, *and returning from Parliaments*, the ſame Clauſe, *prout in Caſu conſimili*, &c. was ſtill inſerted, which had been ridiculous, had the Cuſtom of ſummoning the *Repreſentatives* of the *Commons* to Parliament, been of ſo late a date as Doctor *Brady* is pleaſed to conceit.

* *Vid. Rot. Clauſ.* 28. *Ed.* I. *m.* 12. *Dorſ.* 29. *Ed.* I. *m.* 17. *Dorſ.* 33. *Ed* I. *m.* 15. *Dorſ.* 34. *Ed* I. *m.* 11. *Dorſ.* 35. *Ed.* I. *m.* 14. *Dorſ.*

But that this Cuſtom could not take its riſe in this King's, or his Father's Time only, but from *Time beyond Memory*, I ſhall make out from certain other Writs entred in the old Regiſter: And the firſt is, for the Tenants of Antient Demeſne, I ſhall give it you in the *Latin* Original, as far as is neceſſary for our purpoſe, *Rex Vice-Comiti L. Salutem monſtraverunt Nobis homines & Tenentes de manerio de F. quod eſt de antiquo Dominico Coronæ* Anglicæ, *ut dicitur*, *quod licet ipſi & eorum Anteceſſores Tenentes de eodem manerio de F. à Tempore quo non extat memoria ſemper hactenus quieti eſſe conſueverunt*, *de expenſis Militum ad Parliamenta noſtra & Progenitorum noſtrorum Regum Angliæ pro* Communitate *dicti Comitatus venientium*, &c. from which we may obſerve, that theſe Tenants claim by this Writ to be acquitted from the Wages paid to *Knights* of the *Shires*, that came to Parliaments in the time of this King and his Progenitors, which muſt certainly mean as high as *Richard the Firſt* at leaſt, ſince it is ordain'd by the Statute of *Quo Warranto* made in the eighteenth of King *Edward the Firſt*, *That all thoſe who claim'd any Franchiſe or Liberty before the time of King* Richard the Firſt, *ſhall quietly enjoy the poſſeſſion of it:* And it is to be noted, that the beginning of this King's Reign was counted the utmoſt time, *à quo non extat memoria*, as it hath been accounted ever ſince for all real Actions. But to give you the reſt of this Writ, it goes on in *Engliſh* thus; *That* *whereas the Sheriff diſtrains the ſaid Tenants to contribute to the Expences of the Knights that came to the laſt Parliament, to their great Damage, otherwiſe than had been accuſtom'd in all times paſt*, omnibus temporibus retroactis fieri conſuevit, *therefore the King commands him that he deſiſt from his ſaid Diſtreſs, and do not compel the ſaid Tenants to contribute otherwiſe*, quam omnibus temporibus retroactis, *&c.* Now, tho' this Writ be entred without any King's Name, or Date, yet it appears at the bottom, that it was iſſued out by *G. L' Eſcrope* then Chancellor, and *William de Herlſton*, Clerk of the Chancery; and this muſt have been before the fifteenth of *Edward the Second*, becauſe it appears by the cloſe * Rolls of that Year, that in *December* the Great Seal was deliver'd to *William d' Ayremyn*, under the Seals of *William de Clyffe*, and the ſaid *William de Herlſton*, Clerks of Chancery, who are often mention'd in our † Records, to have been Keepers of it *pro tempore*, till the Second Year of *Edward the Third*, when the ſaid *William de Herlſton* had the ſole Cuſtody thereof committed to him. There are other * Writs of this kind upon the Cloſe Rolls, as particularly one directed to Sir *John de Cobham*, and four other Knights therein named, reciting, 'That whereas '*Simon*, Archbiſhop of *Canterbury*, claims as well for himſelf as his 'Predeceſſors, and their Tenants hitherto, *à tempore quo non extat* '*memoria*, certain Lands held in *Gavel-kind* in the County of *Kent*, 'which ought to be free from the Expences of *Knights* coming to 'all Parliaments of that King, as well as thoſe of his Progenitors; 'and then it concludes with a *ſuperſedeas* to the ſaid Sheriff, not 'to moleſt the ſaid Tenants, until ſuch time as the King be further 'inform'd, and that He, by the Advice of his Council, hath ordain'd, 'what is to be done in the Premiſes. From both theſe Writs we may draw theſe Concluſions; *Firſt*, That there was at the time of the granting theſe Writs a Claim by *Preſcription*, time out of Mind, allowed for all Tenants in Antient Demeſne, as alſo for thoſe who held of the Archbiſhop in *Gavel-kind*, to be exempted from contributing to the Wages of *Knights* of the *Shire*, or elſe theſe Petitions, and the Writs upon them had been to no purpoſe; for you muſt note, that all Tenants in *Antient Demeſne*, and in *Gavel-kind*, were made ſo before the Conqueſt, and therefore might well plead a *Preſcription*; and were it not that I ſhould be tedious, I could cite ſeveral other Writs of this kind, as alſo Pleas of certain Towns to this purpoſe, and that not long after the time the Doctor ſuppoſes the *Commons* were again ſummon'd to Parliament. And as I have now ſhewn, that the Claim of ſending *Knights* of *Shires* to Parliament was by *Preſcription*, ſo I ſhall next proceed to do the ſame for the Antient *Cities* and *Boroughs* of the Kingdom, and alſo prove, that they claim'd to ſend *Citizens* and *Burgeſſes* to Parliament by the like Right of *Preſcription*. I have a little before cited the Writs of Expences of the *Knights* of *Shires*, that came to Parliament in the 35th Year of this King; and upon the ſame Roll, there is alſo enter'd a * Writ to the Bailiffs of the Town of St. *Alban's*, commanding them to levy of the *Community* of the ſame Town for *Simon Trewisks* and *Adam Etteſtile*, their reaſonable Expences for coming to the Parliament at *Carliſle*, to treat with the King, *ſuper diverſis negotiis Nos & ſtatum Regni noſtri tangentibus*, i. e. concerning

I 2 divers

* *Rot. Clauſ.* 15. *Ed.* II. *M.* 37. *Dorſo in Scedula.*

† *Rot. Clauſ.* 3. *Ed.* III. *M.* 33. *Dorſo.*

* *Clauſ.* 50. *Ed.* III. *par.* 2. *M.* 19. *Dorſo.*

* *Rot. Claus.* 35. *Ed.* I. *M.* 14. *Dorſ.*

divers Affairs touching Us and the State of our Kingdom, for their coming, ſtaying, and returning home, *prout in caſu conſimili fieri conſuevit.* This bears date at *Lanercoſt*, the twentieth Day of *Jan.* Then below there is entred, *Conſimiles Literas habent Cives & Burgenſes ſubſcripti pro expenſis ſuis in Civitatibus*, *Burgis & Villis ſubſcriptis*, i. e. the like Letters or Writs have the *Citizens* and *Burgeſſes* under-written, for their Expences in the *Cities*, *Towns*, and *Boroughs* that there follow, ſuch as *London*, &c. And on the * Cloſe-Roll of the fifth of *Edward the Second*, there is a like Writ to the Bailiffs of the ſame Town, for levying the Expences for *Ralph Pycot* and *Peter Pycot*, who had lately come to the King to his Parliament at *London*, and concludes with the like Clauſe, *Prout in Caſu conſimili fieri conſuevit.*

* *Part 1. M. 24. Dorſ.*

But becauſe this Writ to the Bailiffs was not obſerved, the King iſſued out a * Writ to the Sheriff of *Hartford-ſhire*, reciting the aforeſaid Writ to the Bailiffs of St. *Alban*'s, and then proceeds, ‘ That ‘ whereas the Bailiffs of the Abbey of St. *Alban*'s had made a Return, ‘ that they had neither levied nor paid any Money to the ſaid *R.P.* ‘ and *P. P.* becauſe the ſaid Town is no *Borough*, but is to be Taxed ‘ with other Towns, who pay Expences to *Knights* of *Shires*, that ‘ came to Parliament *totis temporibus retroactis* (in all times paſt) ‘ but ſince it is ſhewn to the King on the behalf of the ſaid *R. P.* ‘ and *P. P.* that the ſaid Town was never accuſtom'd to pay Ex‘pences to the *Knights* of *Shires*, but is *Liber Burgus* (a Free Bo‘rough) and that they have been preſent in all Parliaments, which ‘ were ſummon'd in times paſt by Writs of the King Himſelf and ‘ his Progenitors, as other *Burgeſſes* of the Kingdom have been hither‘to accuſtom'd, the King thereupon appointed the ſaid *R. P.* and *P. P.* ‘ to appear before Him in Chancery on the Octaves of St. *Hillary*, to ‘ inform Him more fully concerning the Premiſes, and to receive ‘ what the *Court* ſhould order in that Caſe; therefore He again ‘ commands the ſaid Sheriff to give notice to the Abbot and Bai‘liffs of St. *Alban*'s, that they ſhould appear before the King in Chan‘cery, in *Quindena Paſchæ* next coming, to ſhew Cauſe, why the ‘ ſaid *R. P.* and *P. P.* ſhould not receive their ſaid Expences as ‘ *Burgeſſes* for the ſaid Town, according to the King's Command. This bears Date at *York* the 20th of *January*, *A. R.* 5.

* *Inter Brevia Regis de Anno 5. Ed. II. n. 104. apud Turrim Lond.*

There is likewiſe a † ſecond Writ on the ſame Roll, and of the ſame Year of this King, and ſeems to have been to another Parliament before this, and is directed to the ſaid Bailiffs of St. *Alban*'s, for the paying *Peter le Plomers*, and *Peter Picot*, Burgeſſes of Parliament their Wages, *prout aliàs in Caſu conſimili fieri conſuevit.* This is dated at *Weſtminſter* the 18th Day of *December*.

† *Ib. 5. Ed.* II. *M. 16. Dorſ.*

From which Writs for the Expences of theſe *Burgeſſes* we may obſerve, *Firſt*, That the *Burgeſſes* of St. *Alban*'s had their Expences for coming to Parliament, in all times aforegoing; and that this Phraſe imports no ſmall ſpace of Time, appears by the ſecond Writ, whereby they claim'd to come to Parliament in the Time of the *King Himſelf, and his Progenitors*, which may reach as high as the time of King *John*, Great Grand-father to *Edward the Second*; and laſtly, They claim'd this Privilege as being a *Free-Borough*, and not being Taxed with the County of *Hartford*. What was further done in this Diſpute between the *Burgeſſes* of this Town, and the Abbot and his Bailifs, we do not find, till the Eighth Year of this King, when they, being then hinder'd from having any Return made of their *Burgeſſes* elected to Parliament, ſollicited the King and his Council againſt the ſaid Bayliffs, as appears by their * Petition in *French*, which is found looſe among a Bundle of other Writs, and was from thence enter'd upon the Parliament † Roll of this Year in *Latin*, together with the Anſwer thereupon by the King and his Council in Parliament, I ſhall tranſlate the Subſtance of this Petition into *Engliſh*, and leave the Reader to conſult the *Latin* Original in Mr. * *Petyt*'s Rights of the *Commons*, and Dr. † *B*'s Anſwer to it. In *Engliſh* it is thus,

* *Ex Bundello Miſcelan temp. H.* 3. *Ed.* 1. *Ed.* 2. & *Ed.* 3. *in Turri London.*
† *Rot. Parl. n.* 233.
* *P.* 7, 8.
† *P.* 37, 38.

'Upon the Petition of the *Burgeſſes* of the Town of St. *Albans*,
'ſuggeſting to the King, that altho' they hold the Town aforeſaid of
'the King in Chief, and they as other *Burgeſſes* of the Kingdom,
'ought to come to the King's Parliaments, *when they ſhould happen*
'to be ſummon'd by two of their Fellow-*Burgeſſes*, *as they were uſed*
'*to do in all paſt times*, for all Services which were to be perform'd to
'the King; which Services the ſame *Burgeſſes* and their Predeceſſors,
'*Burgeſſes* of the ſaid Town, have perform'd, as is before declar'd,
'as well in the time of *Edward* late King of *England*, Father of the
'King and his Progenitors, as in the time of the King that now is,
'always before this preſent Parliament: The Names of which *Burgeſſes*
'for the ſaid Town, ſo coming to the King's Parliaments, were
'always enroll'd in the Rolls of the Chancery. Nevertheleſs the
'King's Sheriff of the County of *Hertford*, by the Favour and Procurement
'of the Abbot of St. *Albans*, and by his Advice refuſed
'to warn the ſaid *Burgeſſes*, or return their Names according to his
'Duty, that they might do their Service aforeſaid, in Contempt of
'the King, and prejudice of the *Burgeſſes* aforeſaid, *and manifeſt*
'*Danger of diſinheriting of them*, for which they crave an opportune
'Remedy.

It was anſwer'd by the * *Council: Let the Rolls of Chancery be ſearched*, &c. *whether in the time of the King's Progenitors, the* Burgeſſes *aforeſaid uſed to come or not, and then let them have Juſtice done in this matter, thoſe being call'd, who ought to be call'd if there be occaſion*; the *Latin* Words are, *vocatis evocandis ſi neceſſe fuerit.*

* *i. e.* the King's Council in Parliament.

I will give you now † Doctor *B*'s Anſwer to this Authority, wherein he ſlyly paſſes by (yet at the ſame time tacitly allows) the Claim by *Preſcription* of theſe Burgeſſes, *that they had come to Parliament in the time of King* Edward, *Father of the King and his Progenitors, as in the time of the King that now is*; but however he does whatever he can to evade the force of this Authority; and, to amuſe his Reader, finds fault with Mr. *Petyt*, that he hath conceal'd part of this Record, that the *Burgeſſes* of St. *Albans*, and of other *Boroughs* did, or ought to come to Parliament by reaſon of their Tenures *in Capite*, for that it was in lieu of all other Services perform'd to the King in reſpect of that Tenure; and then in the next Paragraph he proceeds thus, 'for 'tis evident, the *Burgeſſes* of St. *Albans* claim'd not, nor *preſcribed*, to come to Parliaments meerly as from a '*Borough*, but as from a Town that held *in Chief* of the King; and 'this Service was incident to their Tenure, *and was ſuch as the King's Pro-*

† *B. A. P. p.* 38

‘ *Progenitors had accepted in lieu of all Services due by reaſon thereof:* The Doctor has thought fit to tax Mr. *P.* for concealing that Clauſe in this Record, concerning the *Burgeſſes of* St. *Albans* holding *in Capite*, as if it were done on purpoſe, which I have no reaſon to believe, for I do not ſee what Advantage he could gain by it to the Cauſe he aſſerts; but this I am ſure of, that the Doctor hath here wreſted the Senſe of this Record, in making not only St. *Albans*, but all other *Boroughs* of the Kingdom, to have no Right to come to Parliament, otherwiſe than by reaſon of their Tenures *in Capite*, which is more than the Record it ſelf ſays; for tho' the *Burgeſſes* ſet forth in their Petition, that they hold the ſaid Town *in Capite*, and that they, as other *Burgeſſes* of the Kingdom, ought to come to the King's Parliaments, yet they do not ſay, that thoſe other *Burgeſſes* came thither as Tenants *in Capite*; and if they had, their Averment would not have been true; and the Reader may if he pleaſes compare the Original *Latin* Record, with the Doctor's own *Engliſh* Tranſlation, which I have here given, and conſider whether they agree with the Gloſs, that He hath here put upon it; and therefore what he avers from thence is likewiſe falſe, *that the* Burgeſſes *of St.* Albans *claim'd not to come to Parliaments meerly as a* Borough, *but as a Town that held* in Chief *from the King*, whereas there are divers *Cities* and *Boroughs* in *England*, which held of Biſhops and other Great Lords, and not of the King at all, as I ſhall ſhew you more at large anon. But before I do that, I cannot but take notice, that the Doctor (I ſuppoſe before he was aware) has in the laſt three Lines of this Paragraph granted the Plea of thoſe *Burgeſſes* of St. *Albans*, that this Service (*viz.* of coming to Parliament) *being incident to their Tenure, was ſuch as the King's Progenitors had accepted of in lieu of all Services due by reaſon thereof.* Now if the King and his Progenitors had thus accepted of this Service, the conſequence muſt be, that they ſent *Burgeſſes* to Parliament, not only in the time of this King, but of his Father and his Progenitors, which muſt reach as high as King *John*'s or *Henry* the *Second's* Reign: But this Conceſſion cannot agree with the Doctor's poſitively aſſerting, that the *Commons* never had any *Repreſentatives* in Parliament till the Forty ninth of *Henry* the *Third*; and that as for the *Cities* and *Boroughs*, they never ſent any *Repreſentatives* thither, till the Twenty third of *Edward* the *Firſt*, when their Firſt Writs for their being ſummon'd to Parliament are found upon the Roll, as he ſets forth in this very Anſwer to Mr. *Petyt*, and he is more poſitive in his Treatiſe of *Cities* and *Boroughs*, Page 24, 25. wherein he expreſly aſſerts, *that Citizens and Burgeſſes were firſt ſummon'd to the Parliament abovemention'd*, and alſo undertakes to give his Reaſons for this Alteration.

But to return to the Subject from whence we have digreſſed; I ſhall now ſhew the Doctor's Miſtake, and prove, that there are many *Cities* and *Boroughs* of the Kingdom, which ſend *Citizens* and *Burgeſſes* to Parliament by *Preſcription*, which yet did not hold of the King *in Capite*; and ſhall give you divers Inſtances which I received from a * Learned Friend late deceaſed, who took them out of the Rolls in the *Tower*; tho' when he ſent them me, either thro' haſt or inadvertency, he forgot to ſet down the number to moſt

of

* *Sir* J. Marſham, *the younger, Baronet.*

of ſuch *Boroughs* that never held *in Capite*, and yet always ſent *Burgeſſes* to Parliament by *Preſcription:* As *Firſt*, the Borough and Caſtle of *Arundel*, which was held of the Earl, and not of the King, being granted by *Henry the Firſt* to *Hugh Montgomery*, Earl of *Arundel. Secondly*, The City of *Bath* holds of the Biſhop of that City. *Thirdly*, The City of *Wells*, which always held of the Biſhop, and never of the King, and is therefore called *Villa Epiſcopi* in all publick Writings belonging to that Church, and was made a *Free-Borough* in the third Year of King *John*. Fourthly, *Beverly* was made ſo by *Thurſtan*, Archbiſhop of *York*, which was confirm'd by King *Henry the Third*. Fifthly, *Bodmin*, which always held of the Priors of *Bodmin* in *Cornwal*. Sixthly, *Bridgwater*, for King *John* granted to *William Brewer*, *quod Brugwater ſit liber Burgus*. Seventhly, *Coventry*, which was always held of the Earls of *Cheſter*. Eighthly, Biſhops *Lynne*, for King *John* granted to *John*, Biſhop of *Norwich*, *Quod Burgus de Lenna ſit Liber Burgus in perpetuum*. All which we find by the Writs we have left us, ſent *Burgeſſes* to Parliament as early as any that held *in Capite:* Theſe, I think, may be ſufficient to make good my Point; but I doubt not, if I had leiſure enough for it, but I could ſhew you three times as many, eſpecially in *Cornwal*, where the *Boroughs* did almoſt all hold of the Earls of *Cornwal*, and not of the King: ſo likewiſe in *Hereford-ſhire* and *Worceſter-ſhire*, where are many *Boroughs* at this Day, that hold of theſe Biſhops of *Hereford* and *Worceſter*, and not of the King.

But it is time to return to the Doctor, and give you the reſt of his Learned Obſervations upon this Petition, which are theſe: ‘And further, ſays he, the Anſwer to this Petition is remarkable, for if it did appear by the Chancery-Rolls, that the *Burgeſſes* of St. *Alban*'s were wont to come to Parliaments in the times of the King's Progenitors, *then ſuch as have been call'd, ſhould be call'd, when there was neceſſity for it.* Hence 'tis clear, adds he, that the King and his Council were *equally Judges* when it was neceſſary to call *them*, and for *them* to come, as they were of their *Right* and *Pretences* to come.

It hath been objected (ſays the Doctor) by one that ſeldom knows or underſtands what he ſays, that *evocatis evocandis*, cannot be underſtood of calling *Burgeſſes* to Parliament, but thoſe words are ſo to be interpreted, that if after the Rolls were ſearched, farther Tryal or hearing of the Parties were neceſſary, then they ſhould be call'd, and their Reaſons heard.

The Author of *Jani Anglor. ab Antiq.*

And to this he anſwers, that every Plea ought to be tryable, either by the County, if Matter of Fact; or by the Juſtices, if Matter of Law; or by the Record it ſelf, if it conſiſt in Matter of Record; for the Law doth give ſo much Honour and Credit to Records, that they ſhall be tryed only by themſelves. This Tryal therefore depending wholly upon Record, the words cannot be underſtood of calling Parties in order to any further Tryal.

Ibid. Coke's Reports, *Part* 9. the Caſe of the Abbot of *Strata Marcella.* p. 30, 31.

Yet notwithſtanding the Doctor's great Confidence, I think his Antagoniſt, whom he treats with ſo much Scorn and Contempt is in the Right; and that the words *Evocatis Evocandis*, &c. are here to be underſtood of calling the Parties or Witneſſes, if there were occaſion, and I am the more too inclin'd to believe it for theſe Reaſons: *Firſt*, From the Judgment which was given in the fifth Year of this King, when this Matter began firſt to be in diſpute between the *Burgeſſes* and *Bailiffs* of St. *Alban's*, as appears by the Writ before cited, which I need not repeat; only you may remember, that the Privilege which this Town then claim'd of ſending *two Burgeſſes* to Parliament, was acknowledg'd but three Years before, by having a Writ for the allowance of their Wages; ſo that this being a Matter of Record, it is a very proper Anſwer for the King's Council, to order the Rolls of Chancery to be ſearched; and if thoſe were not ſufficient, then *Evocatis Evocandis ſi neceſſe fuerit*, i.e. Let ſuch Witneſſes be ſummon'd as ought to be ſummon'd to prove it, if there be any neceſſity for it: So that it ſeems the Chancellor was to judge of this, for in the Record now before us, there is not one word concerning the bringing it before the *King's Council*, or of their taking upon them to do Juſtice in it, but only in general, *let Juſtice be done*, which would have been a very improper way of ſpeaking, had this Juſtice been to be done immediately before themſelves; and therefore it is a great Miſtake in the Doctor to render thoſe words *Evocatis Evocandis ſi neceſſe fuerit*, *ſuch as have been call'd, ſhould be call'd*, or *ſummon'd when there was neceſſity for it.*

Nor is the forced Inference he makes from it leſs abſurd; for, ſays he, *Hence it is clear, the King and his Council were equally Judges, when it was neceſſary to call* them, *and for* them *to come, as they were of their Right and Pretences to come*, which is directly contrary to the purport of the ſaid *Burgeſſes* Petition, who therein ſet forth, that they ought to come to the King's Parliaments when they ſhould be ſummon'd by two of their Burgeſſes, *as they were wont to do in all times paſt for all Services*, &c. which is a Claim not of Favour, but of Right, and which Claim is here admitted by the King and his Council to be good, if they could make it out; and therefore the Anſwer of the Council was, *Let the Rolls be ſearch'd, and then let Juſtice be done.* But this would have been a very impertinent Anſwer, if when the Rolls had been ſearch'd, the King and his Council ſhould have been equally Judges, not only when it was *neceſſary* to call or ſummon them, as well as other Burgeſſes to Parliament, but alſo of their *Right* to come at all; which would indeed have quite taken away all that theſe Burgeſſes then claim'd and petition'd for, and have wholly reſolv'd it into the Arbitrary Will and Pleaſure of the King and Council: And that this is ſo, I ſhall appeal to the very words the Doctor hath cited from *Cook*'s Reports, that every Plea ‘is tryable either by the *County*, if Matter of Fact; or by the *Juſtices*, if Matter of Law; or by the *Record* it ſelf, if it conſiſt in ‘Matter of Record; for the Law doth give ſo much Honour and ‘Credit to Records, *that they ſhall be try'd only by themſelves*; the meaning of which is, the Judges are obliged to give Judgment according to the Record, and not according to their own Diſcretions; ſo that if we ſuppoſe the King's Council in Parliament to have had the Rolls brought before them, and to have therein found that the Town of St. *Alban*'s, had ſent Members to Parliament time beyond Memory, I ſee no reaſon why the King's Council ſhould not have been as much obliged to allow of this Record, as the Judges in *Weſtminſter-Hall*? Nor does the King's Council refer the Deciſion to the Rolls alone, but alſo to the Teſtimony of Witneſſes, as appears by what follows, *Evocatis Evocandis ſi neceſſe fuerit*; which I take to be the true Grammatical ſenſe of theſe words, and can by no means be underſtood in that (as the Doctor would have them) of their being ſummon'd or call'd to Parliament, only when there was any need of it. Since the words *Evocatis Evocandis*, &c. can no way admit of that Conſtruction; for we find in *Pliny the Younger*, that *Evocare teſtes* is to ſummon Witneſſes; and in the Forms of the *Civil* and *Common* Law-Courts, *Evocatis Evocandis* always ſignifies the citing of the Parties concern'd, or ſuch Witneſſes as are neceſſary in a Cauſe depending, and ſo far it is intelligible; but I ſhould be very glad if any of the Doctor's Friends, to whom he left his Notes and Collections, could give us any Precedents, that *Evocare ad Parliamentum*, is ever put for ſummoning Members to Parliament; but enough, if not too much of ſuch trifling as this.

Now, to put this Matter beyond all diſpute, tho' we do not find it expreſſed in other Parliamentary Records, that upon this Plea of the Burgeſſes of St. *Alban*'s, Judgment was given for them, yet that it was more than probable, appears by another of this King's* Writs, upon the Cloſe-Roll of this Year, directed to the Sheriff of *Stafford-ſhire*, for the levying of the Expences for the Knights of that Shire, who came to the Parliament, at *Weſtminſter*, on the Octaves of St. *Hilary* laſt paſt, being 19 *l.* 10 *s.* at four Shillings *per Diem*, dated at *Weſtminſter* the ninth Day of *March*; and then follows thus on the ſame Roll, *Conſimiles litteras habent Cives & Burgenſes ſubſcripti*; then follow the Names of ſeveral Cities and Boroughs, who were to receive for each of them four Pounds ſixteen Shillings, at two Shillings *per* Day for the time they had ſerved: And, among the reſt, the like Sum was to be paid to *Thomas le Taylor*, and *William*, Son to *John* the Mareſchal, who had come as Burgeſſes from the ſaid Town to the late Parliament; ſo that from their appearing there, and having their Wages allow'd in the Parliament, immediately following the former, in which they petition'd the King and Council, it evidently proves, that their Plea had been allow'd, and Judgment given in their favour.

* *Rot. Clauſ. 8 Ed 2. M. 13. Dorſ.*

And this is ſtill further confirm'd by the Letters-Patents of the Firſt of *Edward* the *Third*, reciting and confirming a certain Indenture in *French* made between the Abbot of St. *Alban*'s, and the Burgeſſes of the ſame Town, bearing Date the *Monday* after the Feaſt of St. *Gregory* the ſame Year; wherein there is contain'd a final Agreement of all Quarrels and Diſſentions between the ſaid Abbot and Burgeſſes; and after the recital of the Bounds of the ſaid Abby, and of its particular Privileges, the Abbot does there likewiſe acknowledge, that the ſaid Burgeſſes of St. *Alban*'s, whoſe Names are there particularly ſet down, *Puiſſent de Eux-meſmes eſlire deux Burgeis d'aler à cheſcun Parlement*, that is, they were impower'd to chuſe from among themſelves two Burgeſſes to go to every Parliament; and that this was farther continued in the ſecond Year of *Edward the Third*, appears by a like Record on the ſame Roll, being a Writ for the Expences of *Roger Rayſon* and *John Sterthop*, Burgeſſes for the ſaid Town in the laſt Parliament or Treaty held at *York* the *Sunday* after St. *James's-Tide* laſt paſt. This Writ bears

Rot. Pat. 1 *Ed.* 3. *M.* 28. Pro Abbate de Sancto, Albano & Burgenſibus ejuſdem Villæ.

Rot. Clauſ 2. *Ed.* 3. *M* 16. *Dorſ.* Pro Expenſ. Burgenſium

Date at *York* the ſixth of *Auguſt*, by the *King* and *Council.* The like Writs have the Bailiffs of the Towns here ſubſcribed, *viz. &c.* So likewiſe in the fourth Year of this King there is a Writ (found among a looſe Bundle of Writs of Summons preſerved in the *Tower*) directed to the Sheriffs of *Eſſex* and *Hartford-ſhire*, ſetting forth a Writ of Summons to a Parliament at *Weſtminſter*, on the *Monday* after the Feaſt of St. *Catherine* next coming; and that two Knights for each County, and two Burgeſſes for each Borough, ſhould be choſen for the ſame. Dated at *Leiceſter* the twenty third of *October, Anno Regni Quarto, per ipſum Regem & Conſilium.* Then follow, in the ſame Record, the Names of the two Burgeſſes of St. *Alban*'s, who were there return'd; and alſo the Names of the two Manucaptors for their appearance in Parliament.

But if there had been none of theſe laſt Proofs, the Matter of Fact already cited, had been ſufficient, ſince this Plea of the Burgeſſes of St. *Alban*'s having been allow'd by the King and his Council, was enough to prove that it was true, that the antient Boroughs had a Right of ſending Members to Parliament by *Preſcription, viz. Time beyond Memory*; or elſe certainly the King's Council would have been ſo far from allowing it, that they would rather have deny'd the ground of the Claim theſe Burgeſſes then made; for had their being ſummon'd to Parliament been of no longer Date than the twenty third Year of the laſt King's Reign, it would not from that time to the eighth of *Edward the Second*, have been full twenty Years, which being within the Memory of all the Councellors there preſent, they would certainly have rejected this Plea as ridiculous, becauſe they themſelves could very well remember, when *Citizens* and *Burgeſſes* had been firſt ſummon'd to Parliament, except only once in the forty ninth of *Henry the Third*, which yet was not fifty Years before that very time, when this Diſpute happened between the Burgeſſes and Bailiffs of St. *Alban*'s, and ſo might alſo have been within the Memory of divers of the Members of that Council, who might very well be about threeſcore Years of Age, and have remember'd when no Cities or Boroughs ſent Members to Parliament at all.

I have been the more particular in the Account of this Tranſaction, becauſe not only this antient Borough of St. *Alban*'s, but every other City and Borough in *England*, that claim'd to ſend Burgeſſes to Parliament by *Preſcription*, might have made the like Plea, and have obtain'd the like Judgment in caſe their Right had been queſtion'd.

I ſhall in the next place proceed to ſhew you, that not only the King and Council, but the Earls and Barons themſelves, have declar'd their Judgment that the *Commons* in Parliament were of the like ſtanding and Antiquity with themſelves; and this I ſhall prove from two remarkable Inſtances; the firſt is, that memorable * Record of Parliament in the Fortieth of *Edward* the *Third*, when 'the Pope demanded of Him the Arrears of the Tribute, or Penſion formerly granted by King *John* to his Predeceſſors; whereupon after full Deliberation in Parliament, the Prelates, Lords, 'and Commons, reſolved with one accord, *That neither the King 'nor any Other could put the Realm (or People thereof) into ſuch Sub-'jection*

* Rot. Par. 40. Ed. 3. n. 7.

'*jection*, ſanz Aſſent de Eux, *i. e.* without their Aſſent, *viz.* as well of the *Commons*, as of the Lords; And further that if He had ſo done, it was done *ſanz lour Aſſent*, and contrary to that King's Coronation-Oath, *&c.* Now what can be more plain, than that above three hundred Years ago, there was not the leaſt Diſpute, whether the Commons of *England*, as well as the Lords, ought to have been preſent in the Common Councils of the Kingdom in King *John*'s Reign, but an owning that they ought to have aſſented to that King's Reſignation, to render it legal and valid, as well as the Prelates, Earls and Barons.

To this Authority, I ſhall give you the † Doctor's Anſwer in his own Words, *viz.* All that the Reſolution of this Parliament proves in this Caſe, is, that King *John* could not ſubject Himſelf, his Realm, or People, without the Aſſent of a Parliament, but proves not, who they were, that in ſuch Caſes, *or at that time*, gave or deny'd their Aſſent, or how they did it, or whether One hundred fifty three Years before this Reſolution, the *Commons* were repreſented by Knights, Citizens, and Burgeſſes, as they were when this Reſolution was given; and the Prelates, Earls, and Barons, gave their Aſſent firſt, that ſuch a Subjection could not be made without their Aſſent; and then the Commons were ask'd, what their Thoughts were, and they anſwered in the ſame manner, and in the ſame Words as the Barons had done, and when they anſwer altogether, they do it in the ſame Form of Speech conceiv'd, firſt by the Barons, without any conſideration whether the *Commons* were the ſame Body of Men, at the time of executing the Charter of King *John*'s Subjection, *&c.* as at that preſent or not.

† B. A. P. p.

This Objection of the Doctor's not being at all ſatisfactory, I think there may be this Reply made to it; if there is no credit to be given to this Reſolution of both Houſes of Parliament, laid down in ſo ſolemn a manner, I know not how they cou'd be believed in any thing elſe they declared, if once the *Commons* are ſuppoſed to ſpeak like Parrots after the Lords, without conſidering what they ſaid. And tho' the firſt Propoſal of this matter was by the King to the Lords, yet the Pope then threatning to *Excommunicate* Him, and put the whole Realm under an *Interdict*, it was certainly the Intereſt as well of the *Commons* as the *Lords* to avoid the Blow by a wary and true Anſwer to the Pope's Demands; for had their Anſwer been ſo idle and frivolous, as the Doctor would make it, it had been Advantage enough for his Sanctity to have return'd in anſwer to this Letter, (had what the Doctor alledges been true) that the upſtart Houſe of *Commons* had nothing to do to meddle or treat of any ſuch matter, ſince they were none of the Parties to the Agreement, nor any Members of the Common Council of the Kingdom at that time when King *John* reſign'd his Crown, and made Himſelf and Kingdom tributary to his Holineſs's Predeceſſor: Nor was the ſpace of an hundred fifty three Years (from the time of King *John* to the Fortieth of *Edward* the *Third*) ſo far beyond the Memory of Man, that ſo remarkable a Tranſaction could not be well known to the Pope, as well as to the Houſe of *Commons* then in being, ſince the calling them to Parliament fell out but in the time of their Grandfathers at furtheſt, and therefore almoſt to be forgot by all then living.

I ſhall now proceed to my laſt Authority, (tho' of ſomewhat a later Date, which is from the ſame * Author from whom I have borrow'd the former, and it is the Senſe of the Houſe of *Commons*, in the Second Year of *Henry* the *Fifth*, in their Petition preſented to Him in theſe Words, *Our Soveraign Lord the King, your humble and trewe Lieges, that ben come for the* Comens *of your Lond, byſechin unto your riht Wiſeneſſe, that ſoo as hit hath ever be thair Libertie and Freedom, that there ſhould noo Statute, noo Law be made, of leſs then they yaf thereto their Aſſent, conſidering that the* Comens *of your Lond, the which that is, and ever hath be a Member of your* Parliament, *been as well Aſſentirs as Petitioners, that fro this time forward by Compleint of the* Commune *of eny Miſchief, asking remedy by mouth of their Speaker for the* Comens, *outherelſe by* Petition *written, that there never be noo Law made thereupon, and ingroſſed as Statute and Law, neither by Additions, neither by Diminutions, by no manner of Terme ne Termes, the which ſhould change the Sentence, and the Intent asked by the Speaker's mouth, or the* Petitions *by foreſaid yeven up in wryteing by the foreſaid, without Aſſent of the foreſaid* Comens, *&c.* the reſt, as not ſo much to the purpoſe, I omit: Now that this Petition was allow'd by the King and Lords, appears by the Anſwer to it in theſe Words: *The King of his Grace eſpecially granteth, that from henceforth, nothing be enacted to the Petitions of his* Commune *that be contrary of their asking, whereby they ſhould be bound without their Aſſent, ſaving always to our Liege Lord his* † Real *Prerogatyf to grant, and deny, what Him luſt of their Petitions, and Askings aforeſaid.*

* *P.R.C.p.*35.

Rot. Parl. 2 *H.* 5. Part 2. n. 22.

† *i. e.* Royal.

I ſhall now give you Dr. *B*'s Anſwer to this Objection, and that too in his own Words, *viz.* 'That * the Deſign of this Petition 'was not to ſet forth the Antiquity of the Exiſtence of the *Commons*, but their Right, that nothing might be enacted without their 'Aſſent, contrary to their intent and liking; and to ſhew that it 'was never done, ſince they were (as they ſay) a Member of Parliament, therefore 'tis needleſs to prove that which no Body denies, that the *Aſſent of the Commons* was then, and is now required 'to the making of all Statutes and Laws; for pray give me leave 'to ask you, What, were the *Commons* of *England*, as now repre'ſented by Knights, and *Citizens*, and *Burgeſſes*, *ever* an eſſential, 'conſtituent part of the Parliament from Eternity, before Man was 'created? Or have they been ſo ever ſince *Adam*? Or ever ſince *England* was peopled; Or ever ſince the *Britains*, *Romans*, and *Saxons* 'inhabited this Iſland? Certainly there was a time when they began 'to be ſo repreſented, and that is the Queſtion in diſpute.

* *B.A.P. p.* 86.

This Anſwer of the Doctor's is indeed rather a Cavil than a fair and ingenuous Reply; for who can imagine, that the *Commons* ever pretended to come to Parliament before Parliaments were in being? but only ever ſince they were inſtituted? and to ſhew you the Abſurdity of the Doctor's Queries, I ſhall alter the Caſe, and ſuppoſe, that when the *Biſhops* in the Year 1641, were to be excluded the Houſe of Lords by a Bill brought up by the *Commons* for that purpoſe, they had put in a Petition to the two Houſes of Parliament, ſetting forth their antient Right to be Members of that Aſſembly, in theſe or the like Words, *That they had been ever or always ſummon'd to* Parliaments; would it have been a fair Anſwer of the Houſe of Lords or Commons, to have aſk'd them, whether they were as antient as *Adam*, or ever ſince the Iſland had been inhabited? ſince every one knows, that general Words are always to be underſtood, not literally, but according to the Intent and Meaning of thoſe that ſpeak them, and that is, generally.

But I ſhall now ſay ſomewhat to that part of the Doctor's Anſwer, which has ſome more weight, *viz.* that the King and Lords did not allow their whole Petition, for their Intent and Meaning was no more, than that nothing had been enacted without their Conſents, ever ſince they had been ſummon'd to Parliament; and therefore the King had no reaſon to give an Anſwer to any more of it, without taking notice of the reſt. To which it may be reply'd, that this is a very forced Interpretation, becauſe the Commons Aſſertion is poſitive, who affirm, *that they had ever been a Member of Parliament*; and if the King and Lords had not been ſatisfied with the truth of this, it had been very proper for them to have told the ſaid Commons, that they were very preſumptuous in going about to impoſe upon the King, ſeeing that it was not an Hundred and fifty Years, ſince they were firſt ſummon'd to appear there.

But indeed the King and Lords were very well ſatisfied, that this was not the firſt time they had put in this Claim; for it appears upon the Parliament * Rolls, that they had made a like Declaration in the time of his Grandfather King *Edward* the *Third*, wherein they ſaid peremptorily, *they would not be obliged to any Statutes or Ordinances made without their Conſents.* Of the like nature to which, I could alſo give you another Inſtance in the Reign of *Richard* the *Second*, were not what I have already ſaid, ſufficient upon this Subject.

* *Rot. Parl.* 18 *Ed.* 3. *m.* 6.

And now I come to the fourth and laſt General Head, to give you the Teſtimony of divers learned Antiquaries, who are all of this Opinion, and aſſert this to be the Antient Rights of the *Commons* of *England* by *Preſcription*, both before and ſince the pretended *Conqueſt*.

I begin with the Authority of the antient Treatiſe, call'd, *Modus tenendi Parliamentum*; and tho' I am ſatisfied by the Arguments brought by Mr. *Selden* in his *Titles of Honour*, that it is not of that Antiquity as Sir *Edward Cook* and others have ſuppoſed it to be, yet it is certainly as antient as the Reign of *Edward the Third*, as is viſible by the hand of that Copy, ſtill preſerved in the *Cottonian* Library; and alſo tho' I grant the Author of it was miſtaken, in ſuppoſing that the manner of holding Parliaments in his own time, was as antient as King *Ethelred* Father to *Edward* the *Confeſſor*, and conſequently, that the ſummoning the *Commons* to Parliament by *Knights*, *Citizens*, and *Burgeſſes*, according to the Form there ſet down, was of the ſame Antiquity; yet that it was then very antient, appears by his repreſenting the *Commons* to be ſummon'd to Parliaments, *Time beyond Memory*; which certainly he would never have done, had their firſt ſummoning been then known to be no Antienter than the Forty ninth of *Henry* III. at the furtheſt, from which time down to the middle of the Reign of *Edward* III. (when we may ſuppoſe this Author to have wrote) there was not Ninety Years. And if it was not within the Memory of any Man then living,

ving, yet was it, to be ſure, within that of their Fathers, who ('tis not likely) would omit telling their Children of ſo remarkable an Alteration in the Government, as the excluſion of all the leſs Tenants *in Capite*, and the ſummoning of *Knights*, *Citizens*, and *Burgeſſes*, to future Parliaments in their ſteads: But if this Alteration was made about the middle of *Edward the Firſt's* Reign, (as Dr. *Brady* ſuppoſes) it will be about twenty Years later than the time Sir *Henry Spelman* and Mr. *Pryn* allow it.

I ſhall next proceed to that Learned Antiquary Mr. *Lambard*, who was certainly the beſt vers'd of any one in his time in the *Engliſh-Saxon* Laws and Antiquities; and ſince his Opinion is clear for the Right of the *Commons* to appear in Parliament by *Preſcription*, even before the ſaid *Conqueſt*, I ſhall give you his Senſe of it, out of that little, but Learned Treatiſe, called his *Archeion*, in theſe Words:

'That whereas in the beginning of the Laws (*viz.* thoſe made by 'the *Saxon* Kings he there mentions) all the Acts are ſaid to paſs 'from the King and his Wiſe Men, both of the *Clergy* and *Laity*, 'each Statute being pen'd thus, and it is the *Sentence of our Lord and* '*his Wiſe Men*; ſo that it appears, that it was then a received Form of Speech, to ſignify both the Spiritualty and Laity (that is to ſay, the Greater *Nobility*, and the leſs *Commons*) by this one Word *Wites*, *i. e.* Wiſemen.

'Now as theſe written Authorities do undoubtedly confirm our 'Aſſertion of the Continuance of this manner of Parliament, ſo is 'there alſo unwritten Laws, or Preſcription, which do no leſs infallibly uphold the ſame; for it is well known, that in every 'quarter of the Realm, a great many *Boroughs* do yet ſend *Burgeſſes* to the Parliament, which are nevertheleſs ſo Antient, and 'ſo long ſince decay'd, and gone to Ruin, that it cannot be ſhew'd, 'they have been of any Reputation ſince the *Conqueſt*, and much 'leſs that they have obtain'd this Priviledge, by the Grant of any 'ſucceeding King: So that the Intereſt which they have in Parliament groweth from an antient Uſage before the *Conqueſt*, 'whereof they cannot ſhew any beginning. And this is alſo further confirm'd by a contrary Practice in the very ſame thing; for 'it is well known, that the Tenants of *Antient Demeſne* do preſcribe 'in *not ſending* to the Parliament; for which reaſon alſo, they are neither Contributers to the Wages of the Knights of Shires, neither 'are they bound by ſundry Acts of Parliament, tho' they be generally penn'd, and make no Exceptions of them. But there is no '*Antient Demeſne*, ſaving that only which is deſcribed in the Book 'of *Doomeſday*, under the Title of *Terra Regis*, which of neceſſity 'muſt be ſuch as either was in the hands of the *Conqueror*, who 'made the Book, or of *Edward the Confeſſor*, that was before him. 'And ſo again, if they of *Antient Demeſnes* have ever ſince the Conqueſt preſcribed not to elect and ſend Burgeſſes to the Parliament, 'then (no donbt) there was a Parliament before the *Conqueſt*, to 'the which Other Places did ſend their *Burgeſſes*.

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† *Page* 589.

tereſt, thoſe Tenants *eo nomine* had in Parliament, who doubtleſs were the Perſons excluded from it, whenever any ſuch Law was made; where, tho' I confeſs he is of Opinion, that the Tenants *in Capite* were at firſt Barons, equally with the Earls and Greater Barons, and as ſuch were Members of all Parliaments, yet he ſuppoſes they were excluded from them long before the Forty ninth of *Henry the Third*, and conſequently the *Knights* of *Shires* muſt have come thither in their rooms.

I ſhall conclude with Sir *William Dugdale*'s Opinion in his *Origines Juridiciales*, who tho' he was poſſeſt with the ſame Notions, as Dr. *Brady* has ſince taken up, concerning the *Commons* not being ſummon'd to Parlirment until the Forty ninth of *Henry the Third*, yet in the main he alloweth them to have been repreſented *after the ſame manner*, tho' not by Members of their own choice; and he is ſo far convinc'd by the Authorities of divers Antient Writers, as to grant, *that there were* Repreſentatives *of the Commons*, *who* Page 15. *were ſummon'd to Great Councils*, as appears by his own Words in the beginning of that Treatiſe; where citing the *Saxon* Chronicle, that King *William* I. held his Courts or Councils three times in the Year, with all the Potent Men throughout *England*, *viz.* Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons and Knights, whence (ſays he) ‘it may be inferr'd, that if thoſe Meetings were his *Communia Concilia*, (as doubtleſs they were) then did ſome of thoſe repreſent the *Common People*, for that they were *repreſented* in his Great Councils, ſeems clear to me, partly from this Obſervation of *Roger Hoveden*, that King *William* in the Fourth Year of his Page 301. Reign, by the Council of his Barons, cauſed Twelve Wiſe and Noble *Engliſhmen* out of each County in *England* to be ſummon'd, that he might learn from them the Laws and Antient Cuſtoms thereof. I have not made uſe of this Teſtimony my ſelf, becauſe I am not ſatisfied whether thoſe Twelve Perſons were ſummon'd to a Great Council as *Repreſentatives* for the *Commons*, and therefore I ſhall more inſiſt upon the next Authority, he cites from *Sculcardus*, a Monk of *Weſtminſter* his Chartulary, concerning thoſe Perſons that were ſummon'd by the ſame King, from ſeveral Counties and Cities of *England*, for the Confirmation of the Charter of Privileges, that He had lately granted to the Abbey of *Weſtminſter*, which ſince I have cited in the beginning of this Diſcourſe, I ſhall but barely mention here, and only take notice, that this Learned Author has granted enough for my purpoſe, that the *Commons* appear'd in Parliaments not long after the *Conqueſt*.

THE

THE

SECOND PART.

I Shall now go on to the laſt Part of my intended Deſign, which is fairly to repreſent the moſt conſiderable Arguments and Authorities that have been produced by Sir *H. Spelman*, Dr. *Brady*, and others, whereby they would make out, that the *Commons* were never *Repreſented* by Members of their own chuſing, before the 49th of *Henry the Third*, and as Dr. *Brady* ſuppoſes, were omitted to be any more ſummon'd, till the 18th of *Edward the Firſt*; but that the *Cities* and *Boroughs* had no *Repreſentatives* there, until the 23d of this King, which, as it is the Doctor's Invention, I ſhall conſider by it ſelf at the end of this Diſcourſe.

I begin with Sir *H. Spelman*'s Opinion, as you may find it in his *Gloſſary*, *Tit. Parliamentum*, which I ſhall thus render into *Engliſh*; *Pag.* 451. 'That preſently after the Conqueſt, King *William* having diſtributed 'all the Lands of the Kingdom to his Great Men, and other Follow-'ers, as ſupreme Lord thereof, they were abſolutely ſubject to Him, 'as well by Tenure as by Allegiance; ſo that by the Counſel and 'Aſſent of theſe He impos'd what Laws He pleas'd upon the whole 'Kingdom, and every inferior Tenant was included by the Vote 'of his ſuperior Lord, as we are by the *Knights*, *Citizens*, and '*Burgeſſes* at this Day; and hence it was, that theſe Great Men 'were called by our Hiſtorians, *Primates*, *Magnates*, *&* *Barones Re-*'*gis*, *&* *Regni*. He further ſays, that he had collected above an hundred Precedents of the Statutes and Laws made in Great Councils and Parliaments, from the coming in of *William the Firſt*, to the latter end of *Henry the Third* incluſively, yet that *he could never there meet with among ſo great a multitude of Authorities any Paſſage, whereby the* Commons *could be proved preſent in thoſe Aſſemblies*; and then, after ſome Inſtances, whereby he would make out what he has aſſerted, he proceeds (as he ſaith, out of Darkneſs into Light) and placeth the main ſtreſs of his Argument for the *Commons* not being ſummon'd to any Council or Parliament until the 49th of *Henry the Third*, upon certain Clauſes in King *John*'s Charter, which ſince it doth not at preſent fall under the Times immediately after the *Conqueſt*, I defer the citing of until I come to that King's Reign: And in the mean while ſhall, for the Reader's better Memory, as alſo for my own eaſe, divide the Obſervations I ſhall make from the Authorities produced by Sir *Henry Spelman* and Dr. *Brady*, according to the King's Reigns they treat of, into three diſtinct Periods; the firſt of which ſhall be from the beginning of the Reign of *William the Firſt*, to the end of the Reign of King *Stephen*; the ſecond, from the beginning of King *Henry the Second*, unto the end of King *John*; the third from the beginning of *Henry the Third*, to the 18th and 23d of *Edward the Firſt*; in the former of which Years Dr. *B.*

ſuppoſes the *Knights* of *Shires* to be firſt again ſummon'd to Parliament, after about twenty three Years omiſſion, from the 49th of *Henry the Third*; and in the latter of them he would have the *Citizens* and *Burgeſſes* to have been firſt again ſummon'd, after about eight and twenty Year's intermiſſion.

Append. to his Introduct. *&c.* p. 54, *& dein. ad* p. 60.

To begin with the firſt of theſe Periods, Dr. *Brady* in his Catalogue of *Engliſh* Councils or Parliaments, hath given us many Authorities, from ſeveral Antient *Engliſh* Hiſtorians, whereby he would prove, that beſides the Biſhops and Abbots (about whom there is no diſpute) the Lay or Temporal *Orders*, mention'd to be ſummon'd to the great Councils of thoſe Times, were the *Comites, & Primates Angliæ*, ſometimes comprehended under the word *Barones* in general, ſometimes under the words *Principes, Proceres, Primores & Majores Regni*, or elſe by *Magnates*, and *Optimates Regni*, without any mention of *common* or ordinary Men being ever ſummon'd to thoſe Aſſemblies, and that this is evident as far as King *Stephen*'s Reign.

I forbear troubling the Reader with a repetition of all the particular Councils cited by Sir *Henry Spelman* and the Doctor; for I do not deny but that they are truly quoted, tho' not without ſome partiality; and therefore I cannot but obſerve the unfairneſs of the Doctor's dealing in this Matter, ſince he takes no notice of any of thoſe Great Councils, where I have already proved in the begining of this Diſcourſe, that not only the Tenants *in Capite*, but the *Repreſentatives* of *Counties* and *Cities*, as alſo the *Inferior Military Tenants* were often ſummon'd; as particularly to that Great Council, which was held by King *William the Firſt*, in the nineteenth Year of his Reign; as alſo to that held by *Henry the Firſt* at his Coronation; and another held at *Salisbury* in the ſixteenth Year of his Reign, when all the Perſons of any conſiderable Eſtates in *England, of whatſoever Lords they held*, were ſummon'd thither to do Homage, and ſwear Fealty to Prince *William* his Son; which Council, tho' the Doctor expreſly mentions, yet he cites no more out of *Eadmerus*, and *Florence* of *Worceſter*, than what makes for his purpoſe, *viz. that the Biſhops, Earls, and Barons, appear'd at this Council*, but is ſilent as to any Others, altho' thoſe Authors ſhew plainly, that they were there as conſtituent Members.

But I ſhall next proceed to anſwer thoſe Authorities made uſe of by the Doctor; and ſhall ſhew, that under the general words abovemention'd, not only the Earls and Barons, but other *Chief Men* of *England*, whom we may call *Commons* may very well be comprehended: In the firſt place therefore I muſt acknowledge, that the Biſhops, Abbots, Earls, and Barons, as they had in thoſe Times moſt of the Lands, ſo they had conſequently the chief governing Power over the Nation; and therefore their *Inferior Tenants*, as alſo moſt of the *Cities* and *Boroughs* of the Kingdom, not then making any conſiderable Figure either for Riches or Power, it is no wonder, if they are not ſo often particularly mention'd, and taken notice of by our Antient Hiſtorians; yet however they may very well be comprehended under thoſe general words which the Gentlemen of the other Opinion have given us ſo large a Catalogue of; and I have already proved in the *Introduction* to my laſt Volume,

lume, that as for the words, *Principes*, *Primates*, *&* *Primores*, they ſignify no more than the Chief or Principal Governours or Magiſtrates in any City, Nation, or Kingdom, without any conſideration of their Nobility by Birth or Degree, Quality or Eſtate; the like I may ſay for the word † *Proceres*, which is render'd in our Dictionaries, *the Heads or Principal Men of any City or Commonwealth*, which Term may (I ſuppoſe) as well take in the *Knights*, *Citizens*, and *Burgeſſes*, as the *Inferior* Tenants *in Capite*; and as for the words *Optimates* and *Magnates*, tho' the former of them is render'd in our Dictionaries *Noblemen*; yet it alſo ſignifies any Chief Magiſtrates or Governours; and in *Livy* this word is uſed to ſignify certain Great Officers among the *Macedonians*; but that under the laſt of theſe words the *Knights* of *Shires* may be comprehended, I ſhall prove by ſeveral Inſtances from our Records and Hiſtories: And for the proof of this, ſee * *Rot. Clauſe* 3 *Ed.* 2. *m.* 16. *Dorſo.* where you will find this Title, *Inhibitio nè qui* Magnates, viz. *Comes*, *Baro*, *Miles*, *ſeu aliqua Notabilis Perſona tranſeat ad Partes tranſmarinas*, where the word *Magnates* is apply'd to all Knights in common, as well as the Earls and Barons; and amongſt the common Writs of *Michaelmas*-Term, *Anno* 34 *Ed.* I. in the keeping of the Remembrancer of the Treaſury of the *Exchequer*, the *Knights* of *Shires*, and Barons of *Cinque-Ports*, are called *Magnates*; ſo alſo in the Statute 25. *Ed.* 3. *de Servientibus*, it is there enacted, *Per Aſſent de les ditz Prelatz*, *Countes*, *Barons*, *&* *autres Grandes de la dite Comunaltè illonques Aſſemblez.* So likewiſe in the † old Statutes printed in *French*, in that of the *Staple* made 27 *Ed.* 2. the *Knights* of *Shires* are expreſly call'd *Grantz des Counteés*, which Title you will find given them in ſundry other Records of Parliament.

† *Vid. Littlet.* Dictionary.

* *P. R. C.* *p.* 94, 95.

† *Vid. Tottel's* Edit. of Statutes.

And that not only they, but the Principal or Chief Men of the *Cities* of *England*, were ſtil'd *Optimates* and *Magnates*, appears from a Paſſage in *William* of *Malmsbury*'s Hiſtory, where the Biſhop of *Wincheſter*, in the Synod held there, ſpeaking of the rich Citizens of *London*, ſays thus, *Londinenſes qui pro Magnitudine Civitatis Optimates ſunt:* And a little lower the ſame Biſhop, in his Speech to the *Londoners* in that very Council, ſays of them, *Non decere ut Londinenſes qui præcipui habebantur in Anglia, ſicut Proceres*, &c. And that they are alſo often ſtiled *Magnates*, appears from an antient Manuſcript, called, *De Legibus Antiquis Civitatis*, kept in the Archives of the City of *London*, where, under *Anno Dom.* 1229. (being the thirteenth of *Henry the Third*) an Act of Common Council was made, *Per omnes Aldermannos &* Magnates *Civitatis*, *per Aſſenſum univerſorum Civium, quod nullo tempore permitterent aliquem Vicecomitem per duos Annos continuos, ſicut prius extiterant*; ſo likewiſe in the ſame Book, *Anno Dom.* 1242, and the 29th of *Henry the Third*, mention is made of a Diſſention that then aroſe about the choice of a *Sheriff*; and the Book ſays, that *Quidam de Vulgo elegerunt* Nichol. Bat, *ſed Alii per aſſenſum Majoris*, *&* Magnatum *elegerunt* Adam de Bentley; where by *Magnates* are to be underſtood the Chief Men of the City, as *Aldermen* and *Common Councilmen.*

Hiſtor. Novel. Lib. 2. *p.* 189.

And as for the words *Nobiles* and *Nobilitas*, I have already proved in my former *Introduction*, that thoſe Titles did not antiently belong to the higher Nobility only, ſuch as Earls, Barons, *&c.*

but alſo to Knights and Gentlemen, as they do in *France* and *Germany* at this day; and that as low as the Reign of King *Richard the Second*, the *Commous* of *England* in Parliament are ſtil'd *Noble*, appears by a Speech Recorded in the Rolls of Parliament of the 7th of *Richard the Second*, ſpoken by Sir *Michael de la Pool*, then Lord Chancellor to the Lords and Commons, which begins thus: *Y d'iſt vous Meſſieurs Prelats & Seigneurs Temporelx & vous, mes Compaignons les Chivalers, & Autres* de la Noble Commune *de Angleterre*, i. e. I addreſs my ſelf to you, my Lords, the Prelates and Lords Temporal, and to you my Companions, the Knights and others of the *Noble Commons* of *England*; and I have already proved, that by the word *Univerſa Nobilias Angliæ*, who met at *Runnemede* to demand the Great Charter, not only the Earls, Barons, and Tenants *in Capite*, but others, eſpecially Knights and Gentlemen were comprehended; but as for the word *Barones*, ſince there is a great deal to be ſaid *pro* and *con* concerning the ſignification of it, as alſo of the Term *Baronagium* (which is from thence derived) I ſhall defer ſpeaking any thing to them, until I come to the Great Charter of King *John*, and to the Common Councils or Parliaments held before the 49th of *Henry the Third*, where thoſe words frequently occur, and then I ſhall have occaſion to enquire into the ſignification of them.

Rot. Parl. 7. Rich. 2. Part 1. n. 1.

In the mean time I ſhall give you a further confirmation of what I have here laid down, that the *Commons*, as repreſented in Parliament by *Knights*, *Citizens*, and *Burgeſſes*, might be very well comprehended under the words *Principes*, *Proceres*, *Nobiles*, and *Magnates*, before the 49th of *Henry the Third*. I ſhall prove alſo, that ſeveral Authors, who wrote after the time that the *Commons* muſt be allow'd to have been ſummon'd to Parliament) do make uſe of the ſame Terms and Phraſes to expreſs the *Conſtituent* Members of it: I ſhall begin with the Teſtimony of *Matt.* of *Weſtminſter*, who, in his *Flores Hiſtor.* under *Anno Dom.* 1280, (being the ſeventh Year of *Edward the Firſt*) thus reckons up the *Conſtituent* parts of that Parliament which were then ſummon'd, *Rex*, *Pontifices*, & *Principes Anglicani convenerunt in unum*, and then enacted that famous Statute of *Mort-main*; and that the *Commons* were to this Parliament ſummon'd, I think I have already ſufficiently made out: And the ſame Author in the 24th of this King, *ſub Anno Dom.* 1296, tells us of a Parliament held at St. *Edmund's-bury*, and that the *Primates ac Magnates Regni* were thither aſſembled, of whom the King demanded an Aid; and that the *Commons* were preſent at this Parliament, appears by the Writ of Summons upon the Rolls; ſo likewiſe the ſame Author ſpeaks of the Parliament held at *Weſtminſter* in the 27th of this King, in theſe Terms, ***Dominicâ Secundâ Quadrageſſimæ citatis Magnatibus Regni apud Weſtmonaſterium***, without any particular mention of the *Commons*; and yet it appears by the ſame Rolls, that they were alſo ſummon'd thither, and comprehended under this general word.

Fol. 409.

And as for *Wikes*'s Chronicle, and the Annals of *Waverly*, tho' we have been beholding to them for divers remarkable Authorities for the proving that the *Repreſentatives* of the *Commons* were preſent in Parliament during thoſe times, when the Doctor will not allow their being there at all, yet they do ſometimes paſs them by, without taking any particular notice of them: As for Inſtance, the Annals of *Waverly*, under the Year 1265, being the 49th of *Henry the Third*, do only mention, that there was no ſmall Aſſembly of the Prelates and *Proceres Angliæ*, or Great Men of *England*, by the Command of the Earl of *Leiceſter*, who had then the King in his Power, without particularly telling us of what Orders or Degrees of Men theſe *Proceres* conſiſted; nor indeed is there one Hiſtorian of thoſe Times that gives us any Account of this ſuppoſed alteration in the Government, introducing the *Repreſentatives* of the *Commons*, who were ſummon'd to that Parliament: So that if that Roll, containing the Writs of Summons for the chooſing *Knights* of *Shires*, *Citizens*, and *Burgeſſes*, with the *Barons* of the *Cinque-Ports*, had happen'd to have been imbezel'd or deſtroy'd, as were many Others both before and after that time, I do not doubt but the Gentlemen whom we oppoſe, would have had the Ingenuity to aſſert from this general omiſſion of our Hiſtorians, that the *Commons* were not ſummon'd to Parliament at all, till the firſt time that they could find any Writs for their ſummoning enter'd upon the Roll, or elſe in ſome looſe miſapply'd Writ in a Schedule, as Dr. *Brady* hath done for the *Knights* of *Shires*, in the eighteenth Year of *Edward the Firſt*, of which I ſhall ſay more in due time.

I now proceed to the next Period, and give you the reſt of the Doctor's Authorities, and begin with *Henry the Second*, in whoſe Reign there were divers Great Councils held, in which the Lay-Orders are comprehended under the words *Proceres* and *Magnates*.

Roger Hoveden, in reciting thoſe that were preſent at the Council of *Clarendon*, ſays, that the *Recognition* of the *Conſtitutions* there made was in the preſence of the Biſhops, *&c.* Earls, Barons, *& Procerum Regni*; ſometimes the Councils under this King are ſaid to be held with the Biſhops and *Magnates* only; but moſt often, beſides the former, (*viz.* the Biſhops, *&c.*) the Earls and Barons are particularly mention'd to have been preſent at theſe Great Councils.

But * *Benedictus Abbas*, inſtead of the *Barones*, mentions a Council held at *London* by this King, with the Earls and *Wiſeſt Men* of the Kingdom, the word *Sapientiores*, being put inſtead of *Barones*: And the ſame Author ſpeaks of another Great Council held at *Northampton*, before both the *Henry*'s, Father and Son, where the Biſhops, Earls, and Barons of his † Realm were preſent: And there alſo follows this remarkable Clauſe, *viz.* by the Advice and Conſent of King *Henry* his Son, and of the Earls, Barons, Knights, *& Hominum ſuorum*, i. e. (ſays Dr. *B.*) of his Tenants *in Capite*, or Military *Tenants*, King *Henry* made the following Aſſize, *&c.* This being one of the moſt remarkable Authorities the Doctor has produced for his Opinion of Tenants *in Capite*, I ſhall give you his Comment upon them in his own words, in his * Animadverſions upon Mr. *A*'s *Jani Anglorum*, &c.

* *Manuſcript in Bib. Cotton. ſub Julio. A* xi.

Ib. p. 71.

† *Terræ ſuæ.*

* *Pag.* 203.

'King *Henry the Second*, when He had cauſed his Son to be 'crown'd in *A. D.* 1170, and the Earls and Barons to do *Homage*, 'and ſwear *Fealty* to him (ſaving the *Homage* and *Fealty* they had 'done, and ſworn to Himſelf) He granted Him the Government 'of the Kingdom in his Abſence, and cauſed a new Seal to be made 'for Him, by which He was to manage it. And it cannot be

‘ doubted, but that to make Him look more like a King, He aſſign'd ſome Earls, and Barons, Knights and other *Military* Men, who atturned Tenants to Him, or ſome new Earls and Barons were created, as immediate dependants on Him, and the Knights and other *Military* Tenants follow'd, and held on the Lands, Mannors, and Honours, that were aſſign'd to maintain and ſupport his Court and Kingſhip, and the King's *Comites* and *Barones Terræ ſuæ*, were the Earls of his Kingdom and Barons that held immediately of Him, and were his immediate *Tenants in Capite:* Thus far the Doctor; and from this Relation of Abbot *Benedict*, who lived and wrote in that very time, the Doctor alſo infers, ‘ That the Great Councils or Parliaments of thoſe times, conſiſted only of the *Tenants in Capite*, or whom beſides the King was pleas'd to call, and that He might call ſuch as He pleaſed; and the *Aſſize* was made in this Great Council concerning the Articles of Inquiry for Juſtices itinerant, and the Diviſion of the Kingdom into ſix Parts or Circuits, and appointing Juſtices for every County.

Having fairly ſet down the Doctor's Comment, and Concluſion from this Author, I ſhall now give you what may be ſaid in anſwer to it: *Firſt*, ſuppoſing it to be granted, that by the Words *Comites* and *Barones*, here twice repeated, are to be underſtood the King's Earls and Barons only, yet it does not therefore follow, that either by thoſe or the next Words, *viz. Militum & Hominum ſuorum*, are to be underſtood the young King's Barons, or other *Military* Tenants, as taken diſtinctly from his Father's; for tho' this Author has mention'd them apart, yet there is no occaſion for ſtarting any ſuch new Notions as the Doctor does from thoſe Words, *Baronum, Militum, & Hominum ſuorum*, ſince this *ſuorum* relates to old King *Henry*, as well as *Terræ ſuæ, & Filii ſui*, aforegoing; and * *Radulphus de Diceto*, who alſo lived and wrote about the ſame time, ſpeaking of this very Council, only ſays, that the King according to the Advice of his Son the young King, before the Biſhops, Earls, Barons, Knights, *and* † *Others his Tenants or Subjects*, appointed Juſtices over ſix Parts of his Realm, three for each Part: Nor do I ſee any reaſon to render the Words, *Militibus & Hominibus ſuis*, in this as well as the former Author, by Knights and other Tenants *in Capite*, becauſe by the *Milites* may be underſtood the *Knights of Shires*, and by the *alii Homines ſui*, the *Repreſentatives* of *Cities* and *Boroughs*; And the Doctor's Friends have no reaſon to find fault with this Conſtruction, ſince he has expreſly aſſerted, that all the *antient Cities* and *Boroughs*, that ſent Members to Parliament, held of the King *in Capite.* Tho' there is no neceſſity for this neither; for the Words, *Homines ſui*, made uſe of by the Authors above cited, are not always taken for Tenants *in Capite*, or by *Military* Service, but for Subjects in general, as Sir *H. Spelman* has ſhewn in his Gloſſary, where under the Word *Homo*, he ſays: *Dicitur præterea de eo qui nullo accepto Feodo nullo Prædio, ſe in alterius tradidit Militiam, Servitium, Obſequium, Clientelam, & in Genera de omni Famulo, Miniſtro, Subdito: Breve* Henrici II. *Juſticiariis de* Norfolc. *Præcipio ut S.* Benedictus *de Rameſia, ita bene & Libere habeat Socam ſacam ſuas &* Homines *ejus*, that is, his Tenants by whatſoever Tenure, *ſint in Pace.*

* *Col.* 1106.

† Et aliis Hominibus ſuis.

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In * the Reign of *Richard* the *Firſt*, the *Conſtituent* Members of his Great Councils are mention'd by our Hiſtorians, cited by the Doctor, under the ſame Titles, as in King *Henry*'s Reign, *viz.* the Archbiſhops, Biſhops, Earls and Barons, to which I ſhall ſay nothing here, till I come to ſpeak of this Word *Barones*, and its ſeveral ſignifications.

* Vid. Dr B's *Hiſt. of Great Councils and Parliaments at the end of his Introduct. pag.* 58

But before I proceed to the Reign of King *John*, I ſhall look back, and take notice of ſome conſiderable Omiſſions of Great Councils by the Doctor, in the Reign of *Henry* the *Second*, as particularly the Great Council held at *Gaitington* in the Thirty fourth Year of his Reign, (which I have already mention'd in the former Part of this Diſcourſe) to which were ſummon'd (as *Roger Hoveden* relates) the Biſhops, Earls, Barons, and many others, both *Clerks* and *Laicks*. I have already obſerved, that by the Words *Many Others*, not only Tenants *in Capite*, but plain *Commoners* may be underſtood; but tho' the Doctor hath omitted this Council, yet † Mr. *Pryn* in his *Plea for the Lords* hath mention'd it, but not knowing well what to do with the Words, *Multorum Aliorum tam* Clericorum *quam* Laicorum, he will by no means allow them to mean any *Repreſentatives* of the *Commons* choſen by the People, but certain Perſons particularly ſummon'd and nominated by the King Himſelf to be Aſſeſſors and Collectors of the *Tenths* of all Men's Moveable Goods, which were granted by this Council for the Relief of the *Holy Land*; but there is no ground at all here for this Opinion, ſince the *Clerks* and *Laicks*, who are afterwards mention'd to be appointed the Collectors of this Tax, are not ſaid to be preſent at this Council, as were all the *alii Clerici & Laici*, abovemention'd, who did conſent to lay this Tax upon Lands and Moveable Goods, as well as the Biſhops, Earls and Barons.

† *Pag.* 334.

The Doctor hath alſo omitted the Council held by *Richard* the *Firſt*, which I have already cited, where the *Aſſize* concerning *Foreſts*, was made with the Conſent of the Archbiſhops, Biſhops, Abbots, Earls, Barons and *Knights*, by which laſt, at leaſt, the inferior Tenants by *Military Service* are to be underſtood, ſince the Tenants *in Capite* were then included under the Barons: 'Tis true, the Doctor in his Anſwer to Mr. P. who hath made uſe of this Authority, will have theſe *Milites* here mention'd to ſignify the leſs Tenants *in Capite* only, but gives no very ſtrong Reaſons to prove it, for he is forced to confeſs, that this Word does comprehend all *ſuch as held Lands by Military Service, and did Homage and Fealty to thoſe of whom they held their Lands.*

Page 222.

Page 103.

Having now ſhewn you ſome of the Doctor's Omiſſions of thoſe Councils, that he thought made againſt him, I ſhall in the next place proceed to the Reign of King *John*, in which there is little variation to be found in our Hiſtorians, concerning the *Conſtituent* Members of Great Councils or Parliaments, from what was in his Father's and Brother's Reigns, *viz.* the Archbiſhops, Biſhops, Earls and Barons, only the Lay-Members are moſt commonly comprehended under the general Title of *Magnates*, until the ſeventeenth Year of his Reign, when the *Great Charter* was extorted from Him at *Runne-Mead*, which more particularly ſets forth the Conſtituent Members of the Great or Common Councils of the Kingdom in that time,

Matt. Paris p. 209 239. 247. 255

time, which being tranſcribed from *Matt. Paris* by Sir *H. Spelma* into his *Gloſſary*, as alſo by Dr. *Brady*, I ſhall here likewiſe inſert divided into the like Articles or Chapters.

B. A. P. p. 68. *B. A. J. p.* 166. 169.

Cap. 14. *Nullum* Scutagium, *vel* Auxilium *ponam in Regno Noſtro niſi pe* Commune Concilium *Regni noſtri, niſi ad Corpus Noſtrum redimendum & ad primogenitum Filium Noſtrum Militem faciendum, & ad primogenitam Filiam noſtram ſemel maritandam, & ad hæc non fiat niſi rationabile Auxilium.*

15. *Simili modo fiat de Auxiliis de Civitate* Londinenſi, *& Civitas* Londinenſis *habeat omnes Antiquas Libertates & Liberas Conſuetudines ſuas, tam per terras, quam per aquas.*

16. *Prӕtereà volumus, & concedimus quod Omnes aliӕ Civitates & Burgi, & Villӕ & Barones de Quinque-Portubus, & omnes Portus habeant omnes Liberas Conſuetudines ſuas.*

17. *Et ad habendum Commune Concilium Regni de* Auxiliis aſſidendis *(aliter quam in tribus caſibus prӕdictis) & de* Scutagiis *aſſidendis ſubmoneri faciemus Archiepiſcopos, Epiſcopos, Abbates, Comites, & Majores Barones Regni ſingillatim per Literas Noſtras.*

18. *Et prӕterea faciemus ſubmoneri in generali per Vice-Comites & Ballivos noſtros Omnes Alios, qui* in Capite *tenent de Nobis, ad certum diem, & locum & in omnibus literis ſubmonitionis cauſam ſubmonitionis illius exponemus.*

19. *Et ſic facta ſubmonitione, negotium procedat ad diem aſſignatum, ſecundum Conſilium eorum qui prӕſentes fuerint, quamvis non Omnes ſubmoniti venerint.*

I ſhall now for the Inſtruction of thoſe who are not Maſters of the *Latin*, here ſubjoin a true Tranſlation of theſe Cauſes of this Charter.

Cap. 14. I will lay no *Scutage*, nor Aid upon my Kingdom, but by the *Common Council* thereof, unleſs it be for the redeeming of our Body, and for the making of our Eldeſt Son a Knight, and for once marrying our Eldeſt Daughter; and for this there ſhall be given a reaſonable Aid.

15. After like manner ſhall be done concerning the Aids of the City of *London*, and the City of *London* ſhall enjoy all her Antient Liberties and Free Cuſtoms, as well by Land as Water.

16. We further will and grant, that all other *Cities*, *Boroughs*, and *Towns*, and the Barons of the *Cinque-Ports*, and all other Ports, ſhall enjoy all their Liberties and Free Cuſtoms.

17. And for holding of the *Common Council* of the Kingdom concerning the aſſeſſing of Aids otherwiſe than in the three Caſes aforeſaid. And for aſſeſſing of *Scutages*, We will cauſe to be ſummon'd the Archbiſhops, Biſhops, Abbots, Earls, and Greater Barons of the Kingdom, by our Writs or Letters.

18. And we will further cauſe to be ſummon'd in general, by our Sheriffs and Bayliffs, all Others who hold of Us *in Capite*, at a certain day, *to wit*, at the term of forty Days at leaſt, and at a certain place; and in all our Letters of Summons, we ſhall declare the Cauſe of the Summons, and ſo they being ſummon'd, the Buſineſs ſhall proceed at the Day aſſign'd, according to the Advice of ſuch as are preſent, altho' all that were ſummon'd ſhall not come.

By this Law, the * Doctor ſays, the way and manner of *Summons* to great Councils was ſetled, and made more eaſie than it was before; for by a former Writ of 15 *Johannis*, it appears to have been the Cuſtom for the King to write to every one of the *Milites*, *Fideles*, or Tenants *in Capite*, (which were no *formal Barons*) particularly as he did to the Barons; and that the Cuſtom was ſo, 'tis likewiſe imply'd in this Eſtabliſhment of Summons for the future, that it ſhould be by particular Writs to every Great Baron, and in general to all Tenants *in Capite*, by Writs directed to the King's Sheriffs and Bayliffs. From hence 'tis evident, (ſays he) that only the Archbiſhops, Biſhops, Earls, Barons, and Tenants *in Capite*, were uſually ſummon'd to Great Councils; for if there had been any Others to have been *ſummon'd*, the like Care would have been taken to ſettle the way of *Summons* for them, as there was for theſe. And it is evident from hence likewiſe, Who were the *Conſtituent* Parts of the Great Councils and Parliaments in theſe and the following times, until the Forty ninth of *Henry* the *Third*, or Eighteenth of *Edward* the *Firſt*. And the Doctor endeavours to prove the conſtant Practice and Uſe of this Law confirm'd by a very clear Record, twenty Years after, in the Reign of *Henry* the *Third*, from a * Writ of that King directed to the Sheriff of *Suſſex*, reciting, 'that whereas the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and Others of our Kingdom, which hold of Us *in Capite*, 'have granted Us an effectual Aid of their meer good Will, and 'without Cuſtom, of every Knight's Fee two Marks, &c. He therefore commands the ſaid Sheriff, at the Order of the Biſhop of *Chicheſter* his Chancellor, to diſtrain all Knights and Free Tenants, which do hold of Him by *Military Service* in his County, or Bayliwick, for the payment for every Knight's Fee, &c. two Marks to be paid by them to Us.

* *B. A. P. pag.* 68.

* *Clauſ.* 19 *H.* 3. *m.* 8. *Dorſ.*

After the ſame manner it was written for other Biſhops, Abbots, Priors, and Great Men.

From all which the Doctor does here (as alſo in other places of his Book) infer, that the Biſhops, Lords, and leſs Tenants *in Capite* only then made up the Great Council or Parliament of the Nation, and that all their *Feudataries* or *Military Tenants* were obliged to pay to the Aids they had granted the King, without ever giving their Conſents thereunto; and I muſt confeſs, that the Authority of this Charter, together with this Record and ſome others which the Doctor hath given us in his Anſwer to Mr. *A.* are (if taken in this Senſe) the ſtrongeſt Evidence which the Gentlemen have to produce for this their Opinion, and which if it can be fairly anſwer'd for, the reſt of their Authorities and Arguments will prove of no great weight or moment.

In order therefore to the giving the greater Light to what ſhall be ſaid in anſwer to theſe Gentlemen, I muſt in the firſt place take notice from Mr. *Selden* in his *Titles of Honour*, (and which I have already mention'd) that before this Charter, the leſs Tenants *in Capite* are never mention'd, by that Title, in any antient Hiſtory or Record, they being ſtil'd in the Conſtitutions of *Clarendon* by the general Term of *Barons*, as well as the greater; from whence that learned Author obſerves, that thoſe leſs Tenants *in Capite* were by

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ſome Law made in this King's time already excluded from our Great Councils, or Parliaments, properly ſo called: So that notwithſtanding the Doctor's confident Aſſertions, I cannot think theſe Clauſes in King *John*'s Charter, were ever intended for a ſetled Form of ſummoning all future Great Councils, and that the Perſons therein mention'd were to be the only Conſtituent Parts or Members of them, until the Forty ninth of *Henry* the *Third*, and Eightenth of *Edward* the *Firſt*, and the Reaſons I have againſt it are, that all theſe five Clauſes abovemention'd are wholly omitted in all the Confirmations of this Charter by King *Henry* the *Third*, that are now extant, all that is ſaid concerning *Scutage*, being no more than this, in the Sixty fifth Chapter of this King's Great Charter, *Let Scutage be taken for the future, as it was wont to be taken in the time of King* Henry *our Grandfather.* Now it is very unlikely, ſuch conſiderable Clauſes as are in King *John*'s Charter, ſhould have been omitted in this, whereby ſo great a Point was to be ſetled, as what Orders and Degrees of Men ſhould for the future have a perpetual Right to be ſummon'd, and act in all future Great Councils or Parliaments of the Kingdom; and therefore I ſhall here again remind you of Dr. *Brady*'s own Inference concerning this Omiſſion, (tho'
B. A. J. he miſapplies it to the Reign of *Edward* the *Firſt*. * *In this Charter* (ſays he) *then confirmed, there is no Proviſion made for any Summons to Great Councils or Parliaments, and the Reaſon may well be, becauſe the Conſtitution of Great Councils or Parliaments was lately changed from what it was in King* John*'s Reign, and till the Forty ninth of* Henry *the* Third, *&c.* ſo that let this Omiſſion have happen'd when it would, it is granted by the Doctor to have declared a Change in the *Conſtitnent* Parts of our Great Councils or Parliaments; now this Omiſſion (notwithſtanding what the Doctor has fancied to the contrary) being found in the very firſt Charters of *Henry* the *Third*, therefore if the leſs Tenants *in Capite* had in King *John*'s time made a neceſſary part of the Common or Great Councils of the Kingdom, yet I ſay, this Omiſſion of them muſt (by the Doctor's own Confeſſion) ſhew a Change in the Conſtitution of Parliaments above fifty Years before the Forty ninth of *Henry* the *Third*. And beſides this negative Proof, I have two other very cogent Reaſons, why theſe leſs Tenants *in Capite* were never intended to make up the general Common Council of the whole Kingdom: *Firſt*, becauſe there has not been yet found or produced any ſuch General Writ to the Sheriffs, for the ſummoning of them to ſuch Councils, either in the Reigns of King *John*, *Henry* the *Third*, or *Edward* the *Firſt*, during which time, we might very well expect to find ſome of thoſe Writs either enter'd on the Cloſe-Rolls, or elſe among the Bundles or looſe Writs of thoſe Reigns; and if the Doctor's Friends will ſay, that there were ſuch Writs, but they are now loſt, together with the Rolls on which they were enter'd, I will then aſk theſe Gentlemen, if this be a good Plea for the loſs of the Writs of *Summons* to the leſs Tenants *in Capite* during thoſe times, why it may not ſerve as well for an Anſwer to a great Objection they make, how it comes to paſs, that no Writs of *Summons* for *Knights*, *Citizens*, and *Burgeſſes*, are found before the Forty ninth of *Henry* the

Third, nor after that, till the eighteenth and twenty third of *Edward the Firſt*?

The other reaſon why the Tenants *in Capite* could not alone conſtitute the General or Common Council of the whole Kingdom is, from the laſt Clauſe in King *Henry the Third*'s Great Charter granted in the *Second* Year of his Reign (and is already made uſe of) wherein it is recited, *That not only the Earls and Barons, but the* Knights, Freeholders, *and* all Others, *of the Kingdom, granted the King a* Fifteenth *of their Moveables* for the confirmation of it. Dr. *Brady* hath uſed his utmoſt endeavours to evade the force of the words contain'd in this Clauſe, by wreſting the words *Freeholders*, and *all Others* of the Kingdom, to ſignifie either the Tenants *in Capite*, or rather juſt nothing at all: But ſince I have already anſwer'd thoſe Cavils rather than fair Arguments, I need not again repeat what I have ſaid on that Head, but only deſire the Reader, if he is not ſatisfied, that he would turn back to ſee what hath been ſaid thereupon.

But to come more cloſe to the rightly explaining the true ſenſe of theſe Clauſes in King *John*'s Charter, I muſt maintain the Diſtinction which the Learned * Mr. *P.* hath made in his *Rights of the Commons*, between an ordinary *Commune conſilium Regni*, which did conſiſt of the greater and leſs Tenants *in Capite* alone, and which was chiefly held for the granting and aſſeſſing of *Eſcuage* for themſelves and their Inferior Tenants by *Military Service*; and that more General or Common Council of the whole Kingdom, which took in the *Repreſentatives* and the *Commons* alſo, and was *ſummon'd* by the King upon certain extraordinary Occaſions, ſuch as granting a *General Tax* upon the whole Kingdom, and for making ſuch *Laws* and *Statutes* as ſhould perpetually bind the whole Nation; and for this I think we have *Bracton* on our ſide, who makes a diſtinction between theſe Taxes, and thoſe Services which were paid or perform'd, meerly by reaſon of *Tenure*; ſuch as were the *Scutages* mention'd in King *John*'s Charter, and thoſe other Aids granted by conſent of Parliament: His words are theſe, † *Sunt etiam quædam Communes Præſtationes, quæ ſervitia non dicuntur, nec de Conſuetudine veniunt, niſi cum neceſſitas intervenerit, vel cum Rex venerit; ſicut ſunt* Hidagia, Corragia, Carvagia, *& alia plura de Neceſſitate & Conſenſu Communi totius Regni Introducta*; which I ſhall thus render into *Engliſh*.

* *P. R. C. Append. p.* 131.

† *Bracton, Lib.* 2. *cap.* 16. *p.* 37.

'There are alſo certain common Payments or Performances, which
'are not called Services, neither proceed from Cuſtom, unleſs in
'caſe of neceſſity, or when the King comes to Parliament; ſuch as
'are *Hidages*, *Corrages*, and *Carvages*, and ſeveral Other things brought
'in by neceſſity, and by the *Common Conſent* of the whole Kingdom:
Which Taxes here mention'd, being General upon all the Lands of the Kingdom, could never be granted by a Council of Tenants *in Capite* alone, ſince not above half the Kingdom was held of them by *Military Tenure*. And it is very remarkable, that the *Scutagia*, or *Scutage*-Taxes (the Aſſeſſing of which made one great part of the buſineſs of the Council of the Tenants *in Capite*) are not at all mention'd in this Author, as certainly they would have been, had thoſe Taxes been then impoſed by a *Common Council* of the whole

Kingdom; and this Author wrote in the beginning or middle of the Reign of *Henry the Third*, and ſo within the time that the Doctor brings his Proofs of the Tenants *in Capite* granting *Scutage-Taxes* for themſelves and their Under-Tenants. Now, I cannot ſee any other reaſon this Author ſhould have to omit thoſe *Scutages*, but becauſe he very well knew, they were not granted by conſent of the *Common Council* or *Parliament* of the whole Kingdom, but by the Tenants *in Capite* alone.

And that even the greateſt Tenants *in Capite* could not grant or impoſe what Taxes they pleaſed upon all their *Feudataries* that held of them by *Knights-Service*, appears further by a Record which Mr. *Atwood* hath given us in his * *Jani Anglorum*, &c. being a † Writ of King *Edward the Firſt*, directed to the Archbiſhops, Biſhops, Abbots, Priors, Barons, Knights, and all Others his faithful Liege-Men in the County of *Cheſter*, reciting, that whereas the Prelates, Earls, Barons, and Others of the Kingdom, had given Him a *Fifteenth* of their Moveables, He therefore deſires, that they alſo would of their Good-will and Courteſie grant Him the like Aid or Subſidy: And in the twentieth of this King we find another * Writ to the ſame purpoſe, reciting, That whereas the Good Men and *Community* of the County of *Cheſter*, as Others of his Kingdom, had graciouſly granted Him a *Fifteenth* part of all their Moveables, *&c.* now ſuppoſing (as † Dr. *Brady* commonly does) that theſe *Probi Homines* were the Earl's Tenants *in Capite*, and Tenants by *Military-Service*, what can theſe words *Communitas Comitatus Ceſtriæ* here ſignifie, but another ſort of Men diſtinct from them, *viz.* the *Communalty* or *Commons* of that County? by which it appears, that tho' *Cheſter* was then *eſcheated* to the Crown, yet it did ſtill preſerve its Antient Privilege of granting Taxes in a *Common-Council* or *Parliament* of that *County-Palatine*; whereas according to the Doctor's Notion, the King being now their ſole Repreſentative needed not to have been beholden to them for theſe Subſidies; ſince, if not as King, yet as Earl of *Cheſter*, He might have taxed them Himſelf, which however He thought not fit to do, becauſe He knew it was contrary to the Rights and Privileges of that County, which had ever ſince the Grant of it to *Hugh Lupus*, by *William the Firſt*, always been taxed by themſelves.

* *Pag.* 12.

† *Rot. Pat.* 2. *E.* 1. *m.* 6.

* *Rot. Pat.* 20. *Ed.* 1. *m.* 6.

† *Gloſ. p.* 61.

And that the *County-Palatine* of *Durham* had the like Privilege of being taxed by themſelves, and not by the Biſhop, may appear by this remarkable Inſtance in the eleventh Year of *Edward the Firſt*, when it appears from ſeveral Writs on the Cloſe-Roll of that Year, that He being at that time engaged in a War with *Llewellyn*, Prince of *Wales*, in which moſt of the Earls, Barons, and Tenants *in Capite* of the Kingdom attended Him, and wanting Money, yet not being then able to call a Parliament, He Himſelf and ſo many of the Nobility who were then in the Field, iſſued out Writs for the ſummoning all the Knights, Freeholders, and Clergymen of *England*, to three diſtinct Aſſemblies or Conventions: The *Firſt* of which, for the *South*-parts of *England*, was to be held at *Northampton*: The *Second*, for the *North*, was to meet at *York*: And beſides theſe there was a *Third*, which the Biſhop of *Durham* was likewiſe order'd to ſummon at that City; but the Buſineſs of them All was

Rot. Walliæ 11 Ed. I. *m.* 4 *dorſ.* ſee *Pryn's* Eccl. Juriſdict. *Tom.* 3. *p.* 301.

Ibid. p. 303.

was one and the ſame, *viz.* to try what Aid in ready Money the Knights, Freeholders, and *Landed Clergy-men* would grant the King towards his War in *Wales:* And the reaſon why the *County-Palatine* of *Durham* did not join with the reſt of the *North* of *England* in the granting this Aid, was, becauſe they then looked upon themſelves as a ſeparate Body, that could not be Taxed without their own Conſents.

And that this continued down as low as *Edward the Third*, appears by a Record* of the fourteenth of that King, containing a Letter or Commiſſion to *R.* Biſhop of *Durham*, reciting, that whereas the Prelates, Earls, Barons, and the *Commons* of *Counties*, had given Him a *Ninth* of their Goods, that therefore the Biſhop ſhould convene the *Magnates & Communitatem Libertatis veſtræ* (to wit of his County-Palatine) *ad certum Diem & Locum*, with all convenient ſpeed, and that done, to perſwade and excite the ſaid *Magnates* and *Communitas*, to grant the King the like, or a larger Subſidy towards the maintenance of his Wars; which had been altogether in vain, if the Biſhop could in thoſe Days have taxed this County at his pleaſure. Now, the Biſhop of *Durham*, who held this County *in Capite* of the King might certainly have granted what Taxes he pleas'd, for all the People or Inhabitants of that County in the Common Councils or Parliaments of the Kingdom, if the Doctor's Notion of the unlimited Power of the Tenants *in Capite* alone, in granting and impoſing Taxes upon the whole Kingdom, had then taken place. And I have been lately credibly informed by the Right Reverend and Learned the Lord Biſhop of *Carliſle*, that tho' the County-Palatine of *Durham* was bound by the general Statutes of the Kingdom, yet they were never taxed but by themſelves, till the 25th Year of King *Charles the Second*, when they firſt ſent *Knights* of *Shires* by an Act then made for that purpoſe.

* *Rot. Alman.* 14. *Ed.* 3. *m.* 9.

Having now ſhewn the unreaſonableneſs, or rather impoſſibility of this *Hypotheſis*, of the Greater and Smaller Tenants *in Capite* thus taxing the whole Kingdom, I ſhall next proceed to give you the true ſence (as I conceive) of the above-mention'd Clauſes of this Charter in King *John*. By the fourteenth Article or Chapter here firſt cited, the King obliges Himſelf not to lay any *Scutage* or *Aid* upon the Kingdom, without the conſent of the *Common Council* thereof: This being granted on both ſides, all the Difficulty that remains, is to underſtand what this *Common Council* of the Kingdom was, and of what Members it conſiſted. Sir *H. Spelman* and the Doctor will needs have it to conſiſt of the greater and leſs Tenants *in Capite*, and no Others; but I can ſee no neceſſity for that, ſince if this Clauſe, *Et ad habendum Commune Conſilium Regni alitèr quàm in tribus caſibus prædictis*, be not made to begin the ſeventeenth Article or Chapter (as Sir *H. Spelman* and the Doctor read it) but is added to that which went before; then the ſenſe will run thus: *That the City of* London, *and all other* Cities, Boroughs, *and* Towns, *may have and enjoy all their Antient Liberties and Free Cuſtoms, as may alſo all the Barons of the* Cinque-Ports, *and all other Ports*, Et ad habendum Commune Concilium Regni de Auxiliis aſſidendis, alitèr quàm in tribus caſibus prædictis, *i. e. and to have (or be part of) the Common Council of the Kingdom, for aſſeſſing or granting Aids otherwiſe than* *in the three caſes aforeſaid:* And then the 18th Chapter will begin thus; *Et de Scutagiis aſſidendis ſubmoneri faciemus*, &c. the ſenſe of which is, that for the aſſeſſing of *Scutages*, the King would cauſe to be ſummon'd both the greater and the ſmaller Tenants *in Capite* there mention'd, according to the manner and form therein preſcribed: And from this way of pointing and reading this Charter it plainly appears, that there were two ſorts of Councils intended by it, the one Common and General for aſſeſſing of *Scutages* as a *Tax*, as alſo *Other Aids* that were to be granted by the *whole Kingdom*; the other Council conſiſting of the greater and leſs Tenants *in Capite* alone, was for granting and aſſeſſing of *Scutages*, either as a *Tax*, or as a *Service* to be paid by the Tenants *in Capite* only.

And for thus pointing and reading of this Clauſe, we have not only the printed Copies to juſtify us, but alſo the *Original Charters* and other *Manuſcripts*; all which have a full-ſtop after *prædictis*, and the next Sentence begins with the conjunction *Et*, with an *E* Capital: And Dr. *Brady* himſelf muſt ſure have approved of this *Pag.* 131. way of reading and dividing theſe Clauſes, becauſe in his *Appendix* to the firſt Volume of his Compleat Hiſtory of *England*, he has not only divided that Clauſe in the ſame manner as we do here, but after his *Engliſh* Tranſlation of that Article, concerning the *Cities*, *Boroughs*, and *Cinque-Ports* enjoying their Liberties (among which their having a *Common Council* of the Kingdom is made One) he adds this Paraphraſe, *That the* Citizens, Burgeſſes, *and* Cinque-Ports, *ſhall ſend their* Repreſentatives *or Commiſſioners to the* Common-Council *of the Kingdom for the Aſſeſſment of Aids*; but this being *Pag.* 169. contrary to the Doctor's Opinion, in his Introduction to the *Engliſh* Hiſtory, as alſo in his Treatiſe of *Cities* and *Boroughs*, in both which he will not allow the *Cities* and *Boroughs* to have ſent any *Burgeſſes* to Parliament, but only once in the forty ninth of *Henry the Third*, until the twenty third of *Edward the Firſt*, I cannot but believe, that this Tranſlation of the *Magna Charta* of King *John*, was done by ſome Friend, to ſave the Doctor the labour, who inſerted it into his Work without conſidering how much it contradicted what he had already written.

And therefore, without taking any further advantage of it, I ſhall proceed to ſhew the difference between theſe *two Councils*; the one of which, *viz.* that of the Tenants *in Capite*, from the higheſt to the loweſt, attended the King's Court *ex more*, or according to Cuſtom, three times every Year, *viz.* at *Eaſter*, *Whitſontide*, and *Chriſtmas*; and this was then call'd *Curia Regis*, the King's Court, where Matters of Right between the King's Tenants *in Capite* were determin'd, and where they themſelves were try'd by their Peers, if they had committed any *Felony or Treaſon againſt the King and Kingdom*; and here alſo *Scutages* were granted and aſſeſſed by the Tenants *in Capite*, upon their Inferior Tenants by *Knight's-Service*, yet not as a General Tax, but only upon ſuch as had omitted to attend the King in any Expedition againſt his Enemies, where they, with their Inferior Tenants, were obliged by their Tenures to aſſiſt Him.

But this was not the *Commune Concilium Regni* (as we now call it) for when the Antient Hiſtorians of thoſe Times take notice of the extraordinary meeting of this *Great Council* at the ſame time with that of the Tenants *in Capite*, which was held *ex more* (as I ſaid but now) at the three Great Feaſts of the Year, they make uſe of ſuch Expreſſions, whereby it may appear, that there was more than the ordinary *Curia* or Court of Tenants *in Capite* then ſummon'd, and often for the greater Eaſe and Convenience of his Tenants *in Capite*, and for the ſaving them a double Trouble of meeting twice, when one Aſſembly would ſerve: And as at the former of theſe Meetings only the Preſence and Conſent of the greater and leſs Tenants *in Capite* was neceſſary; ſo at the latter, *viz.* the *Common Council* of the Kingdom, not only the King's Barons, that held of him *in Capite*, but alſo the Barons or inferior Tenants of Biſhops, Abbots, and Temporal Lords, and great Tenants in *Capite*, were preſent either in Perſon or by their *Repreſentatives*, and ſo were likewiſe the Aldermen or Chief Magiſtrates of Cities, and Boroughs, before they were order'd to elect *two Citizens*, or *two Burgeſſes*, inſtead of them.

And as theſe two Councils were different, ſo likewiſe are the Expreſſions of our Hiſtorians concerning them; for when the King held his ordinary *Curia*, or Council of *Tenants in Capite*, they are only mention'd under the Title of Archbiſhops, Biſhops, Earls and Barons, to whom are ſometimes added the *Milites* or inferior Tenants *in Capite*, when they were no Barons; but when the King made a Union of both theſe Councils, the Phraſes and Expreſſions of our Hiſtorians alter, thus † *Ordericus Vitalis* ſays, that *Rex aſcivit*, that is, aſſembled together a Council of the Kingdom; or, *ex præcepto Regis convenerunt*, they met together by the King's Command; or, as *Eadmerus* hath it, *Rex ſanctione ſuâ adunavit*, the King by his Summons *co-united* them; or, as * *Florence* of *Worceſter*, *Regni Nobilitas ſuâ ſanctione adunata*, which was to ſhew, that ſuch Councils were not held *ex more*, only by meer Cuſtom, but by the King's particular Summons or Command. This that I have here given you being † Mr. *Petyt*'s Scheme, aſſerted at large by Mr. *Atwood*, of the *Great* or *Common Councils* of thoſe times, held diſtinctly from thoſe leſs Councils of Tenants *in Capite*, I ſhall now give you Doctor *B*'s Exceptions againſt it.

† *Fol.* 680.

* *Ad An.* 1129.

† Append. to the Rights of the Com. *p.* 131. *Jani Angl. facies nova & Jus Angl. ab Antiquo.*

In the firſt place he * ſaith, that the whole, as Mr. *Petyt* hath delivered it, is falſe, precarious, and cannot be proved from any good Authority; but rather on the contrary, that the *Barones Regis & Regni*, were the ſame perſons; and that uſually all thoſe Barons, of what quality ſoever, did repair to the *King's Court* or *Great Council* at *Chriſtmas*, *Eaſter*, and *Whitſuntide*, doth appear to have been the Cuſtom of thoſe Times he ſpeaks of, from the Teſtimony of the moſt antient Hiſtorians. And for the proof of this, he there cites *Eadmerus*, who indeed mentions divers Great Councils to have been held in his time, where, beſides the Eccleſiaſtical Orders, he only ſays, the *Primates*, or *Principes*, or *Barones Regni*, were preſent; where note by the Word *Principes*, the Doctor tranſlates *Princes* or Chief Men of the Nation, whereas I have already proved that by the Words *Primates* and *Principes*, not only great Noblemen or Princes, but any *Chief Men* whatſoever may be ſignified: But the Doctor thinks he hath given a ſtronger Inſtance againſt Mr. *Petyt*'s Notion, from the ſame Author, who tells us, *that at* Chriſtmas *following*, *the*

* *B. A. P. p.* 113, 114.

Page 67, 69.

Ib. pag 105.

the Realm of England *aſſembled according to Cuſtom at the King's Court at* London; from whence 'tis manifeſt, that at thoſe times the *Common Council* of the Kingdom was held; from this alſo, as well as from the former Inſtances, he ſuppoſes it to be moſt evident, that the *Barones*, *Principes*, *Optimates*, *&* *Barones Regni*, did at thoſe three great Feaſts, *pro more*, according to Cuſtom, frequent the King's Court.

This Authority, as full as the Doctor thinks it, may (I hope) be very well anſwer'd, if you will pleaſe to conſider, that tho' this Author ſays the Realm of *England* then met at this Great Solemnity *ex more*, yet this is not ſtrictly to be underſtood as if only the Tenants *in Capite* were then all the *Magnates* or Great Men of the whole Kingdom, ſince the inferior Barons or Military Tenants had alſo a very great ſhare in it, beſides other *Soccage*-Tenants, yet ſince the greater and leſs Tenants *in Capite*, who came to this Feaſt according *to Cuſtom*, were then the Chief and moſt Conſiderable Men for Riches and Power, they are here ſtil'd by way of Eminency the whole Kingdom, or Chief Politick Body of it: Nor is *Bracton* himſelf to be underſtood ſo ſtrictly, as if the *Whole Kingdom* then conſiſted only of *Earldoms* and *Baronies*, for if ſo, what will become of the Eſtates of all the leſs Tenants *in Capite*, who were then no Barons, and therefore could not hold by *Barony*, as alſo of their inferior Military Tenants, beſides all thoſe who held of the King, or other Lords by *Soccage*-Tenure, and were then no ſmall number, as I have already proved, notwithſtanding what the Doctor ſo confidently aſſerts to the contrary?

But to proceed to the other Authority he brings, whereby he would prove that Mr. *Petyt*'s Opinion concerning Barons of the Kingdom, who held by Meſne-Tenure of other Lords, and in that reſpect made part of the *Baronage* of *England*, is altogether falſe; *Ib. pag.* 115. he lays down as a Ground-work that *William* the *Conqueror* divided moſt of the Lands in *England* amongſt his Great Followers, to hold them of Him; that He made Earls and Barons of ſuch as He pleas'd; and they and their Deſcendants held upon the Terms of the firſt Grant, which was to find ſo many Horſes and Arms, and do ſuch and ſuch Services, *&c.*

In the next Paragraph he proceeds to ſhew us, what other ſorts of Men there were, among whom his *Conqueror* diſtributed the reſt of the Lands of the Kingdom: Other Lands (ſays he) were given to other Perſons for mean Services, as to be his *Wood-wards*, *Foreſters*, *Huntſmen*, *Falconers*, *Cooks*, *Chamberlains*, *Goldſmiths*, *Baylifs* of Mannors in his own Hands, and many other Officers, which in *Doomeſday-Book* are called *Terræ Tantorum Regis*, and ſometimes *Servientium Regis*; the reſt that follows being not to our purpoſe, I omit.

But before we proceed further, I cannot but remark the Errors this Author has committed, in affirming that *William* the *Conqueror* (as he calls Him) divided moſt of the Lands of *England* among his Followers; which Miſtake I have already confuted in the *Introduction* to the laſt Volume of the General Hiſtory of *England*, and therefore I need ſay nothing of that in this place, tho' I deny what the Doctor preſently after aſſerts, *that every Biſhop, Earl, and Baron*

Baron of England, *properly ſo call'd, held his Eſtate of the King by Homage and Fealty*, and yet for all that there were divers Others, who were in vulgar acceptation call'd *Barons of the Kingdom*, who did not hold of the King *in Capite*, and this he himſelf confeſſes in the next Page; but as for thoſe *Other Perſons* whom he has there nam'd, ſome of whom held Mannors, or ſmall parts or parcels of them, by *Petyt-Serjeanty*, I would be glad to be ſatisfied by the Gentlemen of this Opinion in one or two Queries concerning them; the *Firſt* is, whether all theſe ordinary ſort of Men by their Tenure *in Capite* were Barons of the Kingdom, or not? if they ſay they were, then it is evident, that this Title of *Baron* was a very common thing, and was communicated to very mean and ordinary ſort of People, both for Eſtates and Quality; and I cannot ſee why a Gentleman who held two or three Mannors of a Biſhop, or Temporal Lord, ſhould not deſerve the Title of Baron as well as one of theſe. *Secondly*, I deſire to be ſatisfied, how theſe Men were to be taxed by the *Common Council* of the Kingdom, whether by themſelves, appearing there in *Perſon*, or by their *Repreſentatives*; if by the former, I deſire theſe Gentlemen to conſider, whether this will not admit of near as great a number of Men of ſmall and inconſiderable Eſtates into the *Common Council* of the Kingdom, and conſequently (according to the Doctor's Notion) to be Barons of it, as Mr. *Petyt* doth, in ſuppoſing, that the Lords of Mannors, or better ſort of Freeholders of whatſoever Tenure, had thereby a Place in that Aſſembly, either in *Perſon* or by their *Repreſentatives*; but if he will not allow, that theſe menial Servants of the King abovemention'd, had by the Tenure of their Lands any Right to ſit in the *Common Council* of the Kingdom, I ſhould be then glad to know, how they were repreſented there, or could be any ways taxed for their Eſtates, when there were (as the Doctor ſuppoſes) no *Knights* of *Shires*, for thoſe Men being Tenants *in Capite* themſelves, the other Tenants of the ſame Order, tho' never ſo great, could not give Taxes for, and make Laws to oblige them.

The Subſtance of what the Doctor ſays in the following Paragraph, is, that whoever held of the Tenants *in Capite*, by mean Tenure in Military Service, held of thoſe Barons, or Tenants *in Capite*, by the ſame or the like Tenure, that they themſelves held of the King, which I do not deny, any more than what he ſays further of theſe *Sub-feudataries*, and the Power the King had over them and their Eſtates.

But the laſt Lines of this Paragraph do ſomewhat perplex me, and I believe there is a Fallacy in them, the Words are theſe, 'We never had any Baronies held by mean Tenures here in *England*; this, if he (*viz.* Mr. *P.*) denies, he muſt deny all Hiſtory, and our antient Law and Law-Books; and if he grants it, he muſt confeſs that every Baron was a Tenant *in Capite*, and by his own conceſſion he muſt then be the King's Baron, or *Baro Regis*. In anſwer to which I think Mr. P. may very ſafely allow, that tho' there were no Baronies in *England*, properly ſo called, but what held of the King *in Capite*, and conſequently no Barons ſtrictly taken, who did not hold by the like Tenure; yet it is not true, that there were therefore no Barons in a larger acceptation; ſuch as were thoſe who held of the Earl of *Cheſter* and Biſhop of *Durham*, becauſe theſe as Barons of thoſe *County-Palatines*, made one great part in their *Common Councils* for the granting of *Taxes* and making of *Laws* for themſelves and the reſt of the People within thoſe Provinces.

But beſides theſe, the Doctor himſelf grants, that there were *Nominal* or Titular Barons *many*, and ſuch were the Great Tenants to Great Subjects, and then inſtances in the Barons that held under *Henry de Newburg* Earl of *Warwick*, and *Robert Fitz-Haymon* Earl of *Gloceſter*, One of whom held ten Knights Fees of the Earl of *Warwick*; and the Doctor further grants at the end of the Paragraph, that ſeveral other great Subjects there were, who had Tenants that held five, ſix, ſeven, eight, or ten, or more Knights Fees under them, who had the Name and Title of *Barons*, as the Lord of the *Iſle of Wight* in that Iſland, *&c.*

Pag. 70. Col. 2. And to this I may alſo add, that Sir *H. Spelman*, in his *Gloſſary*, under the Word *Baro*, ſpeaking of theſe Barons of Counties, hath this remarkable Paſſage, ‘by this Title there ſeems to be underſtood in antient Writers all ſorts of *Feodal Barons*, reſiding in any County, (to wit) the Chief or Leading Men, and alſo all *Liberi Tenentes* whatſoever, that were Proprietors of Land, *Anglicè Freeholders*, as is already ſaid; but it is to be noted, that theſe Freeholders were not then ſo mean and ordinary as at this day; for the Noblemen or Gentlemen had not then parcelled out their Mannors and Towns into ſmall Eſtates of Inheritance, but as we ſee ſtill in *Ireland*, they kept them in their own hands, and managed them by hired Servants or Villains.

Ibid. After this the Doctor proceeds with an inſulting Air, and deſires ‘the Gentleman his Antagoniſt to ſhew in his next, if he can, where there was ever any ſuch kind of Tenure, as *Tenura de Regno*; whether there was ever any Man, that held an Eſtate *de Regno*? Whether *Forfeitures* or *Eſcheats* were to the Kingdom? And whether *Fealty* was ſworn, or *Homage* done to the Kingdom? with ſome other Queries not much to the purpoſe, which I pretermit; but to theſe I think I may anſwer for that Gentleman, and ſhew the Impertinency of them: As to the firſt *Query*, it may very well be anſwered, in the Affirmative, that there were ſuch *Barons* of the Kingdom, tho' not holding of the Kingdom, nor yet immediately of the King; but however they had either by *themſelves* or *Repreſentatives* Places in Parliament, and that appears plain enough by the Doctor's own Conceſſion, who grants, that there were certain Gentlemen of great Eſtates, commonly call'd *Barons*, and who were ſo by reaſon of their Tenures; and if they were in that ſenſe *truly Barons*, and were not the *King's Barons*, they muſt then be certainly *Barons of the Kingdom* in general; and that ſuch inferior *Barons* who held of other Lords were alſo called *Proceres*, i. e. *Noble* or *Great Men*, may appear from the Laws of *Henry* the *Firſt*, *Cap.* 25. the Title whereof runs thus, *De Privilegiis Procerum* Angliæ; the Law is, *Si exurgat Placitum inter homines alicujus Baronum*, Socnam *habentium*, *tractetur Placitum in Curia Domini ſui*, i. e. if a Plea ſhould ariſe between the Tenants of any of the Barons, having *Socna*, (that is, *Suit of Court*) let that Plea be decided in the Court of his own Lord; where you may obſerve, that the Inferior

Tenants or Lords of Mannors are here called *Proceres* and *Barones*, and from them our ordinary *Court-Barons* took their Names, tho' the Lords were *Feodatary* Tenants to Others. And Mr. *Cambden* in the Introduction to his *Britannia*, firſt publiſhed in *Quarto*, was of the ſame Opinion, tho' he carries it ſomewhat further; for ſpeaking of the antient Barons of *England*, he ſays thus, which I ſhall tranſlate into *Engliſh*, 'but the Word *Baron* may ſeem to be one of thoſe Titles which time hath render'd of a better ſignification, for a long time after, (*i. e.* the reputed Conqueſt) not only Tenants by *Knight's-Service*, but thoſe who were *Freeholders*, and were by the *Saxons* ſtil'd *Thanes*, began to be called *Barons*; nor was it then of any great Honour; but in tract of time it came to be of that value, that under the name of Baronage of *England*, all the Orders or Eſtates were comprehended: And tho' I grant, that in the *Folio* Edition of this Work, the Author (becauſe this Paſſage gave ſome Exception to the Houſe of *Peers*) has wholly omitted it, and reſtrains the Title of *Baron* and the Baronage of *England*, only to the higher Nobility there mention'd; yet which of theſe Editions are moſt agreeable to the Senſe of *Records* and *antient Writers*, I muſt leave to the Judgment of the impartial Reader. But as the Doctor hath asked his *Antagoniſt* (as he thinks) many puzling Queſtions, ſo I ſhall now in my turn make bold to put a Query to thoſe of the Doctor's Opinion, concerning the leſs Tenants *in Capite*, (whom the Doctor in more places than one, *confeſſes to have been then no Barons*) and that is, whether did thoſe hold of the King by Barony, or not? if they will ſay they did, then why are they not in King *John's* Charter called *Barons*, but other Tenants *in Capite*? and if they will ſay, they did not hold by Barony, certainly then they were no *Barons*; *ſo that tho' every* Baron *was a Tenant* in Capite, *yet every Tenant* in Capite *was not a* Baron: But if theſe Gentlemen will ſtill inſiſt, that tho' they were no Barons properly ſo call'd, yet that by reaſon of their Tenure of the King *in Capite*, they and none Others had a place in the Great Council of the Kingdom, that is to beg the Queſtion; for the matter in diſpute is, whether in thoſe times theſe leſs Tenants *in Capite*, together with the greater, made the *Repreſentative* Body of the Kingdom, or Baronage in Parliament, or not? the Doctor affirms it, and Mr. *Petyt* denies it, and gives very good Reaſons and Authorities to prove, that the Word *Baron*, and conſequently *Baronage*, derived from thence, are not to be confin'd to the Tenants *in Capite* only, which has put the Doctor into a fit of the Spleen, for he will have none to be Barons, unleſs ſuch as held of the King *in Capite*; but the Falſhood of this Propoſition plainly appears in this, that the leſs Tenants *in Capite*, who were at the making of King *John's* Charter, and were no Barons, were yet ſummon'd to Parliament as well as they; and if ſo, I cannot ſee any reaſon, why other Inferior Tenants, who, as the * Doctor there acknowledges, were Men of great Eſtates, as enjoying eight or ten Knights-Fees apiece, ſhould not have a Place or Vote in Parliament, rather than a ſmall Tenant *in Capite*, or *Petyt Serjeanty*, who, it may be, had not above half, or a third part of a *Knight's-Fee*. But if theſe Gentlemen will ſtill urge, that however unreaſonable it may ſeem, the Law or Cuſtom of the King-

* *Ibid.* p. 116.

Kingdom had made it ſo, and for this, will cite the above-mention'd Clauſe in that Charter, whereby the leſs Tenants *in Capite* were to be ſummon'd by one General Writ to the Sheriff, to appear at the *Common Council* of the Kingdom; in anſwer to this, I ſhall make bold to affirm, that according to our reading and pointing of theſe Clauſes in this Charter, it does not appear, that either the greater or leſs Tenants *in Capite* were to be ſummon'd to a *Common Council* of the *whole Kingdom*, ſince after that Clauſe of the City of *London*, and all Other *Cities* and Boroughs having and enjoying their antient Liberties and Free-Cuſtoms, it follows, and for their having or being of the *Common Council* of the Kingdom, *&c.* and the next Clauſe only recites, that all the Tenants *in Capite* there mention'd, ſhall be ſummon'd after the Form therein preſcrib'd, for the *granting* or *aſſeſſing* of *Scutages*, but doth not ſay, that they were to be ſummon'd to do this in a *General Council* of the *whole Kingdom*, but rather the contrary, ſince their coming to ſuch a Council is here omitted.

* Dr. *Brady* indeed excepts againſt this Interpretation, and asks Mr. *Atwood* his Antagoniſt, if the Tenants *in Capite* were a great Council of the Kingdom for aſſeſſing *Eſcuage* only? Why was the cauſe of Summons to be declar'd in every Writ of Summons to the Great Barons and Tenants *in Capite?* If they were only ſummon'd about *Eſcuage*, or other ordinary buſineſs of courſe, the cauſe of Summons need not to have been declar'd, whereas it is there expreſly provided, that the King ſhall in all ſuch Writs declare the cauſe of that Summons.

In Anſwer to this, I deſire the Reader would remember what we have already allow'd, that tho' the ſummoning of the Tenants *in Capite*, for the aſſeſſing of *Eſcuage*, either as a Tax or Service, was one main buſineſs they were to meet about, yet were they not confin'd to that alone, for they might alſo meet for the Tryal of any one of their own Members, which was fit to be declar'd in the Writs of Summons, and they might alſo join with the King in making ſuch *Temporary Laws* or *Ordinances* as might continue in force until a Parliament could be ſummon'd to confirm them, as we find was practiſed by the King and his *Great Council* of Biſhops and Peers in the Reigns of *Edward* the *Second* and *Third*, when this Council of Tenants *in Capite* was wholly left off: And for this you may ſee the Titles of many ſuch *Ordinances* in our printed Statute-Books: And again, another main Buſineſs of theſe Tenants *in Capite* might be to give their *Advice* and *Conſent* for the making and carrying on of any *Foreign War*, in which they were bound to aſſiſt the King in Perſon, if He required it, or elſe might grant Him a *Scutage* upon every Knight's Fee for that purpoſe: And in this caſe I grant the Doctor's Citations from the Record to be true, that the Tenants *in Capite* did not only grant ſuch *Scutages* for themſelves, but alſo for their Under Tenants by Military Service; but that ſuch Grants were uſually made in *full Parliament* we deny, nor does the Writ (cited by the Doctor) to the Sheriff of *Suſſex* for the levying of two Marks *Scutage* for the Military Tenants of the Biſhop of *Chicheſter*, at all prove what the Doctor brings it for; for tho' it is there only recited, that the Archbiſhops, *&c.* Earls, Barons, and

all

* B. *A.* J. *p.* 170.

all Others of the Kingdom who held of the King in Capite had gracioully granted the King an Aid or *Scutage* of two Marks out of every Knight's Fee; yet it is not there ſaid, that this Grant was made in *full Parliament*, which methinks it ſhould have been, had this Tax been therein given.

'Tis true, the † Doctor in his Anſwer to Mr. *Petyt*, hath cited a Record of the thirtieth of *Edward the Firſt*, that ſeems more to his purpoſe; it is a * Writ to the Archbiſhops, Biſhops, *&c.* Earls, Barons, Knights, and all Others of the County of *Kent*, reciting, that 'whereas on the firſt of *June*, in the eighteenth Year of his Reign, the 'Prelates, Earls, Barons, and other Great Men of his Kingdom had 'unanimouſly granted for *Themſelves* and the *whole Community* thereof 'of *in full Parliament*, Forty Shillings for each *Knight's Fee* through'out the Kingdom, *&c.* and from thence he infers, that in the eighteenth Year of this King the Tenants *in Capite* did not only repreſent the *whole Community* of the Realm in Parliament, but were alſo the *Sole Grantors* of this *Scutage*, for *Themſelves* and *All Others* of the Kingdom; and conſequently, that they *Alone* were the *conſtituent* Members of this Parliament, as they had been of all other Great Councils or Parliaments, except that of the forty ninth of *Henry the Third*. I have in part already anſwer'd one of the Doctor's Inferences from this Record concerning the Tenants *in Capite* then making the *whole Community* of the Kingdom; but ſince in the place above-cited he makes uſe of it for another purpoſe, *viz.* to prove, that the ***Knights*** of *Shires* were not ſummon'd to this Parliament until after this *Scutage* was given: I ſhall defer the further Anſwer to what the Doctor infers from this Record, till I come to conſider the reſt of his Arguments upon the ſame Head, and hope then I ſhall be able to prove, that he was very much miſtaken in that matter.

† *Ib. p.* 149.

* *Rot. Pat.* 30 Ed. I *m.* 1.

In the mean while I ſhall proceed to the third Period, and give you ſome other of the Doctor's Authorities, that during all the Reign of *Henry* the *Third* (excepting his forty ninth Year) the Tenants *in Capite* Alone conſtituted all the *Great Councils* or Parliaments of the Kingdom; but as for the Inſtances he has given us from *Matt. Paris* in the beginning of this King's Reign, to prove, that none but the Tenants *in Capite* were preſent in all thoſe Great Councils or Parliaments, till the time above-mention'd; ſome of them are indeed too general to draw any certain Concluſions from. The *Lay-Members* of thoſe Great Councils or Parliaments (for as to the *Eccleſiaſtical* I ſhall not concern my ſelf) are commonly mention'd by this Author under the general Terms of *Magnates*, *Proceres*, or elſe *Comites & Barones*, all which Titles (except the *Comites*) I have ſhewn do ſignify another Order of Men, beſides the Tenants *in Capite*, and ſome of thoſe Authorities which the Doctor hath made uſe of from * *Matt. Paris*, do make againſt him; as for Inſtance, that Parliament or Treaty, which under *A. D.* 1224, he mentions to be held on the Octaves of the *Holy Trinity*, at *Northampton*, where the King met and treated with the Archbiſhops, Biſhops, Earls, Barons, and *Many Others*; here, by *Many Others*, muſt be meant the *Repreſentatives* of the *Commons*, ſince (according to the Doctor's vain Conceit) all the Tenants *in Capite* are comprehended under the Word

Vid. *Dr. B's Account of Great Councils or Parliaments* Append. *to his* Introduct. *p.* 59. 60.

* *Page* 320.

Word *Barons*, or elſe they were not mention'd at all; but if thoſe of his Opinion will inſiſt, that by theſe *Multis Aliis*, the leſs Tenants *in Capite* are to be underſtood, as diſtinct from the *Barons*, I deſire then that they would ſatisfie me, whether the Word *Barones* does in other places of this Author include the *whole Baronage* of *England*, (of which the leſs Tenants *in Capite* made a conſiderable part) and if it does, why the ſame ſingle Word ſhall not alſo comprehend them in this and other places? for otherwiſe the Word *Barones* would be of a very various and uncertain ſignification, and muſt ſometimes mean the *Great Barons alone*, as in this Inſtance, and at other times muſt alſo take in all the other leſs Tenants *in Capite*, as the Paſſage in the Record or Hiſtorian will beſt ſuit the preſent turn, and the *Hypotheſis* they are to maintain.

* *Ib. p.* 323. But to proceed to the Year 1225, the ſame * Author tells us, King *Henry* held his Court at *Chriſtmas*, where the *Clergy* and *People* were preſent, *with the Great Men of the Kingdom*, and at this Solemnity, there was granted the King a *Fifteenth* of all Moveables: This Court being held at *Chriſtmas*, when the Tenants *in Capite* were wont to meet according to Cuſtom, the Doctor does ſuppoſe makes for his Opinion, and that by the *Magnates* are to be underſtood the Biſhops, Lords, and other Tenants *in Capite*, and by *Clerus* and *Populus* the Clergy and Laity in general; but I have already ſhewn the Abſurdity of this Interpretation, and that if the *Magnates* comprehended all the *Lay-Orders*, as low as to the leſs Tenants *in Capite*, then the Word *Populus* would be altogether needleſs and impertinent; ſince it would but be only a ridiculous Repetition of thoſe *Orders* that were already recited: Nor can the Doctor ever make it out, that by the Word *Populus* the leſs Tenants *in Capite* alone are to be underſtood from any antient Hiſtorian whatſoever.

Ib. p. 367. I confeſs the † Parliament or Treaty that was held *A. D.* 1230, ſeems *primâ facie* to make more for his Opinion, when (as *Matt. Paris* relates) on the *Kalends* of *February* the King meeting with the Prelates and other *Great Men* of the Kingdom at *Weſtminſter*, He required of them a *Scutage* of *Three Marks* of every *Knight's-Fee* of all who held *Baronies*, as well *Laicks* as *Prelates:* But in anſwer hereto I have one thing to offer, that I do not take this to be a *General Council* of the *Whole Kingdom*, but only a *particular Colloquy* or Treaty with the Greater Tenants *in Capite* alone, in which no others of the Kingdom were at all concern'd; nor is it call'd by this Author a *General Council* or *Parliament*, but only a *Colloquy* with the Great Men above-mention'd, and extends only to thoſe who held *whole Baronies*, which the leſs Tenants did not.

* *Ib. p.* 59. † Matt. Paris *p.* 435. But I will give you two or three other Councils mention'd in this Author, and cited by the * Doctor, which look ſomewhat favourably towards his Opinion; the *Firſt* is, under † *A. D.* 1237. being the Twenty firſt Year of this King, when He held his *Chriſtmas Court* at *Wincheſter*; and from thence preſently after ſent his Writs thro' all the Borders of *England*, commanding All *that belong'd to the Kingdom of* England, *viz.* Archbiſhops, Biſhops, Abbots, *Inſtall'd Priors*, Earls and Barons, that without fail they ſhould meet at *London* on the Octaves of *Epiphany* (i. e. the thirteenth of *January*) to treat about thoſe Publick Affairs, which concern'd the whole Kingdom;

dom; the Great Men yielded ready Obedience to this *Summons*, believing ſome great and difficult Affairs were to be tranſacted, and accordingly on St. *Hilary*'s day an *infinite number* of *Nobility*, (that is) the * *whole Body of the Kingdom*, met at *London*; from whence the Doctor does infer, that if the Parties above-mention'd made up the *whole Body* of the Kingdom, there could be certainly no *Repreſentatives* of the *Commons* by *Knights*, *Citizens*, and *Burgeſſes*, in this Parliament, the loweſt Order here ſet down being that of the *Barons*.

* Regni Totalis Univerſitas.

So likewiſe *An. Dom.* 1242, * the King writ to all his *Great Men* of *England*, *viz.* Archbiſhops, Biſhops, Abbots, Priors, Earls and Barons, ſtreightly commanding them, that they ſhould All in general meet at *London* on Thurſday before the *Purification* of the Bleſſed Virgin, to treat of the arduous Affairs of the Kingdom, that would admit of no delay. And then at the day appointed, the Nobility of all *England*, as well Prelates as Earls and Barons, met at *London* according to the King's Summons; then He ſent to his Commiſſioners, *viz.* the Archbiſhop of *York*, Earl *Richard* (the King's Brother,) and *Walter*, Provoſt of *Beverly*, to declare his Intentions, and ask their Advice; whereupon the ſaid Biſhops, Abbots, Priors, Earls and Barons, gave their Advice to the King concerning his intended War with *France*; and when the ſaid Great Men the Commiſſioners, or Meſſengers, had reported that Anſwer to the King, they returned to the *Baronage*, and told them that they had only in part given the King a ſufficient Anſwer, &c.

* *Ib. p.* 579.

Ib. p. 580.

From whence Dr. *Brady* takes occaſion to ask his Antagoniſt, what clearer Proof there can be, that all the Biſhops, Abbots and Priors, and all the Earls and Barons of *England*, were here the *only* Baronage of *England*, for they were the only Perſons that met at *Weſtminſter* by the King's Writ, they were the only Perſons who receiv'd the Meſſage from the King's Commiſſioners, and conſulted about it, they were the only Perſons who gave their Advice upon this Meſſage, and they were the only Perſons who are here called the *Baronage*, to whom the Great Men the King's ſolemn Meſſengers (or Commiſſioners) return'd, after they had reported their Anſwer to the King, and told them it was but in part ſufficient.

B. A. P. pag. 108, 109.

And who (as he ſuppoſes) were then the only *Magnates* or Great Men of the whole Kingdom, as particularly expreſſed by the ſame † Author under *A.D.* 1244. where he reckons them up in the very ſame manner and order of Words, as they were in the Parliament immediately foregoing, *viz.* the Archbiſhops, Biſhops, Abbots, Priors, Earls and Barons. But the Doctor's moſt remarkable Authority is under the Year 1246. when in *Mid-lent*, on the day on which the Hymn *Lætare Jeruſalem* is ſung, there met at *London*, being call'd by the King's Edict, *Parliamentum Generaliſſimum*, a moſt General Parliament, the whole Kingdom of *England*, conſiſting of the whole Nobility, to wit, the Prelates, as well Abbots and Priors, as Biſhops, with the Earls and Barons, where he obſerves there is *no Commons* at all mention'd in this moſt *General Parliament*, no more than in thoſe aforegoing, tho' all the Great Men of the Kingdom were ſummon'd to them.

† *Ib. p.* 693.

Ib. p. 696

Since I have put together the moſt conſiderable Authorities, that the Doctor hath to produce from *Matt. Paris*, to prove that there were no *Repreſentatives* of the *Commons* in any of theſe Parliaments, I ſhall now return one General Anſwer to all theſe four laſt Quotations: And as to the firſt of them, I obſerve, that by the *Infinite Multitude of Noblemen*, or whole Body of the Kingdom, who met at the Parliament at *Wincheſter*, there muſt certainly be more Perſons meant than thoſe expreſly mention'd in this Author, for taking in the Biſhops, Abbots, Priors, that held of the King *in Capite*, together with the Earls and Barons properly ſo call'd, they could not amount in all to three hundred Perſons; and if it be inſiſted on, that the leſs Tenants *in Capite* are to be taken into the number of the Barons, I cannot allow of it, for had they been ſo comprehended, *Matt. Paris* would in ſome place or other have mention'd them particularly; ~~but~~ for I cannot ſee any reaſon, if they are not call'd *Barons* in King *John*'s Charter, and were known at this time not to be ſo, why this Author ſhould not give them that Title in all theſe places: But ſuppoſe we ſhou'd admit for Diſcourſe ſake, that under the Word *Barones*, theſe leſs Tenants *in Capite* are alſo included, they would not have made at the moſt above ſeven or eight hundred Perſons more, and tho' theſe ſhou'd be added to the number of the Prelates and Temporal Lords, they would have made not above a thouſand in all, which would fall far ſhort of the *infinite number of Noblemen* mention'd by our Author, as preſent at this Parliament; and therefore to make up this *Infinite Multitude*, if all the Tenants *in Capite* appear'd there in Perſon, their Inferior Military Tenants muſt likewiſe have attended them, as they did at the Great Council or Parliament, when *Magna Charta* was firſt granted; and, as this Author alſo aſſures us, they did at that Great Parliament at *Oxford*, when thoſe famous *Proviſions* or Statutes (which took their Name from that Place) were enacted; but then the conſequence will be, that ſuppoſing they were there, they muſt alſo make up the *totalis Nobilium Univerſitas*, or whole Body of Nobility mention'd by this Author, and conſequently then it did not conſiſt of the Biſhops, Lords, and Tenants *in Capite* alone, as the Doctor conceives.

As for the other three Quotations, which are brought to prove, that the *Magnates* or Great Men of the Kingdom then only conſiſted of the Orders there mention'd, the loweſt of which were the *Barons*, I think I may ſatisfie any indifferent Reader about it, by offering the Gentlemen that maintain this Opinion, this ſhort Dilemma; either the Word *Barons* there mention'd by *Matt. Paris*, includes the leſs Tenants *in Capite* as well as the greater, or it does not; if it does include them, then it is evident, that thoſe, who were *no Barons* of the Kingdom, had equal Places with them who were truly and properly ſo; and then I can ſee no reaſon why the *Barons* of Counties, or Lords of Mannors, tho' Tenants by Military Service to the greater and ſmaller Tenants *in Capite*, (or at leaſt their *Repreſentatives*) ſhould not have had Places in Parliament as well as the Tenants *in Capite* themſelves, and that for the reaſon already given, of the great ſhare they had in the Property of the Lands of the Nation, being much more than what moſt of the ſmaller Tenants *in Capite* at that time enjoy'd; but if theſe inferior Tenants *in Capite* be deny'd to have been Members of theſe Parliaments, then it will follow, that theſe were no *Common Councils* or *Parliaments*, according to the Form of King *John's* Charter.

I ſhall now proceed to the reſt of the Authorities which the Doctor has brought to prove, that the * *Univerſity* of *England* (as he calls it) or *Repreſentative Body* of the Kingdom in Parliament, conſiſted only of the Earls, Barons, and Tenants *in Capite*; and for this we are to look back to *A. D.* 1245, when *Matt. Paris* tells us, that King *Henry* began to deteſt the inſatiable Avarice of the Court of *Rome*, and the injurious Encroachments, and unlawful Rapines made by Her upon the whole Kingdom, and the Church alſo; and therefore (ſays he) there was an elegant Epiſtle then compos'd by the *Univerſity* of the Kingdom, which ſets forth the execrable Papal Extortions, and intolerable Exactions of his *Legates*, and of divers *Prieſts* executing an unheard of Power; with which Epiſtle certain Noble and Diſcreet Men were ſent to the Council at *Lyons* to make complaint thereof, and eſpecially of the Exactions of a *Tribute*, unto which the *Univerſity* of the Kingdom never gave their Conſents; there were therefore choſen for that purpoſe, and ſent in the name of the *Univerſity* of *England* to the ſaid Council, Earl *Roger Bigod*, with four other Barons there named, and Mr. *William Powerick*, who was their Secretary; and then the Doctor proceeds to give an Account, that the Barons intended to meet at a great Tourneament at *Luton* and *Dunſtable*, which was forbid by the King; however, *Fulk Fitz-Warin* was ſent on behalf of this *Univerſity* of *England* to Maſter *Martin* the Pope's Clerk (who was his Legate and Inſtrument of the great Exactions aforeſaid) but I leave the Reader to conſult the * Doctor, or rather the Author himſelf, for the particulars of this Story; the Sum of which is, that when *Fulk* had commanded this Clerk or Nuncio immediately to be gone out of *England*; he thereupon asking at whoſe Command; *Fulk* preſently anſwer'd, at that of the *Univerſity* or Body of Military Men, that lately appear'd at *Luton* and *Dunſtable*, who do by me lay upon you this Injunction; and then threaten'd, if he did not obey it, he ſhould be cut in pieces; whereupon Mr. *Martin* being much terrified at this rough Meſſage, went immediately to the King, and asked Him, whether it was done by his Authority; the King told him no, He was not the Author of any ſuch thing, *but my Barons* (ſaith He) *can ſcarce contain themſelves from an Inſurrection againſt Me, for that I have ſo long ſuffer'd your Depredations and Injuries in my Kingdom.*

B. A. P. p. 103. 104.
* *Univerſitas Regni.*
Pag. 658. 659.
* B A P. *Pag.* 104.

From whence the * Doctor obſerves, that this Story makes it plain, who were then the *Univerſitas Regni* (to wit) the Barons, or the *Univerſitas Armatorum*, the *Univerſity* of Armed or Military Men, met to hold a Tourneament, and who were thoſe whom the King calls *his Barons*. Now, whether the Doctor hath made out what he is to prove by both theſe Relations, I ſhall leave it to the unprejudiced Reader.

* *Ib.* p 105.

In the firſt, the *Univerſity* of *England* choſe *four Commiſſioners* to go to the Pope, who were all Great Barons; does it therefore follow, that none beſides the Great Barons of the Kingdom could chuſe them? By this way of arguing, none of the ſmaller Tenants *in Capite* had any hand in this Choice, nor were part of the *Univerſity* of the Kingdom, becauſe none but Barons and Great Tenants *in Capite* were ſent to repreſent the Body of the Kingdom at the Council of *Lyons*; and ſuppoſing the *Repreſentatives* of the *Commons* to have been preſent when theſe *four Commiſſioners* were choſen, could they not have pitched upon, four of the wiſeſt and greateſt Lords of *England*, on the behalf of themſelves and the whole Kingdom, tho' they did not think any of their own Order good enough to go on an Errand of ſo great an Importance?

As for the ſecond part of this Relation, it is certain that *Fulk Fitz-Warin* was ſent on the behalf of the *Univerſity* of the whole Kingdom, to Mr. *Martin* the Pope's Clerk or *Nuncio*; and who this *Univerſity* was, appears by what follows, that they were the *Univerſity of Military or Armed Men*, who lately appear'd at *Luton* and *Dunſtable*; where you may note, that the Author does not here call this Body the *Univerſity* of the Earls and Barons, and Tenants *in Capite*, but only the *Univerſity* of Military Men in general; that is, the Inferior Tenants by Knight's Service, as alſo thoſe of Eſtates who held in free *Socage*, might be there in Arms, and join in this Meſſage to the Pope's Clerk, unleſs the Doctor can prove, which will be very hard, that none but the Tenants *in Capite* were admitted to be Parties at this general Tourneament; but if other Military Men were there (as is moſt likely) they alſo made a part of this *Univerſity* or General Body of the Kingdom, and theſe are they whom the King calls his *Barons*, as well as the reſt, as the Doctor himſelf here grants in his Obſervation on this Story.

But that the Prelates, Earls, and Barons, with the leſs Tenants *in Capite*, could not then make this *Common Univerſity*, or general Body of the Kingdom, appears from the Authority the * Doctor has given us from the ſame Hand, under the Year 1644, when the Earls, and Barons declared to the Biſhops, that they could do nothing as to the granting the King an Aid, without the conſent of the *Common Univerſity* of the Kingdom, and then follow the Names of thoſe Biſhops and Noblemen, who were by *Common Conſent* of the whole Body choſen for that purpoſe; which Anſwer of the Earls and Barons, to the Biſhops and other Prelates, had been very impertinent, if they alone, together with the Tenants *in Capite*, (who then ſat with them in the ſame Houſe, whenever they were aſſembled together) had been the *whole Univerſity* or Body of the Kingdom, as I have already proved in the former part of this Diſcourſe.

* *Ib. p.* 109.

But ſince I have ſaid enough in the precedent part of this Diſcourſe, to prove, that the *Univerſity* (as the Doctor terms it) or *Politick Body* of the Kingdom, conſiſted of another Body of Men, than the Biſhops, Lords, and Tenants *in Capite*; and alſo that the words *Communitas Regni*, or as in *French*, *Le Commune de la Terre*, which is the ſame with the *Univerſitas Regni* abovemention'd, did alſo ſignifie not only the Earls and Barons, but the *Repreſentatives* of the *Commons* alſo, I ſhall ſay no more upon thoſe Heads.

Thus having given you the Doctor's Reaſons and Authorities, why he ſuppoſes that the great and ſmall Tenants *in Capite* were the *only Repreſentatives* of the Nation in the *Great Councils* or *Parliaments* of thoſe Times, till the Forty ninth of *Henry the Third*, and that before that the *Commons* had no *Repreſentatives* there; I ſhall in the next place proceed with the reſt of my Authorities, whereby I hope to make it clear, that there was a ſeparate or diſtinct Council of Tenants *in Capite*, both great and ſmall, different from that of the Common or General Council of the Kingdom, ſummon'd upon ſpecial occaſions. And this I ſhall do by two ſeveral Methods, or ways of Proof; the firſt of which ſhall be from *Antient Records*, and the Other from *Hiſtorians*, either in *Print* or *Manuſcript*. To begin with the former, I ſhall ſhew, that not only the *Temporal* Barons and Tenants *in Capite* did often meet and hold diſtinct Councils, but that alſo the *Eccleſiaſtical Tenants* in Capite did likewiſe ſometimes meet at the ſame time, and for the ſame purpoſe, *viz.* to grant the King a *Scutage* out of the Lay-Fees which they held of Him; which will appear by this * Record on the Patent Roll of the Fifteenth of *Henry the Third*, which is in *Engliſh* thus, when *We* '(*i. e.* the King) requir'd of the Prelates of *England*, that they ſhould 'grant Us an Aid for Our great neceſſity, and the Biſhops, Abbots, '*Abbeſſes*, Priors, *Prioreſſes*, who held of Us *in Capite*, have libe'rally granted Us ſuch an Aid, *viz.* of every of their *Knight's Fees*, 'Forty Shillings, for which they were anſwerable to the King, when 'they do Him *Knight's Service*, &c. where you may obſerve, that not only the Biſhops and Abbots who held *in Capite*, but the *Abbeſſes* and *Prioreſſes* alſo who held of the King *in Capite*, join'd in this *Scutage*; and ſince it cannot be ſuppos'd that theſe *Abbeſſes* and *Prioreſſes* could leave their Houſes and appear in Perſon at ſuch Meetings, they muſt be ſuppos'd to do it by their *Oeconomiſts* or Stewards, as their lawful Proxies in thoſe Aſſemblies; which, tho' they were not Great Councils or Parliaments, yet requir'd the Conſent of the major part of the Tenants *in Capite*, either by *Themſelves* or their *Repreſentatives*: But that this was a Council conſiſting of Tenants *in Capite* only, may appear by another * Record of the Forty ſecond of this King, wherein it is recited, that whereas it was provided by a *Common Council of the Barons and Other Great Men*, who had been with the King in *Wales*, and that He Himſelf, and they who had done their Service there, were therefore to receive their *Scutage* (to wit) Forty Shillings of every *Scute* or Fee, for his Army in *Wales*, in the Forty firſt Year of his Reign; He therefore commands the Barons of his *Exchequer*, that they ſhould cauſe to levy the ſaid *Scutage* on all *Knight's Fees* that were held of Him *in Capite*, and upon *Wards* being in the King's hand, except the Fees of thoſe who had his Writs for receiving their own *Scutage*; from which Record it appears, that this was only a Common Council of Tenants *in Capite*, who had attended on the King, and done their Service in this *Welſh* Expedition, and concern'd none elſe but ſuch Tenants by *Knights's Service*, and their *Military Tenants*, who had fail'd to do their Service, and is indeed ſuch a Tax as is expreſly reſerved by that Clauſe of King *John*'s Charter before-cited, whereby *Scutage* is to be aſſeſſed by All the Tenants *in Capite*.

* *Rot. Pat.* 15 *H.* 3. *m.* 3. See it printed in *Latin* in Mr. *A*'s *Jani Anglorum*, &c. *pag.* 229.

* *Inter Commun. de Term. Sancti Mich. Anno* 42. *H.* 3. *Rot.* 4. *de Scutag. Levand.* cited at large in *Jani Anglorum* *p.* 240.

But when a general Tax or Aid was granted by the *whole Kingdom*, the Stile of theſe Councils runs much otherwiſe, as appears by the Cloſe-Roll of the Fourteenth of this King, where it is recited in the Record, that * *Omnes Magnates & Fideles totius Regni noſtri*, all the Great Men and *Faithful Subjects* of the whole Kingdom had granted the King *de qualibet Carucatâ duos ſolidos*, i. e. that it hence appears, that this was a Grant of *Carvage*, which not being a *Scutage*-Service, nor yet a *Scutage*-Tax, was therefore to be granted by the *Common Council* of the whole Kingdom, which being aſſeſſed not only upon Tenants *in Capite*, and their Feudatary Tenants, but upon each Plough-Land of the whole Kingdom, muſt have been granted (as I have already proved out of *Bracton*, ſpeaking of *Carvage*) *de conſenſu & communi conſilio totius Regni*; for otherwiſe the Tenants *in Capite* could never have charged all the Lands of *England*, which were not held of them by Military Tenure.

* *Rot. Clauſ.* 4. *H.* 3. *m.* 5. cited in *Jani Angl. p.* 241.

But I ſhall yet make it plainer by another Record of this King, in theſe words, which being tranſlated runs thus; 'The King to the 'Sheriff of *Devonſhire*, Greeting, Know ye, that the Archbiſhops, 'Biſhops, Abbots, Priors, and Clerks, having Lands not belonging 'to their Churches, as alſo the Earls, Barons, Knights, Freemen, 'and *Villani*, (i. e. *Townſmen and Villagers*) *of our Kingdom* have 'granted Us for an Aid a *Fortieth* part of their Moveables. * Dr. *Brady* hath alſo made uſe of a like Writ, almoſt in the ſame words, of the Twenty firſt of this King, when the ſame Parties laſt mention'd, granted Him an Aid of a *Thirtieth* part of all their Moveables; all the difference between them is, that in this laſt Record the Earls, Barons, Knights, and Freemen grant this *pro ſe & ſuis Villanis*, which the Doctor tranſlates *Villains*, yet I think it rather ſignifies Villagers or Farmers by *Socage* Services, ſince *Villains* having no Property could pay no Taxes; however, this is plain, that this Grant being made by all the Freemen of the Kingdom, muſt have been granted in another Council than that of Tenants *in Capite*.

Rot. Clauſ. 16. *H.* 3. *m.* 2. *Dorſo.* cited *ibid. p.* 242.

* B. *A.* J. *p.* 221.

And to let you ſee that the Antient *Manuſcript* Chronicles of this Age, give the ſame ſenſe to the Expreſſions of theſe Records, and that in the ſame Terms, I ſhall give you a remarkable Paſſage, which a Friend of mine took out of a † *Manuſcript* called, *Chronica Monaſterii de Hageny* in the *Cottonian* Library, as antient as the Times we are now treating of; the words are theſe, *Anno* 17 Henrici *Regis quarti*; (where note, that the Year is miſtaken for the 16th, but the King is the ſame *Henry the Third* being often called the *Fourth* in reſpect to King *Henry*, Son to *Henry the Second*:) *The ſame King received from the Archbiſhops, Biſhops, Abbots, Priors, and Clerks, having Lands which did not belong to their Churches*; as alſo *from the Earls, Barons, Knights, and Villani, Townſmen and Villagers of the Kingdom of* England, *a Fortieth part of all their Moveables for an Aid*: And to let you ſee that the Author here makes a difference between the Great Men of the Kingdom and Barons, he proceeds thus; *as He had alſo done in the eighth, or rather ninth Year of his Reign, in which, by the common Aſſent and Good-will of his Great Men, and of all other his Lay-Subjects of the Kingdom, He received a * Fifteenth part of all Moveable Goods*; where ſuppoſing in Dr. *Brady*'s own ſenſe, that by the *Magnates* here mention'd, the Lords (and if he pleaſes) the Tenants *in Capite* are to be underſtood, yet by the *Alii Laici*, all the Other Lay-Subjects, of what Degree ſoever, muſt be underſtood, and

† *Sub Effigie Veſpatian. B.* 11. *fol.* 20.

* *Note*, This is the *Fifteenth* already mention'd to have been granted for the Confirmation of *Magna Charta* by this King, in the ninth Year of his Reign.

and are the ſame with the *Liberi Homines* and *Villani* mention'd in the *Record*, who join'd in the giving of this Tax by their *Repreſentatives* in Parliament.

I know † Dr. *Brady* endeavours to evade the Force of this *Record*, by making theſe *Liberi Homines* or *Freemen*, therein mention'd, to ſignify only ſuch Tenants *in Capite* as were not *Knights* in a ſtrict ſenſe; and for this refers us to his *Gloſſary*: But whoever will look there, under the Title of *Liberi Homines*, and *Liberi Tenentes*, will find, that from the very Authorities he there cites, theſe Words *Liberi Homines* do not only ſignify his Tenants *in Capite*, but alſo all other *Free* or *Military Tenants* whatſoever; and thoſe Words muſt be alſo more comprehenſive, and extend to all ſuch Tenants as held Lands by *Socage-Tenure*, and ſuch as were Tenants of the King by *Fee-Farm* on Rent certain, as alſo all Tenants in *Petyt-Serjeanty* and *Gavelkind*, which taken altogether, were no ſmall number, as I have already proved.

† B. *A.* J. *p.* 220.

But ſince the * Doctor hath a few leaves before endeavour'd to prove from certain *Records* patch'd together, that the Tenants *in Capite* granted and aſſeſſed all Aids or Publick Taxes upon all Perſons of the Kingdom, whether they held by *Knight's-Service* or otherwiſe, that were able to pay; I will here ſet down the effect of thoſe Records.

Ib. pag. 169

The *Firſt* of which is on the Patent Rolls of the Eighth and Ninth of King *John*, wherein it was provided and granted by the ‘*Common Advice and Aſſent* of his Council at *Oxon*, that for the defence of his Kingdom, and the Recovery of his Right, every Layman of all *England*, under whoſe Fee ſoever he be, who hath Rents or Goods in *England*, ſhould give Him for an Aid of each † *Marks worth* of his Yearly Rent, *Twelve Pence*, and of each Moveable Chattle, which he had on the Octaves of the Bleſſed Virgin *Mary*, (to wit at the end of the ſaid Council) *Twelve Pence.* Dated at *Northampton* the eighth of *February*.

M. 3. *Dorſ.*

† *Latinè* Mercata.

The *next* Record is cited by the * Doctor to ſhew us, who were of this *Common Council* above-mention'd, that granted that Aid; and ‘it is a † Writ on the ſame Roll, directed to the Archdeacon and Official of the Biſhoprick of *Canterbury*, reciting, that whereas the Archbiſhops, Biſhops, Abbots, Priors, and *Great Men* of his Kingdom had granted Him an Aid for the Defence and Recovery of his Territories, He therefore beſeeches and exhorts the Clergy of that Dioceſs, that they would grant Him ſuch an Aid, as ſhould make Him have cauſe to return them thanks.

* *Ibid.*

† *N.* 2.

The *Third* is, the King's * Writ to the Sheriff of *Kent*, reciting, ‘that whereas it was lately provided, upon the urgent Neceſſity of the *Holy Land*, and alſo granted before Him and his Council, the Archbiſhop of *Canterbury*, the Biſhops, Earls, and *Great Men* being preſent, by the *Common Conſent of All of them*, that every Earl ſhould give to the King of *Jeruſalem* in Aid or Aſſiſtance of the ſaid Land, *Three Marks*, a Baron *One Mark*, a Knight *Twelve Pence*, every Farmer, or Man that tilleth Land *One Penny*, and every one that hath not Land, having Chattels, to the value of half a Mark, as well within Cities and Boroughs, as without, *One Penny*. From theſe two laſt Records, the Force of which lie in the Word *Magnates*, the

* *Rot. Clauſ.* 7 *H.* 3. *m.* 23 *Dorſ.*

Great Men, I ſhall by and by prove, that under that Word *Knights* of *Shires* may be very well comprehended, but I will firſt give you the reſt of the Doctor's Quotations.

* Ib. p. 170. The *next* Authority the * Doctor cites, is of a *Fifteenth* part of all the Moveables of *England*, as well of Eccleſiaſticks as Laicks, which was given to *Henry* the *Third*, in the Ninth Year of his Reign, by the Archbiſhops, Biſhops, Earls, Barons, Abbots, and Priors only, for the confirming of King *John*'s Charter; and I ſhall only ſay this to it at preſent, that it plainly ſhews what Miſtakes Men, otherwiſe learned and diligent, may run into, by wholy truſting to *Hiſtorians*, without firſt conſulting *Records* and other Publick Inſtruments; for if the Doctor had been but pleas'd to have conſulted any *Printed* or *Manuſcript* Copy of the next Charter of the Ninth of *Henry* the *Third*, he might have there found at the concluſion of it, that not only the Parties here recited, but the *Knights*, *Freeholders*, and *all Others of the Kingdom*, had their ſhare in the granting of this *Fifteenth*. But I am ſenſible this would have no influence upon the Doctor, for he is reſolved to have the *Liberi Tenentes* and *Omnes de Regno* there mention'd, to ſignify no Others than Tenants *in Capite*; but with what Reaſon and Probability he ſo poſitively aſſerts this, I ſhall leave to the Reader's more unbyaſs'd Conſideration, who will give himſelf the leiſure to peruſe what I have already ſaid in the former part of this Diſcourſe, in anſwer to the forced Interpretations the Doctor hath given of thoſe Words.

But I ſhall now proceed to what is more material, and return an Anſwer to the former Records cited by the Doctor, to prove, that the *Common Council* of the Kingdom, during the Reign of King *John*, and the beginning of *Henry* the *Third*, was wholly made up of the Prelates, Earls, Barons, and Tenants *in Capite*, and that they could tax the whole Nation after what manner they pleaſed. Indeed I can find no more of the Lay-Orders mention'd, that granted this Tax upon Moveables at the Council of *Oxford*; and that they are called *Magnates Regni* in the Writ to the Archdeacon and Clergy of *Canterbury* above cited; and ſo they are likewiſe in the third Record concerning the Aid that was granted for the *Holy Land*; but Ibid. p. 214 the Doctor ſhould have done well firſt, before his big-ſwelling Words, to have proved, that the Word *Magnates* did only ſignify the Peers, and other leſs Tenants *in Capite*; and that as fairly as I have done, that under this Term, not only the *Knights* of *Shires*, but the *Citizens* and *Burgeſſes* may be alſo comprehended; for the Doctor himſelf in this very Anſwer to Mr. *Atwood* does not deny, but that the *Knights* of *Shires* were called *Magnates*, and *Grantz des Counties*, in the Rolls of Parliament; his Words are theſe that follow, *viz.*

‘ It's very true, that in our antient Parliament Rolls, the *Knights*
‘ of *Shires* are ſometimes called *Grantz des Counties*, or Great Men
‘ of the Counties; and well they might, for without doubt they
‘ were moſt commonly the Greateſt Tenants *in Capite*, under the
‘ Degree of *Great Barons* in each County, which were choſen by the
‘ Military Tenants, to repreſent the *Omnes Alios qui de Rege tene-*
‘ *bant in Capite*, meution'd in King *John*'s Charter, or them and all
‘ other Military Tenants by Mean-Tenure; for 'tis ſcarce to be be-

‘ lieved, that thoſe Men, the Tenants *in Capite*, which made ſuch a ‘ Noiſe for their Liberties, would part with this main Point of be‘ing perſonally preſent, or the Body of them *Repreſented* by ſome ‘ of their own number in every County ; and it may be upon this ‘ Account, they had the Title of *Notable Knights*, &c. in the an‘tient Writs of *Summons* directed to the Sheriffs.

I confeſs, that if what the Doctor here lays down were true, it would be a very good reaſon, why the *Knights* of *Shires* ſhould be called the *Great Men* of their Counties, if they had been always, or moſt commonly, choſen from the Tenants *in Capite :* But here the Doctor qualifies it with *moſt commonly* ; but how he cou'd prove that, I cannot tell, unleſs he were alive to anſwer for himſelf: but this is certain, from all times beyond Memory, that the *Knights* of *Shires* were choſen in the *County-Court*, to which Court all *Freeholders* of what Tenure ſoever, whether by *Knight's-Service* or *Soccage*, were to appear before the *Sheriff* once every Month, except Tenants in *Antient Demeſne*, and the *Citizens* and *Burgeſſes* of ſuch *Cities* and Free-Boroughs as were exempted from Suit and Service to it. And tho' 'tis true, that many of the Tenants *in Capite*, under the Degree of Barons, being Perſons of great Eſtates and Power in their Country, were oftimes choſen *Knights* of *Shires*, yet it does not from thence follow, that the Inferior Tenants, being many of them (as the Doctor himſelf acknowledges) Men of great Eſtates too, (and *Bracton* calls them *Vavaſors*, i. e. Perſons of Great Dignity and Power) were not as capable likewiſe of being choſen as any of the Tenants *in Capite*, and oftentimes were thought more worthy to be elected ; for that ſome of theſe *Meſne-Tenants* were owners of eight or ten Mannors each, when perhaps ſeveral of the Tenants *in Capite*, and that in the ſame County too, might not have half a one : So likewiſe Tenants in *Soccage*, if they had Eſtates that made them capable of being Knighted, might have been choſen *Knights* of the *Shire*, ſince the antient Writ for their Election does not reſtrain it to any ſorts of Perſons in particular, for the only Qualification required of them, was, that they ſhould be choſen, (as well as the *Citizens* and *Burgeſſes*) *de diſcretioribus, & ad laborandum potentioribus*, that is, of the moſt diſcreet, and moſt able for Buſineſs.

No more is it true, what the Doctor ſo boldly aſſerts, that they were choſen by the *Military Tenants*, to repreſent all thoſe who held of the King *in Capite* ; and tho' he qualifies this by adding *All Other* Military Tenants by Mean-Tenure, yet this was not true neither ; for the *Knights* of the *Shires* being choſen by all the Suitors to the County-Court, whether they were Tenants by *Soccage* or *Military Service*, muſt *repreſent* them all alike, ſince they had equal Votes at their Election ; but the Doctor is ſo fond of this Notion, that he is very loth to part with it, and will have it ſcarcely probable, *that the Tenants* in Capite *ſhou'd not be perſonally preſent, or the Body of them repreſented by ſome of their own number in every County* ; ſo that if this were true, theſe Tenants *in Capite* were not only *moſt commonly*, but *conſtantly* choſen *Knights* of *Shires*. But I can ſee no reaſon for this, unleſs the Doctor had proved, that one of the Liberties of theſe Tenants *in Capite*, was, to be the *ſole Law*-

makers and *Tax-granters* for the whole Kingdom; and then indeed nothing could be more Abſolute than they, if that cou'd be made out from the *Record* which the Doctor hath cited of the Seventh of *Henry* the *Third*, that they cou'd have laid a *Pole-Tax* not only upon themſelves, but upon All the Inhabitants of the Kingdom, whether they held of them or not, and eſpecially upon the *Cities* and *Boroughs*, many of which (as the Doctor too himſelf owns) held of the King *in Capite*, and conſequently ought not to be taxed, but by *Repreſentatives* of their own choice.

And beſides, if this Power of Law-making and giving Taxes was ſo great and incommunicable a Priviledge, it ſeems ſtrange to me, how theſe Tenants *in Capite* came ever to looſe it; for in all the Records of Parliament and Hiſtories that I have met with, I cou'd never find, that they were any more capable of being choſen Members of Parliament, than thoſe that held of other Lords beſides the King, and that in the Reign of *Richard* the *Second*, which was ſcarce an hundred Years from the Eighteenth of *Edward* the *Firſt*, when the Doctor ſuppoſes *Knights* of *Shires* were firſt ſetled in Parliament, we have Sir *Geoffry Chaucer*'s Teſtimony, that Inferior or Meſne-Tenants were choſen *Knights* of the *Shire*; for in his Prologues to his Tales, after he has deſcribed the *rich Franklyn*, or Meſne-Tenant, he ſays, *full often was he Knight of the Shire*; and concludes thus of him, *no where was there a more worthy* Vavaſor, which every one, that knows the Meaning of that Word, can tell, that it ſignified then (as well as in *Bracton*'s time) an Inferior Tenant to ſome other Lord. I ſhould not have dwelt ſo long upon this Subject, had not the Doctor made it one of his darling Notions, and repeated it more than once in his Anſwers to Mr. *Petyt* and Mr. *Atwood*, and that he builds ſo much upon it, as to make none capable to be reckon'd among the *Magnates Regni*, but Peers and Great Tenants *in Capite*, who alone (as he ſuppoſes) conſtituted the *Politick Body* of the whole Kingdom in Parliament.

And ſince I have here laid before you what *Records* I can find, to prove, that the Council of Tenants *in Capite* was not the ſole *Great Council* of the Kingdom, I ſhall in the next place proceed to the *Hiſtorical* part, and ſhew from our antient Hiſtories, that there was a manifeſt Diſtinction between *That* and the *Common Council* of the whole Kingdom; and firſt I'll begin with the * *Engliſh-Saxon* Annals, where under *An. Dom.* 1085. (being the laſt Year of *William* the *Firſt*) there is a remarkable Paſſage, which I ſhall here give you in *Engliſh*: At *Chriſtmas* the King (*viz. William* I.) was at *Gloceſter*, with his Nobles, and there held his *Curia* or Court (in *Saxon* his *Hired*) five days; and preſently after this He held a *Great Council* (in *Saxon*, *Mycel-Getheat*) where He had many large Diſcourſes with the *Nobles*, &c. Now it ſeems plain to me, that this Ordinary Court (here called his *Hired*) could not be the *Great Council* of the Kingdom; for to what purpoſe ſhou'd it meet again ſo quickly, if it had been the *Common Council* of the whole Kingdom? Or, why are they here called by different Titles, the one is *Hired* or Court, and the other the *Mycel-Getheat* the Great Council;

* Publiſhed at *Oxon.* 1692, in *Saxon* and *Latin*, *p.* 186.

cil ; which is alſo called *Commune Concilium totius Regni* in † Sir *Henry Spelman*'s Councils in this very Year?

And to ſhew you more plainly the Difference, between this *Great Council* of the whole Kingdom, and the *leſs* of the King's Barons and Tenants *in Capite*, ſee * *Eadmerus*, who, relating what was done in a *Great Council* held at *Eaſter*, immediately before the Invaſion of *Robert* Duke of *Normandy*, in the Second Year of *Henry* the *Firſt*, ſays, there met in Council *Tota Angliæ Nobilitas*, *cum Populi numeroſitate* ; and then Archbiſhop *Anſelm* engag'd for the King, that He ſhould govern the Kingdom according to the juſt Laws thereof ; where you ſee, that beſides the *Noblemen*, called, *Regni Nobilitas* ; there was alſo a great number of the *Commons* here termed in the barbarous *Latin* of that Age, *Populi numeroſitas*.

But when the King held his *Curia* of the Great Lords and Tenants ***in Capite*** Alone, the Expreſſions are more particular, as may appear by many Charters of our firſt *Norman* Kings to ſeveral Abbeys of their own Foundation, which are ſaid to be made *Conſilio, & Aſſenſu Baronum noſtrorum tàm Preſulum, quàm Laicorum*, as you will (for Example) find it in the Charter of *Henry the Firſt*, to the Abbey of *Abingdon*, as it is exemplified in the Antient *Manuſcript* Regiſter of that Abbey now in the *Cottonian* Library ; in which Book you will find more of the like nature, that plainly make out this difference between the leſs Council of the King's Barons, and Tenants ***in Capite***, and the *Great Council* of the Kingdom.

But that before the *Knights* of *Shires* were ſuppoſed to have been ſummon'd to *Great Councils* or Parliaments, there were other *Inferior* Tenants (who were not Tenants *in Capite*) that were Members of that Council, appears likewiſe from *Eadmerus*, who reciting the Letters which the Prior and Convent of *Canterbury* wrote to the Pope, to juſtify the Election of *Ralph*, Biſhop of *Rocheſter*, to the See of *Canterbury*, they ſay it was made *Adunato Conventu totius Angliæ*, that is, in the united Aſſembly of all *England*, *viz.* the *Epiſcopi, Abbates, & Principes Regni, & ingens populi Multitudo*, that is, the Biſhops, Abbots, and Chief Men of the Kingdom, with a great Multitude of People, were preſent there; and that by this Expreſſion is not to be underſtood the *Mobb* or Ordinary People, that thruſt in only to Gaze, appears by * *Gervaſe* of *Canterbury*'s relation of a like Election of Archbiſhop *Lanfranc* in the Time of *William the Firſt* ; the Paſſage in *Latin* is thus, *Anno quarto Regis Wilielmi* I. *Anno Dom.* 1070, *Lanfrancus Cadomenſis Abbas electus fuit, Archiepiſcopus Cantuarienſis, à Senioribus ejuſdem Eccleſiæ cum Epiſcopis & Principibus*, Clero & Populo *Angliæ in Curia Regis in Aſſumptione Sanctæ Mariæ* ; i. e. *Lanfranc*, Abbot of *Caen* was elected Archbiſhop of *Canterbury* by the Elders of that Church, together with the Biſhops and Chief Men, the Clergy and People of *England*, at the Aſſumption of the Bleſſed Virgin *Mary* : which words *Clergy* and *People*, put after the Biſhops and Chief Men, muſt ſignify the *Inferior Clergy* and Perſons of a Lower Rank than the *Barons* and Tenants *in Capite*, and cannot be here render'd as (I own) it may in other places, *Clergy* and *Laiety* ; for then if the words *Epiſcopi* and *Principes*, had included all, both of the Eccleſiaſtical and Secular Orders at this Council, the following words *Clerus* and *Populus*

† Vol. II. *fol.* 451.

* *Lib.* 3. *fol.* 58.

Lib. 5. *f.* 111.

* *Scriptor.* X. *Coll.* 1651.

lus would be wholly impertinent, and ſignify nothing; and this Interpretation is alſo confirm'd by the Teſtimony of an *Anonimous* Author who wrote in the Time of *Henry the Firſt*, and relates this Election of Archbiſhop *Lanfranc* to have been made *Communi Conſenſu & Conſilio omnium Baronum, omniumquè Epiſcoporum, & Abbatum, totiuſquè Populi*, i. e. by the common Conſent and Advice of all his (*viz.* the King's) Barons, and of all the Biſhops, Abbots, and the whole People of *England:* By which laſt words, ſince they cannot be underſtood literally that all the People appear'd there in Perſon, it muſt be intended that they gave their Conſents by their *Repreſentatives* in a joint Aſſembly or Council of the Barons, and other Inferior Tenants; and that ſuch united Aſſemblies were then frequent, you may ſee in *Hoveden*, who, under *Anno* 1121 (being the eighteenth of *Henry the Firſt*) relates the King's Marriage with the Lady *Adeliza*, Daughter to the Duke of *Lovain*, to have been celebrated at *Windſor*, *Adunato Concilio totius Regni*, i. e. by the united Council of the whole Kingdom. And * *Simeon* of *Durham* ſpeaking of the ſame Council, doth it in the ſame words.

* *Coll.* 243.

But I am ſenſible there may be objected againſt this Interpretation, that Paſſage in * *Eadmerus*, *adunatis* (without mentioning either *Præcepto* or *Sanctione Regis*) *ad Curiam ejus in Paſcha, Terræ Principibus*, i. e. all the Chief Men of the Nation being aſſembled at his Court at *Eaſter*, where it may be thought that this was only a Court held *ex more*, without any ſummons; and that there is no inferring from thoſe Expreſſions, *Rex aſcivit*, or *adunavit Concilium*, that there were then two different ſorts of Councils, ſince the words ſignifie no more than in general, that the King then aſſembled his *Great Council* of the whole Kingdom, conſiſting only of Tenants *in Capite*. To this it may be reply'd, that ſince this word *adunavit* does properly ſignifie to unite or join together two different things, it muſt needs have that ſignification in this Author; for if he had meant only to call or aſſemble a Council, there are much more proper words for that purpoſe; and tho' this Court was held at *Eaſter*, one of the uſual times appointed for the ordinary *Curia*, yet it doth not therefore make it the more unlikely, that *Others*, beſides the Tenants *in Capite* might be preſent at it, becauſe I have already ſaid, that for the conveniency of the Great Lords, and ſuch Tenants, the King might unite the *Repreſentatives* of the *Commons* to them, for the diſpatch of ſome more great and weighty Affair, in which He would have the conſent of the *whole Nation*; and notwithſtanding this Author hath omitted the ſummoning of this Council to have been by the King's Writ or Precept, yet ſuch a Writ might be iſſued, for all he takes no notice of it; and he hath alſo omitted the uſual words *ex more*, which he always uſes when ſuch Councils were only held according to the common Uſage or Cuſtom.

* *F.* 90.

I ſhall now proceed to the Reign of King *Stephen*, whom *Richard* of *Hagulſtald* relates to have been elected, *à Primoribus Regni, cùm favore Cleri & Populi, Clericorum & Laicorum Univerſitate, ab Omnibus, viz. tàm Preſulibus quàm Comitibus & Baronibus*, that is, by the Chief Men of the Kingdom, with the Good-will of the Clergy and People, and by the Univerſity or Common Body of the *Clercs* and *Laics* (to wit) by all the Biſhops, Earls, and Barons; under

* *Coll.* 312.

under which laſt word may very well be comprehended, not only the *Great Barons* and Tenants *in Capite*, but alſo the *Inferior* Barons and Lords of Mannors, as I have already proved. And the ſame Author further tells us, in the beginning of his Reign, that being now ſettled in the Kingdom, He, by his Royal Edict, commanded the Biſhops and Great Men to Aſſemble, with whom He held a General Council of the Kingdom; and that by the word *Proceres* not only the *Great Lords* and Tenants *in Capite* may be underſtood, but alſo the *Repreſentatives* of the *Commons*, I have already proved from divers Authors who comprehend them under that Title.

As for the long Reign of *Henry the Second*, tho' the Authors are very general in their Expreſſions of the *Conſtituent* Members of the Councils held in his time, yet we may produce divers Teſtimonies from them, to prove, that the *General Councils* of the Kingdom conſiſted of more Members than the Tenants *in Capite* Alone; and that by the word *Proceres* mention'd after the *Barones* to be preſent in the Council of *Clarendon*, and before whom the Conſtitutions there made were allow'd and recogniz'd, not only the Tenants *in Capite*, but other *Inferior* Tenants are to be underſtood, may appear in * *Fitz Stephen*'s Life of *Thomas Becket*, where, upon his Tryal, and the Biſhops withdrawing from giving Judgment upon him, the Author thus proceeds, *Evocantur quidam Vicecomites & ſecundæ dignitatis Barones, antiqui dierum, ut addantur eis, & adſint Judicio*, *i. e.* there were thereupon call'd up (*viz.* to ſupply the places of the abſent Biſhops) certain Sheriffs and Barons of the *Second Order*, that they ſhould be added to them, and preſent at this Judgment. Now that by theſe Perſons here mention'd, not any Tenants *in Capite*, but certain Perſons of an *Inferior* Dignity are to be underſtood, appears by one of the Conſtitutions of this Council, wherein it is expreſly provided, that *Archiepiſcopi, Epiſcopi, &c. & Univerſæ Perſonæ Regni qui de Rege tenent in Capite, habeant poſſeſſiones ſuas de Domino Rege, ſicut Baroniam, &c. & ſicut Barones cæteri debent intereſſe Judiciis Curiæ Regis cum Baronibus*, &c. *i. e.* the Archbiſhops, Biſhops, *&c.* and all Perſons of the Kingdom who hold of the King *in Capite* hold their Eſtates of our Lord the King, as a Barony, *&c.* and as other Barons ought to be preſent in Judgments of the King's Court with the Barons; whence it evidently appears, that all the leſs Tenants *in Capite* being already preſent at this Tryal of *Thomas Becket*, theſe Sheriffs and Barons of the *Second Order*, who were call'd in upon the departure of the Biſhops, muſt have been *inferior* Tenants, or Barons of the Counties, and were the ſame, or very like our *Knights* of *Shires*, and they muſt have been *ſummon'd* to this Council, at the beginning of it, becauſe otherwiſe they could not have been call'd up, upon the going out of the Biſhops to ſupply their places.

I ſhall but barely mention the next *General Council* held by this King at *Gaitington*, which (as *Hoveden* relates) beſides the Biſhops, Abbots, Earls, and Barons, conſiſted of many Others, as well *Clercs* as *Laymen*; and by theſe *Multi Alii* are to be underſtood the ſame Perſons as are mention'd in the Preamble to the Statute of *Merton*, which is ſaid to be made, as well by the Archbiſhops, Biſhops, Earls, Barons, *quàm ab Ipſo Rege & Aliis*, as by the King Himſelf and Others: By

* *Manuſcr. in Bib. Cotton.*

which laſt words coming after the *Barons*, are meant the *Repreſentatives* of the *Commons*.

I confeſs the Reign of *Richard the Firſt* doth not afford us many Inſtances of theſe ſeparate or diſtinct Councils, yet one or two I have given you, and ſhall here barely mention the latter of them from *Hoveden*, who recites the *Aſſiſe* or Laws concerning Foreſts, to be made by the King with the Conſent of the Archbiſhops, Biſhops, Abbots, Earls, Barons, *& Militum*, i. e. of the *Knights*, or Men at leaſt that held by Military Service of other Lords.

The Reign of King *John*, tho' it was not long, yet will afford us ſome Evidences of theſe two diſtinct Councils, and I ſhall here mind you of what I have already ſaid in the former part of this Diſcourſe concerning that Charter, whereby the King ſettles a Jointure on his Second Wife Queen *Iſabel*, who in the beginning of it is ſaid to be crown'd Queen by the common Aſſent of the *Archbiſhops*, *Biſhops*, *Earls*, *Barons*, and *Clergy*, and *People* of the Land, that is, in a *Great Council*, conſiſting of theſe ſeveral Orders or Eſtates; and I ſuppoſe He was elected and crown'd by a Council conſiſting of the ſame Members, tho' the Authors that write of it are not ſo expreſs in this Relation. Yet however it is ſufficiently hinted by * *Matt. Paris* in his Account of this King's Coronation, at which, he ſays, there aſſembl'd at *London*, 'the Archbiſhops, Biſhops, Earls, and 'Barons, and *All Others* that ought to be preſent at it; and then '*Hubert*, Archbiſhop of *Canterbury*, ſtanding in the middle of them 'All made a Speech to them, and perſwaded them to elect *John*, 'Duke of *Normandy*, King, as they did, and ſo He was crown'd by that Archbiſhop; by which words, *and All Others who ought to be preſent at his Coronation*, may very well be underſtood the *Repreſentatives* of the *Commons*. But * Dr. *Brady* will by no means allow of this Interpretation; for he ſays, 'He was *ſet up and crown'd by Archbiſhop* Hubert *and his Faction*, *Arthur* Duke of *Britain*, Son of '*Geofry* his elder Brother, being the right Heir: But here is not the 'leaſt mention of a *Great Council*, or the *Commons*, unleſs it be ſaid 'this Convention be one, as moſt certainly it was not: Here were 'the Biſhops and Temporal Lords only preſent, and Actors in this 'Tranſaction, there might be a great many of the *Commons* Spectators at this Solemnity, but the Biſhops, Earls, and Barons, were 'they who acted and contrived the crowning and making of Him King.

* *Pag.* 197.

* B. *A*. P. *pag.* 33.

Ibid.

Tho' the Doctor hath put what he ſays concerning Earl *John*'s being crown'd King by the *Archbiſhop and his Faction* in a **black Letter**, that it might be the more taken notice of, yet he cites no Author for it. *R. Hoveden*, and all the reſt of the *Hiſtorians*, unanimouſly agree with what is ſet forth in a Charter of this King's, that He was crown'd *tam Cleri, quàm Populi unanimi Conſenſu & Favore*, by the unanimous Conſent of the *Clergy* and *People*, by which Expreſſion cannot be underſtood (as the Doctor would have it) only a Faction of the Earls and Barons, but the *Repreſentatives* of the whole People or Nation: And I have not yet found, that the Doctor, with all his Learning, from any *Record* or *Hiſtory*, can ſhew us, that by the word *Populus* is to be underſtood the *Great Barons* only; for it ſeems the leſs Tenants *in Capite* are now quite

Carta moderationis Feodi magni Sigilli.

left out of this Account. But that the *Repreſentatives* of the *Commons* were not admitted only as Spectators of this Aſſembly, appears by theſe Words of the Author's immediately after *Baronibus, atque aliis Omnibus qui ejus Coronationi intereſſe debuerunt*; which would not have been expreſſed, had not there been Others beſides the Earls and Barons, who could claim a Right to be preſent at his Coronation, and at his Election too. In the 6th Year of his Reign King *John* ſummon'd a great Council of the Kingdom, as appears by a * Writ on the Clauſe Rolls, whereby He call'd them to treat with Him of arduous Affairs for the common Utility of the Kingdom, and therefore it was neceſſary to have the Advice of the *Magnatum*, the Great Men of the Kingdom, upon thoſe matters, which had been ſent Him by his Ambaſſadors from the King of *France*. And that by the Word *Magnatum*, the *Knights* of *Shires* may be included, I have ſufficiently proved already.

* *Rot. Clauſ.* 6 *Johan. m.* 3.

Roger Hoveden ſays, under the Year 1207, (being the 8th Year of this King) that He kept his *Chriſtmas* Court at *Wincheſter*, the *Great Men* of the Kingdom being preſent; this was certainly a Court of the Tenants *in Capite* held *ex more*, according to Cuſtom; for it immediately follows in the ſame Author, that at *Candlemas* He took a *Thirteenth* part of the Moveable Goods of the *Laicks*, as alſo of the *Eccleſiaſticks* and *Prelates*, who for all they murmur'd againſt it, durſt not contradict it; but tho' this was given grudgingly, yet it was not as Dr. *Brady* in his Hiſtory would have it, only impos'd upon the Kingdom by the King's Council at *Oxford*, but what was really granted by a *Common Council* of the whole Kingdom; but ſince he grounds this Opinion upon a † Record of this King, wherein this Tax is ſaid to be granted *by the Advice and Aſſent of his Council at* Oxon, I will ſhew that the Annals of *Waverly* under this Year do very well explain this Expreſſion, and therefore I ſhall give you their Relation of this Tranſaction.

† *Pat.* 8, 9. Johan. *m.* 3. *Dorſ. n.* 83.

Ad An. 1205

'That King *John*, after his Return from beyond Sea, having ſummon'd the Biſhops, Abbots, Priors, Earls, Barons, and *Great Men* of the Kingdom, eight days after *New-years-tide*, to a Council at '*London*; He there moved the Biſhops and Abbots, that they would 'permit the Parſons and Beneficed Clerks of Churches, to give Him 'a certain Sum out of their yearly Revenues; which when the 'Prelates would by no means agree to, it was deferr'd to the next '*Common Council*, which was to be held at *Oxford*, on the Octaves 'of the *Purification* of our Lady; when a great Multitude of the 'Prelates, and *Great Men* of the Kingdom being aſſembled, the 'King again required of the Biſhops and Abbots, what He had demanded of them before; but they all, both of *Canterbury* and '*York*, taking Council together, unanimouſly anſwer'd, *That the Church of* England *could no ways bear ſuch a Burthen, as had never been heard of in all former Ages*; then the King taking better Advice, wholly releas'd that Demand to them; yet afterwards it was ordain'd by the *whole Kingdom*, that all Men in general, by whatſoever Tenure they held, ſhould ſwear to the value both of their real and perſonal Eſtates, and ſhould pay a *Thirteenth* part thereof to the King for the Recovery of his Inheritance in *Normandy*, and his other Dominions in *France*.

From this Author's Relation, we may draw theſe Obſervations, that notwithſtanding the King's holding his Court or Council with his Great Men at *Chriſtmas*, (as * *Matt. Paris* relates) yet within little more than a Fortnight after, He ſummon'd all the Perſons there mention'd to a *Great Council* at *London*; but not obtaining his Deſire from the Clergy, He held another Council at *Oxon* at *Candlemas* following, for the ſame purpoſe. Now if the *Magnates* or *Great Men* (that is, all the Tenants *in Capite*, both Great and Small) had then made the *Common Council* of the whole Kingdom, what need King *John* to have ſummon'd another *Great Council* at *London* ſo ſoon after? ſince He might as well have propos'd the Buſineſs to the Biſhops, Abbots, and Priors, who held *in Capite*, as alſo to the *Lay-Nobility* that held by the ſame Tenure, without troubling them to meet again in ſo ſhort a time: But if the Doctor's Friends ſhall in anſwer to this, alledge, that the King took this courſe, becauſe He was reſolved to have the Reſolutions not only of the Biſhops, Abbots, and Priors, who held *in Capite*, but alſo of all other Prelates, whether they ſo held or not, ſince it was from them chiefly, that He now demanded an Aid, and that therefore it was neceſſary to ſummon them to another Council, becauſe they were not obliged to appear at that which had been lately held at *Chriſtmas*, *ex more:* I grant this may ſeem a plauſible Anſwer, but upon Examination it will not do the Buſineſs; for had this Demand only concern'd thoſe Prelates, the King needed to have ſummon'd no more than thoſe to a Council or Synod of both Provinces, wherein He might have received their Anſwer; whereas we find the Earls, Barons, and other *Great Men* ſummon'd to this *Common Council*, which muſt have been to give Him their Aſſiſtance and Advice in this great Neceſſity he then lay under; and that this Tax was intended to be general, upon the *Laity* as well as the *Clergy*, appears by what follows in this Relation, *that all Men whatſoever ſhould pay the* Thirteenth *part of their real and perſonal Eſtates to the King, for the Recovery of his loſt Dominions*, which being a Tax upon all Perſonal as well as Real Eſtates could not be granted by the Tenants *in Capite* alone; and therefore by the ſame reaſon that all the Abbots and Priors of the Kingdom were ſummon'd to both theſe Councils at *London* and *Oxford*, as well thoſe that did not hold *in Capite*, as thoſe that did, it will follow, that the *Lay-Members* muſt likewiſe have conſiſted of Others, than only Tenants *in Capite*. Dr. *Brady* (for what reaſon I know not) has not thought fit to give any Anſwer to this Citation from *Matt. Paris*, in his Animadverſions upon * Mr. *Atwood*'s *Jani Anglorum*, *&c.* who there makes uſe of it; yet (as I ſuppoſe) the Doctor fancied it made for him, and that this Tax was levyed by the King's *ſole Authority*, as appears by what he ſays in the ſame Treatiſe, from † *Matt. Paris*, that King *John took a* Seventh *part of all Moveables* without Common Aſſent; *and another time a* Thirteenth, *the Great Men and Clergy grumbling at it.* This laſt, by the Quotation in the Margin, muſt refer to this very Tax, which he ſuppoſes the King to have levyed by his *ſole Prerogative*, from the general Words of his Author, that the King then took a *Thirteenth* part of all Men's Moveables throughout *England*, which could not have been well confuted, but by this Teſtimony of the Annals of *Waverly* I have now produced:

* *P.* 209.

* *Page* 227.

† *Page* 209.

produced; and which indeed may teach Writers of Hiſtory, not to be too poſitive in their Relations or Inferences from any one ſingle Author, for the eſtabliſhing of any particular Notion or Opinion of their own, without firſt conſulting all other *Hiſtorians* and *Writers* concerning that matter. But as I have given you the beſt Objection, I cou'd think of, in anſwer to the Conſequences I have drawn from the Authorities now cited, ſo if the Doctor's Friends, who may peruſe theſe Sheets, ſhall think it worth their while to make any others more ſatisfactory, I ſhall be very glad to be better inform'd.

In the Fifteenth Year of this King, the Civil War with his Barons being now begun, He ſummon'd a *Great Council* to be held at *Oxford*, the * Writs for which † Mr. *Selden* hath given us, and ſays, that, for all he hath ſeen, it is without Example. I ſhall make bold to give it you in *Engliſh*. The King to the Sheriff of *Oxfordſhire*, greeting, *We command thee, that thou cauſe to come to Us all ſuch Knights of thy Baylywick, with their Arms, who were ſummon'd to appear before Us fifteen days after* All-Souls; *but as for the* Barons, *thou ſhalt cauſe each of them to come without Arms; alſo thou ſhalt cauſe to come to Us four diſcreet Knights of thy County, at the ſame time, to ſpeak with Us concerning our Affairs:* This bears Date the 11th of *November*: Then follows thus, *In the ſame manner it is written to all other Sheriffs*; which ſhews that it was a General Summons to a Council of the whole Kingdom. But the right underſtanding of this Writ I grant is ſomewhat difficult, for if by *Omnes Milites*, all Knights mention'd in the beginning of it, are to be underſtood (as * Dr. *Brady* does) the leſs Tenants *in Capite*, who were to come with their Arms, I cannot ſee any reaſon, why, if by the next Word *Barones*, the Great Barons are to be underſtood, they ſhou'd contrary to their Tenures be order'd to come without Arms, whilſt the Inferior Tenants *in Capite* were to have their Swords in their hands. But this I think is plain enough, that by *the four Diſcreet Knights*, who were likewiſe to come thither, (but whether with or without Arms, is not ſaid) muſt be meant *four Knights* choſen by each Shire, which certainly could not be Tenants *in Capite*, ſince they were already ſummon'd in the beginning of this Writ to come thither, armed; and therefore the only ſenſe I can make of this Record, is, that whether by the Word *Barones*, are to be underſtood the *Barons* properly ſo-call'd, or the *Barons* of the Counties which I have already mention'd, does not fully appear, yet hereby is plainly intended a *Common Council* of the Kingdom, which was to conſiſt of the *Repreſentatives* of the *Commons*, beſides the *Great Barons* and Tenants *in Capite*.

And to prove further, that a *Common Council* of ſuch, both Great and Small, could not *repreſent* or oblige the *whole Kingdom* or Nation, appears by that Council of them alone, which was held by King *John* for the Confirmation of that Charter, whereby he ſurrender'd his Kingdom to the Pope, at the Concluſion of which it is recited to be made *per Commune Concilium Baronum ſuorum*, by the *Common Council* of his Barons.

* Dr. *Brady* cannot deny the Concluſion to this Charter, which he ſays was executed in the Houſe of the *Templars* near *Dover*,

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* *Rot. Clauſ.* 15 Johan. *p.* 2. *m.* 2.

† *Tit. Hon. p.* 587. where you may ſee it in *Latin*; as alſo in Mr. *Atwood*'s *Jani Angl. p.* 230, 231.

* *B. A. P. p.* 103.

* *B. J. A. p.* 175, 176.

in the preſence of two Biſhops, the Chief Juſticiary, ſeven Earls, and three Barons, with *divers Others*, without ſubjoining any other Note of that there were more preſent; and then he proceeds to this effect, that King *John* having rais'd an Army to oppoſe the King of *France*, if He ſhould land, his Tenants *in Capite*, with others only met there upon that Account; and therefore he will have this to be no more than a *Military Summons* for their muſtering and appearance with Horſe and Arms at *Dover*, the place appointed for the Rendezvous; ſo that this Aſſembly being only an Army, and the five proſcrib'd Biſhops being in *France*, and the Barons that ſided with them fled beyond Sea, or not daring to appear; and further, the *Reſignation* being executed before ſo ſmall a number of Barons, without any probability of more being then preſent, this could not be ſuch a Council as was conſtituted by King *John*'s Charter; that is, it was not a *Parliamentary Council*, *Colloquium*, or *General Repreſentative* of the Nation; and therefore the Parliament in the Fortieth of *Edward the Third* might well ſay, *this Reſignation was made without their Aſſent*.

But for all the Doctor's Evaſions, I do not doubt, but to prove, that this Aſſembly was truly a Common Council of Tenants *in Capite*, conſiſting of the ſame Members as that which was afterwards agreed to by King's *John* Charter, for * *Matt. Paris* thus relates the manner of raiſing of this Army; that the King having a little before ſummon'd all the Earls, Barons, *Knights* and *Freemen* of the Kingdom whatſoever, and of whomſoever they held, to appear in Arms, theſe made ſo vaſt an Army, that after all the ordinary Rabble were ſent home, the ſame Author tells us, the *Knights*, *Eſquires*, and *Freemen*, that ſtaid behind, made about ſixty thouſand Men, who were encamped at *Barham-Down*, not far from *Dover*, where this Reſignation was executed: So that this being almoſt as great a Meeting as that at *Runne-Mead*, the King might very well make out of theſe a full Council of Tenants *in Capite* to join in this *Reſignation*; and that He did ſo, the Concluſion to this Charter ſays expreſly, which had it been otherwiſe, might eaſily have been diſprov'd by the Pope's Legate as a notorious Falſhood; and tho' the King ſummon'd them at firſt, only upon a *Military* Account, yet He might very well make uſe of them afterwards for another purpoſe, eſpecially ſince the time appointing their Summons, no more than the Cauſe of it, was not yet ſetled by this Great Charter. And as for the ſmall number of Barons and Biſhops, which (the Doctor ſays) were preſent at this Meeting, it does not follow, that becauſe no more are expreſſed as Witneſſes to this Charter, therefore there were no more preſent; for tho' the Words *cum multis aliis* are omitted, yet that might only be thro' the Haſt or Forgetfulneſs of the Clerk that wrote it. And ſuppoſe five of the Biſhops were now fled into *France*, it is however very likely, that All, or the Greateſt part of thoſe that ſtaid behind, were preſent at this Council, ſince moſt of them (except two or three who had join'd highly with the King) were very deſirous that He ſhou'd agree with the Pope upon any Terms, as were likewiſe moſt of the Earls and Barons, whom the King durſt not confide in, becauſe He believ'd them more inclinable to the Pope and the *French* King, than to his own Intereſt;

* *Page* 234.

Intereſt; therefore it is no wonder if He ſtruck up this Agreement with the Legate as ſoon as He cou'd; ſo that the Biſhops, Earls, Barons, and Tenants *in Capite* there preſent, might very well be Witneſſes and give their Conſents to it before they return'd home. And tho' the Words *pro ſe & Communitate Regni* are not expreſs'd in the Concluſion of this Charter of *Reſignation*, yet this is no ſufficient Argument againſt the Validity of it; the Words *Communitas Regni*, not being to be found in any Charter or Record before the Reign of *Henry* the *Third*: And therefore this Inſtrument might very well be made in ſuch a Great Council of Tenants *in Capite*, as was thought ſufficient at that time for the Purpoſes therein mention'd.

Not long after this Aſſembly of the Tenants *in Capite*, the Wars between the King and the Barons unhappily broke out, which produc'd that Great Aſſembly of the whole Nation at *Runne-Mead*, and this I have proved in the former part of this Diſcourſe to be a *Common Council* of the whole Kingdom; and therefore I ſhall not repeat what I have already ſaid upon that Subject.

I come now to the Reign of *Henry the Third*, but of which I have ſaid ſo much already both from *Records* and *Hiſtory*, to prove, that the *Commons* were preſent in ſeveral *Common Councils* or Parliaments of his Reign, that it is needleſs to repeat them; yet I ſhall add one Inſtance more from *Matt. Paris*, to ſhew, that the Tenants *in Capite* did not then conſtitute the *whole Community* or Body of the Kingdom in Parliament, and it ſhall be one of thoſe Inſtances that Doctor *B.* himſelf hath made uſe of from the ſame * Author, who relates under *A. D.* 1237, that that Year the King kept his *Chriſtmas-Curia* or Court at *Wincheſter*, from whence He ſent out his Writs, commanding all that belong'd to the Kingdom or Government, namely, Archbiſhops, Biſhops, Abbots *inſtall'd*, Priors, Earls and Barons, that without fail they ſhou'd meet at *London* on the Octaves of *Epiphany*, which they did accordingly, and on St. *Hillary*'s day the whole Body of the *Nobility* met at *London*; and in this Council we find, after ſome difficulty, a *Thirtieth* part of all Moveable Goods were given to the King. Now if the *Great Barons* and Tenants *in Capite* Alone made up at that time the *Great Council* of the Kingdom, why could they not, when they met the King at *Chriſtmas*, *ex more*, have granted Him this Tax, without putting Him to the trouble of *Summoning*, and themſelves of appearing again in ſo ſhort a time as between *Chriſtmas* and St. *Hillary*'s day, which is the 13*th* of *January*? beſides which, the manner of raiſing this Tax, being upon the Moveable Goods of the whole Nation, ſufficiently ſhews it could not be the ſole Grant of the Tenants *in Capite*.

* P. 434, 435.

I am now come to the laſt Period of my intended Deſign, which is to ſet down and fairly weigh and conſider the Doctor's Arguments, whereby he undertakes to prove, that after the 49th of *Henry the Third*, to the 18th of *Edward the Firſt*, the *Knights* of *Shires* were never ſummon'd to appear again in any Parliament of thoſe Reigns; but ſince the Doctor hath taken ſo much Pains to give a long Relation of the *Civil Wars* between King *Henry the Third* and his *Rebellious Barons*, who were headed by *Simon Montfort*, I ſhall in the firſt place, as an *Introduction* to what follows, give you his Account of this Great Alteration in the Government, by bringing the *Knights*, *Citizens* and *Burgeſſes* to be Members of Parliament, which being begun by the Rebellion of *Simon Montfort* and his Faction, the King not thinking it ſafe for his Intereſt to follow that Example, is by the Doctor ſuppos'd after the Battel of *Eveſham* to have again ſummon'd what Earls, Barons, and Tenants *in Capite* He pleas'd, to all other Parliaments, that were held during the reſt of his Reign, which was imitated by his Son King *Edward the Firſt*, till the 18th Year of his Reign, when upon ſome unknown Conſiderations, He thought fit, firſt to introduce the *Knights* of *Shires*, and then about five Years after, *viz.* in his Twenty third Year, the *Knights*, *Citizens* and *Burgeſſes*, as Conſtituent Members of Parliament.

Having thus given you in ſhort the Summ of Dr. *Brady*'s Notions concerning theſe matters; I ſhall now proceed to lay before you a brief Hiſtory (from the Doctor's Anſwer to Mr. *Petyt*) of this Great Tranſaction between King *Henry* and his Barons, which is to this effect; † 'that after *Simon Montfort* and the reſt of the Barons of his Faction had taken King *Henry the Third*, and *Richard* Earl of *Cornwal*, the King's Brother, together with the Princes their Sons, and ſeveral other of the Nobility, Priſoners at the Battle of *Lewes*, he carried them about with him, till they had taken in all the ſtrong Forts and Caſtles of the Land; and when this was done, *Matt. Paris* tells us, that calling together the Biſhops, Earls, and Barons of that Faction, which ſo ſeditiouſly held their King Priſoner, they began to ſet up a *Committee* for the Government of the Kingdom, conſiſting of twelve Lords, who were choſen out of the *whole Community* or Body of the *Baronage*, without whoſe Advice and Conſent, or at leaſt of three of them, no Affairs in the King's Houſhold, nor of the Kingdom, ſhould be tranſacted; and to theſe *Ordinances* the King and his Son were forced to agree; and the Record of this Agreement recites, that this Ordinance was made at *London*, by the Conſent, Good-liking, and Command of the King, and alſo of the Prelates, Barons, *and of the whole Community* there preſent; and the Doctor hath already undertaken to prove from the * *Record* cited in the Margin, that by the word *Communitas* there mention'd, is to be underſtood not the *Commons*, but the *Community* of the *whole Kingdom* repreſented by the Biſhops, Lords, and Tenants *in Capite*, and that the Agreement between the King and them is only ſign'd by ſome Earls and Barons, and no *Commoner* Witneſs to it, except the Mayor of *London*, whom he ſuppoſes to have been no Member of Parliament.

† B. *A.* P. *p.* 134. *& dein.* 137.

* *Rot. Parl.* 48. *H.* 3. *M.* 6. *Dorſ.*

Ibid.

After this, *Simon Montfort*, the better to ſettle himſelf in his uſurp'd Power, and in thoſe Lands and Caſtles, which himſelf, and thoſe of his Faction had unjuſtly wreſted from Prince *Edward*, who was ſtill a Priſoner, having deliver'd himſelf as a Hoſtage for the performance of this forced Peace; they in the firſt place ſent out Writs in the King's Name unto divers Biſhops, Abbots, and Priors, and to ſuch of the Noblemen as were of their own Party, to appear at *Weſtminſter* on the Octaves of St. *Hillary* next enſuing;

and the * Doctor hath given us a Copy of the Writ of Summons to the Biſhop of *Durham*, as it is found in the † Cloſe-Rolls of the Forty ninth of this King, at the end whereof it is thus recited, *Eodem modo Mandatum eſt Epiſcopo Carleol*; as alſo to divers Biſhops and Abbots, all of their own Party and Faction, there being above an hundred Abbots and Priors then ſummon'd (more than ever were, I believe, before or ſince) and then follows a ſhort Writ to the Sheriffs of Counties, to ſummon two Knights *de Legalioribus & Diſcretioribus ſingulorum Comitatuum*, tho' it doth not appear by that Writ, whether the Sheriffs of the Counties were to elect and ſend theſe *Knights*, the Sheriffs being then of their Faction, and made by them, for 'tis there ſaid only, *quod convenire faciant*: There are alſo other Writs recited to have been directed to all the *Great Cities* and *Towns* of *England*, as alſo to the *Cinque-Ports*, to ſend two of the moſt legal and diſcreet Perſons of each of the ſaid *Cities*, *Boroughs*, *Towns*, and *Cinque-Ports*, to the ſaid Parliament at *Weſtminſter*, at the time aforeſaid; ſo that without the Hiſtory of this very nick of time, theſe Writs (which are ſaid to be for the delivery of the Prince out of Priſon, and for the ſettling of Tranquility and Peace in the Nation) cannot be well underſtood.

* B. A. P. p. 137.
† *Rot. Clauſ.* 49 *H.* 3 *M.* 11 *Dorſo in Schedula*

But Prince *Edward*'s Releaſe could not be agreed upon in this Parliament, whatever other buſineſs might be diſpatched; ſo that things ſtill remain'd in this uncertain Condition (the King being all this while a meer Cypher) until ſuch time as *Simon Montfort*, and *Gilbert de Clare*, Earl of *Gloceſter*, falling out, the latter at laſt took up Arms, and joining with the Earls of *Surrey* and *Pembroke*, to whom alſo Prince *Edward* came, after he had made his Eſcape from *Hereford*; they altogether raiſed conſiderable Forces againſt *Montford*, who meeting them, and joining Battel near *Eveſham*, *Montfort*, with one of his Sons, and many other Lords and Knights, were ſlain, and all his Party routed.

Compleat Hiſt. pag. 649.

And the Doctor gives us a ſpecious Reaſon, why we can find but Three and twenty Barons enter'd upon the Roll of this Year, of that great number there was then of them, and only thirteen Biſhops that appear'd in this Parliament, and yet at the ſame time that there ſhould be ſummon'd above an hundred Abbots and Priors, and but five Deans of Cathedral Churches; and this the Doctor ſuppoſes to have proceeded from the danger that *Simon Montfort* and his Privados apprehended from the too great Concourſe of the Nobility, and their great Retinues; and the Example of his own and the Baron's Practices at *Oxford* in the Parliament of the Twenty ſecond of *Henry the Third*, might be the cauſe why they alter'd the antient Uſage, and now to ſend out Writs, commanding the Sheriffs of each County to return *two Knights*; and alſo the *Cities* and *Boroughs*, to chuſe *two Citizens* and *Burgeſſes* reſpectively: But the reaſon why there were ſo many Abbots and Priors ſummon'd, was becauſe *Simon Montfort* thought himſelf ſure of them; for he was a mighty Zealot, and a Godly Man in thoſe Times, and a great Minion of theſe Religious Men (as then call'd) as alſo of the Biſhops and Clergy, and they were at leaſt ſeemingly great Favourites of his.

Ib. p. 143.
Ib. 139.

I have been the larger in giving you this Account from the Doctor's own Treatiſe, that you may ſee the moſt he thought could be ſaid for this Opinion, which ſeems to me, however, not at all ſatisfactory; for tho' I confeſs there is ſome colour of Reaſon, why *Simon Montfort* ſhould ſummon ſo many Abbots and Priors to this Parliament, becauſe he is ſuppoſed to have been ſure of their Votes before-hand; yet this is but a bare conjecture; for if he had been ſo ſure of them, there was as much reaſon why he ſhould have ſummon'd them all likewiſe to the Parliament at *London*, which the Doctor ſays he called the Year before, when with the Conſents of the Biſhops, Barons, and Others, He made the *new Ordinances* mention'd by the Doctor, but he cannot find in any Hiſtorian or Record, that *Montfort* then ſummon'd ſo many of them; yet it ſeems pretty ſtrange, that all theſe Abbots, and Priors, and Deans, not a fourth part of whom were Tenants *in Capite*, ſhould take the trouble to come to this Parliament without any ſcruple, if neither they nor their Predeceſſors had ever been ſummon'd before.

But the Doctor's reaſon why ſo few Earls and Barons ſhould be ſummon'd is much more unlikely; for if the numerous Appearance of the Barons, and their Practices at *Oxford*, had been like to have fruſtrated *Montfort*'s Deſigns, there had been indeed ſome Reaſon, why he ſhould have done all he could to have hindered their coming to Parliament again; whereas, on the contrary, the major part of the Earls and Barons at the Parliament at *Oxford*, who came thither with Arms and great Retinues, did come there only to join him, and to force the King to agree to the *Proviſions* there made; but if the *Commons* were now ſummon'd (as the Doctor ſuppoſes) to curb the extravagant Power of the Lords and Tenants *in Capite*, yet it could not be his *Intereſt*, nor indeed in his *Power* ſo to do, not the *Latter*, becauſe the Earls, Barons, and Tenants *in Capite* were too numerous to have ſuffer'd ſuch an Affront and Breach upon their antient Rights as this would have been; ſo that he and his Accomplices durſt never have diſpleas'd ſo great and powerful a Body, as they are allow'd to have been, even by Dr. *Brady* himſelf, and who made ſuch a reſolute oppoſition for their Liberties in King *John*'s Time, or that they would thus tamely have permitted Men wholly of the Sheriff's Choice and Returning, (as the Doctor ſuppoſes) to have thus taken away their Places in Parliament, and made Laws for them, much leſs the *Citizens* and *Burgeſſes*, moſt of whom were certainly not Noble by Birth, nor yet held Lands *in Capite*: Nor could it be for *Montfort*'s *Intereſt* ſo to do; for the greateſt part of the Earls, Barons, and Tenants *in Capite* were on his ſide already; and thus to exclude them, had been the only way to diſoblige and make them leave him, and go over to the King's Party: So that upon the whole Matter, ſuppoſe *Montfort* to have been ſuch a *Knave* and *Hypocrite* as the Doctor wou'd have him, yet certainly he was *no Fool*, but a cunning Politician, and would never have done ſo ſilly and impolitick a thing as this. Nay, granting all the Abbots and Priors to have been of his ſide (as the Doctor ſuppoſes) they could no way counterballance the prevailing Power of the numerous Tenants *in Capite*; ſo that whenever the *Commons* received their firſt Summons to Parliament, it was certainly before the Forty ninth of *Henry the Third*.

But to unfold the Myſtery the Doctor makes of it, why ſo few Earls and Barons are mention'd in this *Record* to have been ſummon'd, it was not out of any Jealouſie or Suſpicion that *Simon Montfort* had of them, who were for the greater part of them his faſt Friends; but out of pure careleſneſs or omiſſion of the Clerks, who, I ſuppoſe, thro' haſt, inadvertency, or multiplicity of other buſineſs omitted to enter the Names of all the reſt of the Earls, Biſhops, and Barons, to whom Writs of Summons were undoubtedly ſent; and that I do not ſpeak this without Book, I appeal to the *Record* it ſelf, where there is a blank ſpace left unfill'd of five or ſix Inches breadth, which could be left for no other end, than to add the Names of all the reſt of the Earls and Barons, who were certainly ſummon'd to that Parliament, as well as thoſe whoſe Names are there ſet down.

I have now given you the Doctor's Account of the Original of the Houſe of *Commons* being called to Parliament, and the Reaſons that *Simon Montfort* had then to do it; and I have alſo added the Objections and Arguments againſt it, which I ſhall leave to the conſideration of the Ingenious and Impartial Reader, who is moſt likely to be in the Right, he or I in this Controverſie.

But ſince beſides the Reaſons and Arguments already given by thoſe of the Doctor's Opinion, they alſo pretend to prove from other Precedents and Authorities, that the *Repreſentatives* of the *Commons* were never ſummon'd to Parliament before the Forty ninth of this King's Reign, nor during the reſt of it, becauſe there are no more Writs of Summons to be found on the Cloſe-Rolls of King *John* and *Henry the Third*, whereby it might appear, that the *Commons* were ſummon'd to any other Parliament after this, to the time the Doctor aſſigns.

To this it may be anſwer'd, that this would be indeed a very material Objection, were there any Writs of Summons to be found on thoſe Cloſe-Rolls, to the Biſhops, Earls, Barons, and Tenants *in Capite*, during all that time; but ſince there are none ſuch to be found, it is moſt likely, that thoſe Writs (which were without doubt once extant) are all loſt or deſtroy'd; but becauſe the Doctor, in Anſwer to this, has printed ſome few Writs of Summons to certain Biſhops to appear at *Great Councils* or Parliaments, and therefore ſuppoſes the like Writs ſhould be found on the ſame Rolls to the *Commons* alſo, had they ever been ſummon'd before the time above-mention'd; therefore I will here recite the Writs themſelves, and ſhall then give you my Obſervations on them.

The firſt Writ the * Doctor hath given us, is on the † Cloſe Roll of the Sixth of King *John*, directed to the Biſhop of *Salisbury*, which is needleſs here to be repeated *verbatim*, only I would obſerve to you the material words of this Writ; where, after the Clauſe of the Summons particularly expreſs'd, it concludes thus, *Expedit habere veſtrum Concilium & aliorum Magnatum Terræ noſtræ quos ad diem illum & Locum fecimus convocari.* * The ſecond is on the Cloſe-Roll of the Twenty ſixth of *Henry the Third*, directed to *William*, Archbiſhop of *York*, wherein he is likewiſe ſummon'd, *ad tractandum Nobiſcum unà cùm cæteris Magnatibus noſtris, quos ſimilitèr fecimus convocari de Arduis Negotiis noſtris ſtatum noſtrum & totius Regni noſtri ſpecialitèr tangentibus*; with this Note underneath

* *B. A. P. p.* 87.

† *M.* 3. *Dorſo.*

* *M.* 13 *Dorſo.*

Eodem modo Scribitur omnibus Epiſcopis, Abbatibus, Comitibus, Baronibus.

* B. *A.* P. p. 92, 93.

Rot. Clauſ. 38. *Hen.* 3. M. 14. *Dorſ. de Magnatibus vocandis ad Concilium.*

The * third is of the Thirty eighth of the ſame King, directed to *Boniface*, Archbiſhop of *Canterbury*, whereby he is ſummon'd to appear at *Weſtminſter* within fifteen Days after St. *Hilary*, next coming before the Queen, and *Richard* Earl of *Cornwal*, about the Affairs of *Gaſcoigny*, and this very Council; *Matt. Paris*, *Anno Dom.* 1254. calls a Parliament, to which all the *Magnates* or Great Men of *England* were aſſembled; the Day of which Meeting he makes to have been the ſixth of the Calends of *February*, and which fell out within fifteen Days after St. *Hilary*, which was the Day appointed for the meeting of this Parliament, by the aforeſaid Writ of Summons, and who were the Conſtituent Parts of it may (as the Doctor ſuppoſes) be further made out by a Letter of the Queen, and Earl *Richard* to the King then in *Gaſcoigny*, which is recited by * *Matt. Paris* in his Additaments in theſe words, *Domino Regi Angliæ Regina, & Ricardus Comes Cornubiæ ſalutem; recepimus Literas veſtras ad natale Domini proxime præteritum quod in Craſtino Sancti Hilarii Convocaremus Archiepiſcopos, Epiſcopos, Abbates, Priores, Comites, & Barones Regni Angliæ ad oſtendendum*, &c. whereby it appears, who were then the Conſtituent Parts or Members of our *Engliſh* Parliaments, *viz.* the Archbiſhops, Biſhops, *&c.* Earls and Barons of the Kingdom; ſo that (as the Doctor believes) there is no ſuch univerſal Silence concerning the Conſtituent Parts of our Parliament, as Mr. *Petyt* and his Friends ſuppoſe, from the want of the Parliament-Rolls of thoſe Times, moſt of which, tho' they are loſt, yet the Doctor thinks there are enough left to ſatisfie any reaſonable Perſon, that there were then no *Commons* in Parliament, in the ſenſe they are now taken.

* Fol. 189. n. 50.

Now, to return an Anſwer to what hath been here ſaid, it ſeems, notwithſtanding all the Doctor's diligence, he can find but three Writs of Summons to Biſhops or Lords, in the ſpace of near forty Years, within which time there might have been as many Parliaments ſummon'd; for as to King *John*'s Reign, it is certain, that moſt part of the Cloſe-Rolls are loſt, and thoſe of *Henry the Third* were very careleſly kept, there being but very few things entred under each Year, and in ſome none at all; and from the Forty ninth Year of his Reign to the end of it, there are no *Writs* of Summons to be found, either to *Biſhops*, *Lords*, or *Commons*.

But to ſay ſomewhat to theſe Writs the Doctor hath cited, it is not my own Opinion alone, but that of divers Learned Antiquaries, that they are not *Summons* to a *Common Council* of the whole Kingdom, but only to *Great Councils* of the Biſhops, Earls, and Barons, to conſult of ſome arduous Affairs concerning the making of War or Peace; their Power being much greater in that Age than it was either before or ſince.

And as for this laſt Writ, which the Doctor would needs have to be a *Summons* to Parliament, in the Thirty eighth Year of this King, becauſe *Matt. Paris* calls it ſo, this is no convincing Argument with me; for this Author ſometimes calls a *Great Council* or *Colloquy*, to which the Biſhops, Earls, and Barons, were often ſummon'd a *Parliament*; for that word being then come lately into faſhion, and of a *French* Original, is often uſed for a *Colloquium* or *Treaty* or *Council* with the Parties above-mention'd, as being all of much the ſame ſignification. But what may ſufficiently ſatisfie any indifferent Perſon, that this laſt Writ to the Archbiſhop of *Canterbury* was not a Summons to Parliament, is, that it is thus enter'd upon the Margin of the Roll, *Summonitio ad Concilium*; but this the Doctor thought fit prudently to conceal, as he commonly doth any thing that makes againſt him: Nay, the Learned Mr. *Selden* and the induſtrious Mr. *Pryn*, tho' they have printed the two former of theſe Writs, as Summons to Parliament, yet take no notice of the laſt, for the Reaſon already given; which ſure they would have done, had they not been ſatisfied it could not deſerve that Title.

I might have here concluded this part of the Diſcourſe, becauſe Sir *H. Spelman*, and after him Mr. *Pryn* think it ſufficient to ſtop here, tho' they ſuppoſe the *Commons* not to have been ſummon'd to Parliament, until the 49th of *Henry the Third*: But ſince Dr. *Brady* from the loſs of Writs of Summons, and the neglect of any expreſs mention of the *Commons*, any otherwiſe than by the Word *Communitas Regni*, runs back to his old beloved Notion, that this Word muſt only ſignifie the *Community* or Body of Tenants *in Capite*, and that the ſummoning the *Commons* to Parliament having began in a time of *Rebellion*, was again left off, and omitted during all the reſt of this King's Reign, being near ſeven Years after, and was further diſcontinued, until the middle of that of *Edward the Firſt*; in whoſe Eighteenth Year, the Doctor hath diſcover'd an old blind Writ not enter'd on any Roll, but written in a looſe Schedule, which he wou'd needs have to be a Writ of Summons to the *Commons* to come to a Parliament at *Weſtminſter*, therefore this he will have to be the firſt that was ever iſſued out to that purpoſe in this King's Reign.

Having given you a ſhort view of the Doctor's Notions, I ſhall next ſet down the Authorities and Reaſons he brings to ſupport them: And to begin with the Remainder of the Reign of *Henry the Third*, he aſſerts that the *Commons* were never mention'd in any Record or Statute of this King ſince the Forty ninth; for after his Victory at *Eveſham*, *Matt. Paris* relates that He call'd a Parliament at *Wincheſter*, *Ib. p.* 144. to which we do not find any *Commons* ſummon'd, as before; but the King by the Advice of his *Magnates* Alone, ſeis'd the Liberties of the City of *London*, and alſo they gave Him all the Lands of the ſaid *Rebels*.

The Doctor being very ſhort in what he ſays concerning the manner of the making the *Dictum de Kenelworth*, I ſhall give you a fuller Relation of it from *Matt. Paris*, who writes that there was another Parliament ſummon'd the Year following at *Kenelworth*, where it was agreed by the Common Aſſent of the *Biſhops*, *Abbots*, *Priors*, Earls, Barons, and *All Others* there preſent, that ſix Perſons by them choſen, being all (except one) either Biſhops or Barons, ſhould name ſix Others, and the whole Twelve to judge concerning thoſe who were diſinherited for their late *Rebellion*; and their Determination or Award is called *Dictum de Kenelworth*, which was made to abate the Rigour of the late Parliament at *Wincheſter*, whereby all thoſe that took part with *Montfort* were declared to have forfeited their Eſtates; for that being found too ſevere, to encourage ſeveral of the Barons to come in and deſiſt from their *Rebellion*, it was by this Award or Sentence ordain'd, that the Perſons ſo diſinherited might compound for five Years Value of their Eſtates.

This Sentence or Award (as the Doctor ſays) was drawn up by ſeveral Commiſſioners nominated by the Parliament, being all Biſhops or Great Earls, or Barons, and *no Commoners* among them; from whence he infers, that had there been any *Commons* in this Parliament, they would certainly have had Commiſſioners of their own Order, as well as the Biſhops and Lords.

Before I return an Anſwer to theſe Arguments, which the Doctor hath brought from theſe two laſt Parliaments and their Proceedings, I cannot but obſerve upon his firſt Reaſon, why King *Henry the Third* ſhould not think fit to ſummon the *Commons* during the reſt of his Reign, *becauſe*, ſays he, *it was firſt began by* Montfort *during his* Rebellion; which will prove no ſufficient Reaſon at all, if it be looked into, and that from the Account the Doctor himſelf has given of it, *viz.* the great Fear *Montfort* had of the too great Concourſe of the *Earls*, *Barons*, and *Tenants in Capite* with their Retinues; for if this were a ſufficient Cauſe for *Montfort* to leave them out the laſt Year, it made much more for the King's Intereſt to do the ſame in this; ſince it was the too great Power of theſe *Barons* and Tenants *in Capite*, that the King was then moſt afraid of, for they were the ſame Men, who had impos'd upon Him the late *Oxford* Proviſions, and therefore there was very good reaſon again to ſummon the *Commons*, to counterbalance the exorbitant Power of the Greater Nobility.

But to ſay ſomewhat to the Authorities the Doctor hath brought from the Parliaments of *Wincheſter* and *Kenelworth*; the Rolls of the former are loſt, and there is no more left of them on *Record*, than that Writ, or Commiſſion, which the Doctor hath given us, which recites, that by the unanimous Conſent of all the *Magnatum* or Great Men, the King had granted Him the Seiſin and Poſſeſſion of all the *Rebel's* Eſtates, in the late War; which is no Argument to prove, that *No Commons* were there, ſince I have ſo often made it plain, that under this Word *Magnates*, not only the *Knights* of *Shires*, but *Citizens* and *Burgeſſes* were frequently comprehended. 'Tis true, there were no Writs extant to prove the *Commons* were then poſititively ſummon'd; neither is there any reaſon to believe there were ever any to induce the contrary; for if it were a wiſe Invention of *Montfort* to ſummon the *Knights*, *Citizens*, and *Burgeſſes*, to abate the Power of the Tenants *in Capite*, it was certainly as good Policy for this King to continue it. But to add ſomewhat more concerning this Parliament at *Kenelworth*, I ſhall admit all the matter of Fact to be true as it is related from *Matt. Weſtminſter*, who ſays, that the Twelve Commiſſioners appointed to draw up the Statute then to be made, were choſen *de Potentioribus Procerum, & Prudentioribus Prælatorum*, and alſo the *French* Record (cited by the Doctor) together with Sir *William Dugdale*'s Comment upon it, makes it out plain enough, that the *Lay-Commiſſioners*, who were choſen by all the Parties there named, to make this Statute, were all Great Earls and Barons, tho' in the *Record* it ſelf only ſtil'd *Knights*.

B. A. P. p. 144.

Well, what follows from all this? that the *Commons* (ſays the Doctor) could have no hand in this choice, becauſe the *tous Autres*, or *Omnes Alii*, mention'd in this and other Records, muſt needs always ſignify the ſmaller Tenants *in Capite*: But I think thoſe Words may with much greater Probability mean the *Commons* as now taken, unleſs the Doctor could bring any poſitive proof to the contrary, ſince they were ſummon'd but the laſt Year, and why they ſhould not be ſo now, I can ſee no reaſon, but rather the contrary, as I have already ſhewn: And if this Argument be good, that *no Commoners* were there, becauſe none of them were choſen *Commiſſioners* for drawing up this Judgment of *Kenelworth*, then by the ſame Rule none of the ordinary Tenants *in Capite* were there neither, becauſe none under the degree of an Earl or Baron was elected to be a Commiſſioner to draw up that Statute.

But as for the Silence of the *Hiſtorians*, and their not mentioning the *Commons* to be ſummon'd to Parliament during the reſt of this King's Reign, that were indeed a conſiderable Argument, if they had ever mention'd their being ſummon'd in the Forty ninth Year; but that they never did, is clear from the Silence of *William* of *Riſhanger*, the Continuator of *Matt. Paris* and *Matt. Weſtminſter* concerning this Parliament; the latter wholly omitting it, as alſo that at *Wincheſter*, and mentions only one held at *Weſtminſter* at *Chriſtmas*, in the Year 1266. where he ſays the *Nobles* of the Kingdom aſſembled together; and thenhe proceeds to that ſummon'd to *Kenelworth* the ſame Year; where his Words are *Clerus & Populus convocantur*, both Clergy and People were ſummon'd. Now I have already proved, that under theſe laſt Words, by both theſe Authors, the *Commons* as well as the Lords are often comprehended; as they may likewiſe be by the following Phraſe concerning the Parliament at *Weſtminſter* the next Year, which the King held *cum Potentioribus Terræ ſuæ*; and that this Word did not only ſignify the Greater Nobility, in this Author, appears by what he ſays before in the Year 1265, when after the Battle of *Eveſham* the King came to *Windſor*, and there committed the *Potentiores Civitatis* London (the moſt powerful or eminent Citizens) to Priſon: And indeed *Thomas Wikes* is the only Author that expreſly mentions this Parliament of the Forty ninth of *Henry the Third*; and tho' not beginning the Year until our *Lady-day*, he places it under *A. D.* 1264, when on the twentieth day after *Chriſtmas*, they were ſummon'd by the Earl of *Leiceſter*, (*Simon Montfort*) *facta eſt* London *Convocatio non minima Procerum* Anglicorum, ſays my Author; from which Words I argue thus, either that he intended thereby to comprehend the *Commons*, that were ſummon'd to this Parliament, or he did not; if the latter, and that he omitted to mention them thro' Careleſneſs or Neglect, why might not *Matt. Paris* and *Matt. Weſtminſter* do ſo likewiſe? but if the former be true, (as it is moſt likely) then the Words *Convocatio Procerum* muſt there ſignify All the Eſtates or Conſtituent Members of this Parliament; and of the ſame ſignification is that Expreſſion in *Matt. Paris*, *Magna Nobilium Multitudo*, which includes the ſmaller, as well as the greater Nobility, now comprehended under *Lords* and *Commons*: So that if the Word *Proceres* be of ſo large an extent in this Author, I can ſee no reaſon, why

Chr. *T. Wikes* *p.* 65.

Others may not make uſe of it in the ſame Senſe, as well as He.

But perhaps it will be further objected by thoſe of the other Opinion, that King *Henry* did ſo quel the Power of the *Great Lords* and Tenants *in Capite*, at the Battel of *Eveſham*, that He was in no more apprehenſion of any thing they could do againſt Him, and therefore He had no occaſion to ſummon the *Commons* again to balance them. And that according to the Authority of Mr. *Cambden*'s nameleſs Author, cited in his Preface, *after the Confuſions of the late War, only thoſe Earls and Barons, and no Others, came to Parliament, to whom the King vouchſafed to direct his Writs of Summons :* To this it may be anſwer'd,

That, *Firſt*, the Authority of this Writer, cited by Mr. *Cambden*, may very well be queſtion'd, becauſe he doth not tell us, who he was, nor in what time he lived ; and * Mr. *Selden* hath given us very good Reaſons not to give any credit to his Authority ; but ſuppoſe we ſhou'd grant it to be good, yet it makes rather againſt the Antiquity of the Houſe of *Peers*, than againſt the *Commons* as now conſtituted ; for having thus humbled the Power of the *Great Lords* and Tenants *in Capite*, there could be no better way to make a *Counter-balance* againſt it, than continuing the *Knights* of *Shires* and *Repreſentatives* of *Cities* and *Boroughs* in his future Parliaments ; for I have already proved, that the former were neither always choſen out of the Tenants *in Capite*, nor did *repreſent* them Alone, as Dr. *Brady* ſuppoſes, ſince they were elected by all thoſe that ow'd Suit and Service to the County-Court ; and as for the *Citizens* and *Burgeſſes*, tho' ſome of them were Tenants *in Capite*, yet the Major part of them were otherwiſe ; ſo that if the King would have any Parliament at all, his ſafeſt way muſt have been to continue it after that Model which *Simon Monfort* is ſuppoſed to have began.

* *Tit. of Hon. p.* 589.

The † Doctor's next Authority is from the Statute of *Marlebridge*, made in the Fifty ſecond Year of this King, for the confirming and eſtabliſhing (as it were) the Body of the Law of this Nation, the Preamble whereof is to this effect: *That by the Care and Providence of the King Himſelf, for the Melioration of his Kingdom, and the more full exhibition of Juſtice, there were call'd together the more Diſcreet Perſons of the ſame Kingdom, as well the Greater as the Leſs ſort, by whom the Proviſions, Eſtabliſhments, Agreements and Ordinances in this Statute comprehended, were made :* Upon this Preamble the Doctor obſerves, *Firſt*, that all the *Great Barons* were not preſent at the making of this Statute, but only *the more Diſcreet*, *viz.* ſuch as the King thought fit to call, who were ſummon'd always by particular Writs. *Secondly*, that neither were all the *Leſs Barons* or Tenants *in Capite* preſent in this Parliament, but only the more *Diſcreet Perſons among them*, and theſe call'd by the King, and in all probability by particular Directions ; for by a General Summons, according to King *John*'s Charter, directed to the Sheriff of each County, to ſummon all the *Minor Barons* and Tenants *in Capite*, it could not be, that only the *more Diſcreet Perſons of them* ſhou'd be call'd together ; nor is there in this Preamble the leaſt hint, or intimation, of any Writs directed to *Counties*, *Cities* or *Burghs*, for the choice of Members.

† *B. A. P. p.* 144, 145.

Thirdly, from the ſixth Chapter of this Statute, which was One of the chief Laws contain'd in it, the Doctor obſerves, that *Britton* ſays it was made, *per la purveiance de* Robert Walerand, *and by Common Aſſent of the Great Lords of the Realm.* The Doctor farther notes, that *Robert Walerand* was a Baron, a Soldier, and Lawyer, and died in the Firſt of *Edward the Firſt*, and that *Britton* lived at this time, and well underſtood the *Conſtitutions* of Parliaments, and wrote his Books of the Laws of *England*, bearing that name, in the time of King *Edward* aforeſaid, and by his Direction, and ſo leaves the reſt to the Judgment of the Reader.

In anſwer to this I cannot but obſerve, that the Doctor being tranſported with high and arbitrary Notions of the King's Prerogative, hath not only deſtroy'd whatſoever he hath before aſſerted concerning King *John*'s Charter, as being intended for a Form or Model to all future Parliaments during the Reigns of that King and his Son *Henry the Third*; but alſo will have it, that this Prince was ſo fluſh'd with Victory at *Eveſham*, that He not only took upon Him to make Laws without any of the Tenants *in Capite*, but alſo without the Conſent of all the Biſhops, Earls and Barons of the Kingdom; and only ſuch Lords met as the King was pleaſed to ſummon to this Parliament: By which he hath ſhewn an eaſy way, how any other future King may deal with Parliaments whenever He hath got the Power in his Hands, *which is, to admit and exclude whom He pleaſes, and turn the Great Council of the Kingdom into a* French *Aſſembly* des Notables.

But I hope I ſhall ſhew, that the Doctor's Interpretation and Comment upon this Chapter are forced, and contarary to the true Intent and Meaning thereof; in order to which give me leave in the firſt place to obſerve, that there is no certain Concluſion to be drawn from the different Forms of penning of antient Statutes, nor who were ſummon'd to the making of them, nor by whom they were enacted; ſome of them (it is true) are drawn in the Form of the King's Charters or Writs, without any mention of Aſſent either of the *Lords* or *Commons*; Others are ſaid to be enacted *by the whole Realm*, without any mention of the *King* at all; and I could have given you a Liſt of divers old Statutes from the Reign of King *Henry the Third* to the time of King *Edward the Third*, in which there is no mention at all made, either of the King, or any other of the Three Eſtates; and yet no Man, I think, will deny that theſe Statutes were made and agreed to by them All according to the uſual Cuſtom, tho' it be not particularly expreſſed; and therefore to give a better Account of this Law, it is fit we conſider, that theſe Words, *evocatis Diſcretioribus Regni*, are no more reſtrictive to ſome particular Perſons than if it had been in the ſuperlative Degree, and inſtead of *Diſcretioribus* it had been *Diſcretiſſimis*, or *Sapientiſſimis Regni*, which no Man can ſuppoſe to mean only a few of thoſe whom the King ſhould judge the Wiſeſt and moſt Diſcreet Men of the whole Kingdom; and therefore we muſt not attend only to the meer Grammatical, but Legal Senſe of theſe words, and then it amounts to no more than this, that by the *Diſcreet* Men of the Higher Degree were meant the *Lords Spiritual* and *Temporal*, and under thoſe of the Lower Order were intended the *Commons*.

What the Doctor ſays concerning *Robert Walerand*, is not material, for ſuppoſing him to be never ſo great a Soldier, or Lawyer, yet he had nothing to do to propoſe or offer this Law, but as he was one of the King's Council in Parliament, whoſe Buſineſs it was to draw up and prepare thoſe Bills, which being there approved of, were to be paſt into Statutes; and therefore *Britton* might very well ſay, that this Law was made by the *Proviſion* or Foreſight of this *Robert Walerand*, with the common Aſſent of the *Great Lords*, as the moſt eminent Perſons that had to do in it; and yet for all that the *Commons* might likewiſe give their Conſents to it, for otherwiſe if *Britton* muſt be literally underſtood, what becomes of the *Diſcreti de Minoribus*, mention'd in this Statute to have given their Conſents, as well as the *Majores*? whereas this Author mentions none at whoſe Requeſt it was made, but the *Great Lords* only.

* Ib. p. 145.

From this Reign the * Doctor proceeds to that of *Edward the Firſt*, who, he ſays in the beginning, and for ſeveral Years of his Reign and Government (for ought appears from divers Statutes then made, and other Records) did not iſſue out Writs for the Election of *Knights*, *Citizens*, and *Burgeſſes*, as at this Day, but uſed the ſame way and courſe of ſummoning and holding Parliaments, as his Father had done before him. In anſwer to this of the Statutes, we ſhall come to them immediately after one word. As to the want of Writs of Summons to the *Commons* it is no Objection, ſince all the Writs of that kind, to the *Biſhops* and *Lords*, are likewiſe loſt or deſtroy'd, for the firſt twenty four Years of this King's Reign.

* Clauſ. 3. Ed. 1. M. 21. Dorſ.

And for the Statutes, the Doctor begins with that of *Weſtminſter*, which is ſaid to be made by the Aſſent of the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and the *Whole Community* or *Commonalty of the Land* thither ſummon'd; by which laſt words the Doctor would needs have to be underſtood the *leſs Barons* and Tenants *in Capite*; and that there were no Other *Repreſentatives* of the *Commons* there, he likewiſe endeavours to prove by the * Writ of Summons directed to the Archbiſhop of *Canterbury*, for the Prorogation of this Parliament, in which is recited, that the Parliament which was to meet on the *Quindene* of the *Purification*, *&c.* being for ſome Cauſes prorogued until the Morrow after the cloſe of *Eaſter* next following, the King commands and requires the ſaid Archbiſhop to be preſent at the ſame, to Treat and Ordain, together with the *Prelates* and *Great Men* of the Kingdom concerning the Buſineſs of the ſame, *&c.*

By this Writ the Doctor thinks we may ſee the King's purpoſe to hold a General Parliament with the *Prelates* and *Great Men* of his Kingdom *only*; which words *Great Men* very frequently comprehended, as I have ſaid more than once and again, as well the *Barones Majores*, as *Minores*, the Earls, Barons, and greater Tenants *in Capite*, and the leſs, which he takes then to have been the *Community* of the Kingdom.

In anſwer to this, Since I have already ſhewn from divers Precedents, and particularly that of the Forty ninth of *Henry the Third*, that the *Latin* Phraſes *Communitas Regni*, and the *French*, *la Commune de la Terre*, are not the Body of the Tenants *in Capite*, but that of the *Whole Commons* of *England* repreſented by *Knights*, *Citizens*,

tizens, and *Burgeſſes* are to be underſtood, I ſhall ſay the leſs to this Interpretation, only ſhew the abſurdity of the Doctor's Notion in it, and for the entire ſatisfaction of the Reader in this Point, I will cite ſome Precedents from Records and Acts of Parliament of this King and his Succeſſor. The firſt is, that Statute or Ordinance made in King *Edward the Firſt*'s Reign, tho' the Year when is uncertain; but the Title of it tranſlated out of *French* is thus; *Theſe are the Uſages which the Commonalty of* Kent *claim to have in Tenements held by* Gavel-kind. Now Gavel-kind Lands being generally in *Socage*, the Owners of them could not have been call'd the *Commonalty of Kent*, had that Expreſſion only ſignified Tenants *in Capite* by *Knight's Service.*

I come now to ſome Statutes and Records of a more general extent; for in the Reign of *Edward the Second*, when by the Doctor's own Confeſſion the *Commons*, as now *Repreſented*, were preſent in all Parliaments, the ſame Word often occurs, and muſt therefore be underſtood in the ſame ſenſe as in the Act of Pardon for the Death of *Piers Gaveſton* made in the Seventh of this King, and drawn up in *French*, which is granted by the King with the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and the *whole Commonalty of the Realm* there aſſembled: So alſo in the *Latin* Records, as appears by an Act of Pardon granted in Parliament in the twelfth Year of this King: Add likewiſe the Statute of *York*, of the ſame Year, written in *French*, which is recited to have been made *per aſſent des Prelats, Counts, Barons, & la Commune du Royalme illonques Aſſemblez*; where you ſee, that the *Latin* word *Communitas*, and the *French la Commune*, ſignifie the ſame Order of Men. And the like Form is continued in many other Statutes made in the Reigns of King *Edward the Third*, *Richard the Second*, and other ſucceeding Kings, of which I could give divers Inſtances if it were neceſſary; and I deſire to ask the Gentlemen of the Doctor's Opinion, whether by theſe Phraſes the Tenants *in Capite*, or the *Commons* as now *Repreſented*, are to be underſtood: They cannot ſay the former, ſince they had for ſeveral Years diſuſed to appear in Parliament in a Body, as the Doctor himſelf acknowledges; but if they will own the Latter (as I think they muſt) I ſhould be glad to ſee any good reaſon, why the ſame Phraſes ſhould not ſignifie the ſame Perſons in the Reign of *Henry the Third*, and until the Eighteenth Year of *Edward the Firſt:* But perhaps they will ſay, that they were not till then ſummon'd to Parliament, after the Forty ninth of *Henry the Third:* This is to beg the Queſtion; and whether they have yet proved that Point, by what hath been already alledg'd by their Doctor, muſt be left to the Judgment of the Impartial Reader.

But what the Doctor would infer from the words of the Writ directed to the Archbiſhop of *Canterbury*, is yet more trivial; for He grants, that the Writs of Summons to this Parliament are loſt, tho' it is very likely they were enter'd either upon the Precedent Roll, or elſe on the ſame with this cited by the Doctor; yet from this he erroniouſly infers, that by the word *Magnates* or Great Men, put after the Prelates, the greater and leſs Tenants *in Capite* are to be underſtood; whereas whoever would but conſult the like Forms of Writs in Sir *William Dugdale*'s Summons to Parliament, from the

Twenty fourth to the end of this King's Reign, will in moſt of them find the ſame Expreſſions *ad Ordinandum & Tractandum cum Prælatis & Magnatibus Regni*, in the Writs of Summons to the Commons, as they are alſo in ſeveral other ſucceeding King's Reigns.

The Doctor's next Authority is from the Statute *de Bigamis*, ſuppos'd to be made in the ſame Year with the Parliament laſt mention'd, in the Preamble of which it is recited to this effect, (as is here tranſlated) *In the Preſence of the Venerable Fathers, ſome of the Biſhops of* England, *and Others of the King's Council, the underwritten Conſtitutions were recited, and afterwards they were heard, or read, and publiſhed before the King and his Council, and becauſe All of his Council, as well Juſticiaries as Others, agreed, that they ſhould be written for perpetual Memory, and firmly obſerved*, &c.

In the following Paragraph the Doctor finds fault with Sir *Edward Coke*, for obſerving, that this Aſſembly of the Biſhops and Others of the King's Council, expreſſed under theſe Words, *& Aliorum de Concilio Regis*, were only to ſhew they were a ſelect Committee of Biſhops, Barons and Judges, who were to draw up this Statute, and then to report and publiſh it before the King and his Council in Parliament, expreſſed by theſe Words, *Auditæ & Publicatæ*, in the Preamble: This the Doctor finds fault with, as not having any Senſe or Meaning in the words, which whether they have or no, I muſt leave it (as the Doctor doth) to the judicious Reader to decide: But in the following * Page he grants ſufficient for our Purpoſe, in theſe words, 'Whether this was a Parliament, or what were the Conſtituent Parts of a Parliament at this time, or of this Parliament in particular, I think it is neither ſo eaſie nor plain to determine as Sir *Edward* would have it to be; perhaps the beſt underſtanding of the Preamble and firſt Chapter may be, that the Laws and Conſtitutions were prepared by the King and his Council, with the Aſſiſtance of the Juſtices and Lawyers that were of it, or called to aſſiſt in it, and declared afterward in Parliament; for it is ſaid in the Cloſe of the Statute, *that the ſame Conſtitutions were publiſhed at* Weſtminſter *in a Parliament after the Feaſt of St.* Michael, *in the Fourth Year of King* Edward *the Son of King* Henry, *and from that Time they ſhall take Place.* From whence we may obſerve, that let theſe Conſtitutions be prepar'd by whom the Doctor pleaſes, they had no binding Authority upon the Nation, until they were publiſhed (that is paſſed) in *full Parliament*.

* *Ibid. p.* 148.

Ibid.

Then the Doctor proceeds to the Preamble of the Statute of *Gloceſter*, which is ſaid to be made in the Year of Grace *A. D.* 1276, (tho' erroniouſly, for it ſhou'd be 1278) which was the 6th of *Edward the Firſt*, wherein it is recited, *that the King, for the Reaſons there ſet down, having call'd the moſt Diſcreet Perſons of his Realm,* auxibien des Greindres come des Meindres, that is, *as well of the Greater, as the Leſs, it is Eſtabliſhed and Ordain'd*; This Preamble (ſays the Doctor) is almoſt the very ſame with that to the Statute of *Marlebridge*, and therefore he will ſay nothing further of it; and only adds, that by the Preface to the Statute of *Weſtminſter* the *Second*, made in the Thirteenth of *Edward the Firſt*, it appears, that the Prelates, Earls, Barons, and the King's Council, were the Conſtituent Parts of this, or ſome other Parliament, held at *Gloceſter*, that Year. I need ſay no more, than the Doctor hath here done, concerning the Meaning of the words in this Statute, of the Greater, as well as *Leſs ſort of Wiſe Men*, and I ſhall leave it to the Reader's Judgment to conſider, whether by thoſe words the *Lords* and *Commons* are not more likely to be underſtood, than the *Prelates*, *Earls* and *Barons*, and *Others* of the King's *Council* Alone, which laſt, I never heard to have been one of the *Eſtates* of Parliament before; nor doth the Statute the Doctor cites countenance his Opinion, for tho' that of *Weſtminſter* the *Second* recites, that the King had lately on the *Quindene* of St. *John the Baptiſt*, in the Sixth Year of his Reign, call'd together the Prelates, Earls, Barons, and his Council at *Gloceſter*, yet it is not there ſaid, that the *Council* had any hand in the *enacting* of thoſe Statutes, tho' they might draw them up into Form.

Ibid.

His next Inſtance is, from the Statute of *Mort-main*, which was made by King *Edward the Firſt* in the Seventh Year of his Reign, by advice of the Prelates, Earls, Barons, and *Other Lieges* of his Kingdom, *being of his* Council; where the Doctor underſtands the words *de Concilio*, to mean the King's Council in Parliament, as if their Conſents had been neceſſary to the *enacting* of this Statute; whereas in truth the words *Aliorum Fidelium de Concilio Noſtro*, are only words of Form, or elſe are to be underſtood of the *Commons* as part of the *Great Council* of the Kingdom.

The Doctor's laſt Inſtance is, the Statute of *Acton-Burnel* or Statute *Merchant* of the Eleventh of *Edward the Firſt*, which was made *by the King Himſelf and his whole Council*, *Le Roy, per Luy & per tout ſon Counſel, ad Ordain & Eſtablie, Que Merchant*, &c. and this was done in Parliament, as appears by the Statute of *Merchants*, made in the *Thirteenth* Year of the ſame King, by theſe words in the *French* Preamble, which is thus in *Engliſh: Our Lord the King by Himſelf and by his Council, at his Parliament which He held at* Acton-Burnel, *in the Eleventh Year of his Reign, Made and Ordain'd theſe* Eſtabliſhments, *&c.* by which the Doctor hath recited enough for my Purpoſe; for it might very well be, that tho' this Statute was *made* (that is, drawn up and approved of) by the King and his *whole Council*, yet it appears by the Preamble to this laſt Statute which recites it, that it was *Enacted* in the Parliament at *Acton Burnel*, and if ſo, muſt have had the Conſents of *All* the *Eſtates* there preſent, as well as the King; but as for his Council in Parliaments having any hand in the making of a Statute, any further than the drawing it into Form, we are beholding to the Doctor for that rare Diſcovery; ſince I do not find any, either *Antiquary* or *Lawyer*, who is of that Opinion, beſides himſelf.

But we are now come to the Critical time, when the Doctor ſuppoſes the *Knights* of *Shires* were again ſummon'd to Parliament, after a long Intermiſſion, from the 49*th* of *Henry the Third* to the 18*th* Year of this King, when the Prelates, Earls, Barons, and Great Men of the Kingdom, with *one Aſſent* in *full Parliament* granted to Him *Forty Shillings* of every *Knight's Fee*, for an Aid to marry his Daughter, for themſelves, and the *Whole Community* of the Kingdom, as appears on Record: Then the Doctor cites a Writ of the Thirtieth of *Edward the Firſt*, for the levying the *ſaid Forty Shillings* on every *Knight's Fee*, which it ſeems had been hitherto ſuperceded, but this the King commanded then to be paid in with all Expedition. I have omitted ſetting down this Writ at large, becauſe I have already recited the moſt material parts of it, in what I have ſaid for the proving of the words *Communitas Regni* to ſignify in this King's Reign, the *Repreſentatives* of the *Commons* as now underſtood, and not the leſs Tenants *in Capite*; but the Doctor makes uſe of it as a Foundation to build his *Hypotheſis* upon, that the *Knights* of *Shires* were not ſummon'd to appear at the beginning of this Parliament, nor till toward the latter end of it, and to prove it, he thus proceeds with great Confidence.

Ibid. p. 149. Hitherto (ſays the Doctor) in this King's Reign, there appears nothing that can evince either the *ſummoning*, or *being* of any *Commons*, as now underſtood, or any *Knights*, *Citizens*, or *Burgeſſes*, in any of theſe Parliaments, we are at leaſt left in Uncertainties; nay, the Proof is moſt ſtrong on the *Negative*, that there were none. Yet in this Year, *viz.* the Eighteenth of *Edward the Firſt*, there is a Bundle of Writs, directed to the Sheriffs of ſeveral, or moſt of the Counties of *England*, and they are the Antienteſt extant, or perhaps that ever were; for (in probability) the calling of *Knights*, *Citizens*, and *Burgeſſes*, according to that Example, was diſcontinued from the 49th of *Henry the Third* unto this time, by which two or three *Knights* were directed to be choſen for each County. The Writ it ſelf follows, which ſince the Doctor lays ſo much ſtreſs upon, I ſhall give you in *Engliſh*.

'*Edward* by the Grace of God, King of *England*, Lord of *Ireland*, 'and Duke of *Aquitain*, to the Sheriff of *Weſtmorland*, Greeting; 'whereas We have been eſpecially petition'd, and requeſted by the '*Earls*, *Barons*, and *Others* the *Great Men* of our Kingdom, con'cerning certain matters, upon which We will have Conference 'and Treaty, as well with themſelves, as with Others of the Coun'ties of that Kingdom, We command thee, without delay, that 'thou cauſe to be choſen two or three of the moſt diſcreet and 'ableſt *Knights* for the diſpatch of Buſineſs of the County afore'ſaid, and cauſe them to come to Us at *Weſtminſter*, ſo that they 'be there in three Weeks, after the Feaſt of St. *John Baptiſt* at 'furtheſt, with full Power for themſelves, and the *Whole Community* 'of the County aforeſaid, to conſult and conſent for themſelves, 'and that *Community*, to ſuch things, which the Earls, Barons, and '*Great Men* aforeſaid, ſhall there think fit to agree upon; and you are 'to have there this Writ; Witneſs my ſelf at *Weſtminſter*, the four'teenth day of *June*, in the *Eighteenth* Year of our Reign.

From which Writ, and what went before, the Doctor draws theſe following Obſervations: On the firſt of this Month, the King had *Scutage* given Him in *full Parliament*; fourteen days after, at the inſtance of the Earls, Barons, and other *Great Men* of the Kingdom, upon certain Matters by them moved, and propounded to Him, He iſſued this Writ of *Summons* to the Sheriffs of the ſeveral Counties, to cauſe to be choſen two or three *Knights* of each County, to come to Him at *Weſtminſter*, three Weeks after St. *John Baptiſt*, (which is the Eighth of *July*) at fartheſt.

Upon this Writ, it may be obſerved, *Firſt*, that it is moſt probable, (tho' it is not here abſolutely ſaid ſo) that the King was moved by the Earls, Barons, and Great Men of the Kingdom, to call theſe *Knights* to this Parliament; and that as this Writ is the firſt to be found after that of the Forty ninth of *Henry the Third*, ſo it really was the *firſt Writ* of Summons after that time, for the *Election* of *Knights* to *repreſent* the ſeveral Counties.

Ib. p. 150.

Secondly, that there could be no *Citizens* nor *Burgeſſes* choſen or ſent to this Parliament by vertue of this *Writ*, as they were afterward by particular Directions contain'd in the *Writs* ſent to the Sheriffs for electing *Knights* of the *Shire*.

Thirdly, that by this Writ, the *Knights* were to come to the King at *Weſtminſter*, three Weeks after St. *John Baptiſt*, at fartheſt, which was the fifteenth of *July*; that in the ſame Year, between the time of the Date of the *Writ*, and the time appointed for meeting of the *Knights*, the Statute of *Weſtminſter* the *Third* was made; ſo that this was either the ſame *full Parliament*, which gave the King *Scutage* on the firſt of *June*, and then the King and *Barons*, without the *Commons*, made this Statute, or the *Knights* had another *Summons* after the Date of this *Writ*, (for before that they were not at the Parliament) or the *Knights* came a Week before they had need to have done; but neither of the latter are probable, ſeeing the *Knights* were then great Husbands of their Time and Expences, and were not very forward to undertake this Service, as being conſtantly bound with, or engaged by *Sureties* or *Manucaptors*, for the performance of it, and their appearance in Parliament; and therefore it ſeems reaſonable to conclude, that this Law was made without them, and before their coming to Parliament.

I have given you the Doctor's Argument at large, tho' it be ſomewhat tedious, and (as I hope to ſhew) built upon a falſe Foundation, *viz.* that at the Parliament above-mention'd, the *Knights* of *Shires* were not ſummon'd, nor were preſent at the beginning of this Parliament, nor ſome Weeks after, until the *Scutage* of *Forty Shillings* upon each *Knight's Fee* had been granted in Parliament above five Weeks after the Parliament had began to ſit; but if the Doctor's Foundation proves falſe, and that this Parliament was diſſolved before ever theſe *Knights* were ſummon'd to it, then all that he hath built upon that, is falſe and precarious; for I am as confident as I can be of any thing, conſidering the Writs of Summons to the *Lords*, as well as the *Commons* are loſt and torn off from the Rolls, that the *Knights* of *Shires* were ſummon'd to this Parliament, as appears by this Tax above-mention'd, which is ſaid to be granted by the *Prelates*, Earls, Barons, and *Other Great Men* of the Kingdom, *pro ſe & tota Communitate*, i. e. *for themſelves and the Whole Community* of the ſame in *full Parliament*. Now I have already proved, that by the words, *tota Communitas Regni*, is to be underſtood the *Community* or Body of the *Commons* taken diſtinctly from the reſt of the Orders aforegoing, and that it is likewiſe taken in that Senſe in the Forty ninth of *Henry the Third*, and in divers other Parliaments that were held during his Reign, as alſo that they were *ſummon'd* to the Parliaments and Great Councils in the beginning of this King's Reign we are now treating of; ſo that whether the

Doctor ſays true, that hitherto in this King's Reign there appears nothing that can evince either the *ſummoning* or *being* of any *Commons*, as now underſtood, in any of theſe Parliaments, and that the Proof is moſt ſtrong in the *Negative*, that there were None, muſt be left to the Reader's Judgment, when he hath peruſed what can be produced on both ſides. But to come cloſer to the matter, the
* P. 32, 33. Doctor in his * *Gloſſary* grants, that by the words, *tota Communitas Regni*, that gave this *Scutage* mention'd in the Writ above-cited, is meant the *Whole Community* of the leſs Tenants *in Capite*, that granted and paid it firſt for themſelves and their Tenants in Military Service, who then were oblig'd by the King's Writ to pay them again: Now let us ſuppoſe for once that all this is true, I would be glad to know of thoſe of the Doctor's Opinion, of what ſort of Men theſe two or three *Knights* were, whom the Doctor ſuppoſes to be ſummon'd to appear at the latter end of this Parliament, whether were they Tenants *in Capite* themſelves? Or were they ſome of their *Inferior* Tenants by *Knight's-Service* or *Soccage-Tenure*? If theſe Gentlemen will ſay, they were the former ſort, why ſhou'd the Lords and *Great Men* deſire the King to *ſummon* two or three *Knights*, who were Tenants *in Capite*, to this Parliament, when all
^ allready or the greater part of them were ^ preſent in this Parliament, and had given this *Scutage*-Tax a Fortnight before the Writs for *ſummoning* theſe Knights were iſſued out? But if they will ſay, that they were not Tenants *in Capite*, but their *Inferior Military* Tenants, then
B.A.J. p. 214. the Doctor's ſo poſitive Aſſertion is falſe, that at firſt the *Knights* of *Shires* were choſen out of the greateſt Tenants *in Capite* under the Degree of *Barons*; and then it will not be ſo incredible, as he there makes it, that thoſe Tenants *in Capite* would part with this main point, *of being perſonally preſent, or the Body of them repreſented by ſome of their own number in every County:* How contradictory this new Diſcovery of the Doctor's is to what he aſſerts in other places, I leave to the Reader to judge? as alſo, whether he had any ſettled Principles concerning the Subject he wrote of, but only ſuch as would ſerve the preſent turn or Notion he had broach'd, and was reſolved right or wrong to maintain?

And therefore I think we may very well aſſert, that theſe *Knights* mention'd in the Writ the Doctor hath cited, were either ſummon'd to this Parliament in Aſſiſtance or Addition to the two other *Knights*, who had been ſent up before to this Parliament, or elſe came up after it was diſſolved; the former of theſe the
Ib. p. 151. Doctor's Friends can have no reaſon to oppoſe, ſince in the very Page where he concludes his Argument, he likewiſe aſſerts, *that the King in this Age was not confin'd to any certain number of* Knights, Citizens
* Rot. Clauſ. 22 Ed. I. M. 6. Dorſ. *or* Burgeſſes; and for the Proof of it the * Doctor cites two Writs
' of the Twenty ſecond of this King, to the Sheriff of *Northum-*
' *berland*; by the firſt of which He commands him to ſummon two
' *Diſcreet Knights* of the ſaid County, to appear at a *Colloquy* or
' *Treaty* at *Weſtminſter*, which was to be on the morrow of St. *Mar-*
' *tyn* next coming, to adviſe and conſent for themſelves and the
' *Whole Community* of the ſaid County, to thoſe things which the
' Earls, Barons, and *Great Men* aforeſaid, ſhou'd unanimouſly or-
' dain concerning the Premiſſes, &c. this bears date the eighth of *October*,

October, immediately after which, the King iſſued out another like ‘ Writ to the ſame Sheriff, commanding him, beſides the two former, ‘ that he ſhou'd cauſe two *Other Knights* to be choſen, and to come to ‘ *Weſtminſter* together with them; this bears date *Octob.* the 9th. Now if what the Doctor aſſerts in the ſame place be true, that ſome Legal Niceties and Punctilioes, now in Uſe, (concerning Parliamentary Proceedings) were not then judged abſolutely neceſſary, I cannot ſee any reaſon, why the King might not have order'd two or three *New Knights* to be choſen for each *Shire*, and to be added to the former that were ſummon'd to Parliament already, ſix Weeks after the Parliament had ſat, as well as to order it a day after the firſt Writ, as in the next Inſtance produced by the Doctor.

But to ſpeak freely, I make uſe of this only as *Argumentum ad Hominem*; for in my Opinion, not only this Writ of the Eighteenth of *Edward the Firſt*, but alſo thoſe of the Twenty ſecond, for the electing of *Four Knights*, are not for them to come to *Parliaments* properly ſo call'd, but only to certain *Councils*, *Colloquies*, or *Treaties*, which both this King as well as his Father often held with the Biſhops, Earls, and Barons, when they would have their Advice upon any great or extraordinary Occaſion; ſuch as the making *Peace* or *War*, or for ordaining temporary *Ordinances* concerning matters of *Trade*, as the Exportation and Importation of Commodities, and other things of leſs moment, when the King did not think it worth the trouble of calling a *Parliament*; or elſe that the Matter fell out ſo ſuddenly, that the King could not ſtay till they could all meet, which then required *Forty Days*, as well as it does now. Yet that to theſe extrordinary Councils ſome of the *Knights*, *Citizens*, and *Burgeſſes* were often ſummon'd, muſt be granted even by thoſe of the contrary Opinion, ſince they cannot deny matter of *Fact*, in the Inſtances I have brought, concerning the *Repreſentatives* of the *Commons* being ſummon'd to the Great Council that was held in the beginning of this King's Reign, when *All the Eſtates* of the Kingdom were aſſembled at *Weſtminſter* to ſwear Allegiance to Him; as alſo *That* held in the Eleventh Year of this King, to adviſe about the Condemnation of Prince *David*; ſo that Dr. *Brady*'s Friends may take their choice, either to call them *Parliaments*, or *Great Councils*; if they were the former, they give up the Point they would maintain, *viz.* that there were *No Commons* ſummon'd to any Parliament of this King, until this Year we are now treating of; but if they ſay that theſe were only *Great Councils*, then thoſe Aſſemblies, to which theſe two or three *Knights* were ſummon'd, in the 18*th* and 22*d* of this King, might be to ſuch *Great Councils*, and not to *Parliaments* properly ſo call'd: And that it was ſo, appears by the Titles on the Margins of each of them, which are, *de Militibus eligendis* & *mittendis ad Concilium*; tho' the Doctor (the better to countenance his Opinion) hath been pleaſed to wave the ſetting down the Titles that are in the Margin of theſe looſe Writs, of the Eighteenth, on which he founds this new Diſcovery: But that there is a plain and manifeſt difference between *Writs* of *Summons* to *Parliaments*, and thoſe to *Great Councils*, the Reader may conſult Sir *William Dugdale*'s Parliamentary Writs of Summons to the Biſhops and Lords, in which, tho' he hath partially omitted thoſe to the *Commons*, for they are alſo enter'd upon the ſame Rolls, yet in thoſe he has publiſh'd, not only the Titles to them, but even the very Body of the Writs themſelves ſufficiently diſtinguiſh between thoſe two different Aſſemblies; the Writs to Great Councils only reciting, (as theſe the Doctor hath given us) that *the King would have with his Earls, Barons, and other Great Men of his Kingdom, Colloquium & Tractatum*, that is, a Colloquy or Treaty, or elſe a *Colloquium* with the *Knights* of *Shires* alone, as it is in this Writ of the Eighteenth we are now treating of; but when the Summons is to a Parliament, it is *moſt commonly* not only ſo expreſs'd in the Title, but in the very Body of the Writ, *that the King intends to have a* Parliament *at* Weſtminſter, *or elſewhere*; and that this Diſtinction is not only found in *Writs* of *Summons*, but in antient Statutes themſelves, appears by that *Ordinance* or *Statute* againſt coming to Parliament with Armour, which tho' it be printed in *Raſtal*, as made in the Seventh Year of *Edward the Firſt*, yet doth indeed belong to that of his Son *Edward the Second*, and is a Writ to the Juſtices of his *Bench*, reciting, 'That whereas of late, before certain Perſons deputed to treat upon ſundry Debates had between Us (*i. e.* the King) and certain Great Men of our Realm, amongſt other things it was accorded, that in our next Parliament, *Proviſion* ſhou'd be made by Us, with the *Common Aſſent* of the Prelates, Earls and Barons, that in all *Parliaments*, *Treaties*, and other *Aſſemblies*, which ſhould be held in our Realm of *England* for ever, every Man ſhould come without *Force*, and without *Armour*, well and peaceably, *&c.* And a little lower He doth more plainly diſtinguiſh between theſe two Parliaments that follow; 'And now in our Parliament at *Weſtminſter* after the ſaid *Treaty*, the Prelates, Earls, Barons, and the *Communalty* of our Realm there aſſembled to take Advice of this Buſineſs, have ſaid, *that to Us it belongeth, and our part it is, by our Royal Seigniory*, ſtreightly to defend wearing of *Armour*, and all other *Force* againſt our Peace at all times, when it ſhall pleaſe Us, and to puniſh them who ſhall do contrary, according to the Laws and Uſages of our Realm.

And beſides this Statute, whoever will but look over that Treatiſe which goes under the Name of Sir *Robert Cotton*'s Abridgement of the Records of Parliament, may there obſerve a manifeſt Difference between *Parliaments* and *Great Councils* of the Kingdom. And tho' Dr. *Brady*, to ſerve a turn, doth here confound theſe two different Aſſemblies, yet that he himſelf, when there is no preſent occaſion for diſguiſing the Truth, doth make a difference between a *Great Council* and a *Parliament*, appears from the * Second Volume of his Compleat Hiſtory of *England*, wherein from the † Cloſe Roll of *Edward the Third*, he relates, that in the Fourth Year of his Reign, on the ſixth of *September*, He ſummon'd a *Great Council* to meet at *Nottingham* on the *Munday* before the Feaſt of St. *Luke*, or *Quindene* of St. *Michael*, where He was better inform'd, and the Practices of his Mother and *Mortimer* were detected, *&c.* And that this was no Parliament, appears by what follows in the next Paragraph, that when this was done, the King being then at *Leiceſter*, on the 23d of *October*, ſummon'd a *Parliament* to meet at *Weſtminſter*, on

* Page 186.

† Clauſ. 4. Ed. III. M. 23. Dorſ.

on *Munday* next after the Feaſt of St. *Catherine*, or 25th of *November*; and the like Councils he takes notice of in other Places of his Hiſtory, as I could eaſily ſhew you if there were occaſion.

But I am ſenſible, tho' it will readily be granted (as indeed it cannot be well denied) that there were ſuch *Great Councils* and *Treaties* different from *Parliaments*, yet it may still be urged by those of the Dr's opinion that theſe *Knights*, mention'd in this *Writ* of the Eighteenth of *Edward the Firſt*, (made uſe of by the Doctor) were not ſummon'd to ſuch a *Great Council*, but to the Parliament, which was then ſitting, as appears by the words of the *Writ* it ſelf, reciting, that whereas the King had been eſpecially Petitioned and Requeſted, by the Earls, Barons, and Others of the Great Men of his Kingdom, concerning certain matters, upon which He will have Conference and Treaty, as well with Themſelves, as with *Others* of the *Counties* of the Kingdom, *&c.* from whence the Doctor well obſerves, that it is very probable, (tho' it is not here abſolutely ſaid ſo) that the King was eſpecially moved by the Earls, Barons, and Great Men of the Kingdom, to call theſe *Knights* to this Parliament; and he alſo further urges as a thing certain, that theſe *Knights* came up to this Parliament whilſt it was ſtill ſitting; for it appears by the Statute of *Weſtminſter* the *Third*, that it continu'd until the eighth of *July*, and the fifteenth was the day appointed for theſe *Knights* of Shires to be at *London*, *there to adviſe and conſent to ſuch things as the Earls, Barons, and Other Great Men ſhould think fit to agree upon*; which muſt needs refer to the Earls and Barons then aſſembled in *Parliament*, and no Other. And as for the Inference I have now made from the words of the *Writ*, that it was to a *Colloquy* or *Treaty*, and not to a Parliament, and that in all *Writs* of *Summons* to Parliaments the word *Parliament* is expreſſed either in the *Writ* or in the *Title*, this Rule doth not always hold true, for in the Writs on the *Cloſe-Rolls* of the Twenty ſecond of *Edward the Firſt*, (which I my ſelf have already cited) for the ſummoning *Four Knights* from every County, is only to a *Colloquy* or *Treaty* with the Earls, Barons, and Chief Men, without ſo much as the word *Parliament* being mention'd, and the Title to this firſt *Writ* being only *de Militibus eligendis & mittendis ad Concilium*: yet that it was not a *Great Council*, but a *Parliament* properly ſo call'd, appears by another † Record of the ſame Year, which recites, that upon the very day this *Parliament* met, *viz. Nov.* 12. they gave the King a *Tenth* part of all their Moveable Goods; and as likewiſe appears by the Writ or Commiſſion for appointing Aſſeſſors, and Collectors, for the ſame *Tenth*.

† *Pat.* 22. Ed. I. *M.* 2. *in Scedula.*

Alſo as to the Parliament which was * ſummon'd to meet the Sunday after St. *Martin*, or 11th of *November*, (being the Twenty third of this King) tho' the Titles to the Writs are *de Parliamento tenendo, & de Parliamento prorogando*, yet in the Body of the Writ it ſelf the word *Parliament* is not inſerted, but only that the King will have a *Colloquy* or *Treaty* with his Earls, Barons, and other Great Men, as you'll ſee by the Writ it ſelf, which † Dr. *Brady* hath publiſhed at large but two Leaves further; and that this was a *Parliament* appears by another * Writ which relates to this very *Parliament*, reciting, that the Earls, Barons, *Knights*, and *All Others* of the Kingdom,

* *Rot. Clauſ.* 23 Ed. I. *M.* 4. *Dorſ. de Parliamento tenendo.*
Ib. M. 2. *Dorſ. de Parliamento prorogando.*

† *Page* 155.

* *Rot. Pat.* 24 Ed. I. *p.* 1. *M.* 22.

Kingdom, gave an *Eleventh*, and the *Citizens* and *Burgeſſes*, and Other Good Men of the King's *Demeſns*, gave Him a *Seventh* Part of all their Moveable Goods. And this I take the more notice of, becauſe the Doctor ſuppoſes that this was the firſt Parliament, to which the *Citizens* and *Burgeſſes* were ever ſummon'd, from the Forty ninth of *Henry the Third*, to this very Year; but of this Writ I ſhall ſay more hereafter.

I will now try what I can to anſwer theſe Objections, and as conſiderable as the Doctor's Arguments may appear, I hope I may have leave to aſſert, that his Inferences are founded upon bare Suppoſitions, becauſe the *Writs* of *Summons* to this *Parliament*, both to the *Lords* and *Commons*, are quite loſt and taken off the *Cloſe-Rolls*; ſo that the *main Queſtion* between us, is, whether this *Writ* of *Summons* of the Eighteenth of *Edward the Firſt*, for theſe two or three *Knights*, was to come to a *Parliament*, or to a *Colloquy* or *Treaty*; that it was not to the former, I muſt ſtill inſiſt; *Firſt*, becauſe this Writ is not enter'd on the *Cloſe-Roll*, but was only found (as the Doctor himſelf acknowledges) in an odd Bundle amongſt divers other *Writs* rnd *Records* of a different nature; neither is it certain whether theſe *Writs* that remain (being but for twenty five Counties) were ever once entire, and directed to all the reſt of the Sheriffs of the Counties; for if they were not, it is evident theſe could be no Summons to a *General Parliament*, and for *Repreſentatives* to be choſen for all the Shires of *England*. And, *Secondly*, (as I have already obſerved) there is neither in the *Title* to the Writ, nor in the Body of it, any mention of theſe *Knights* being ſummon'd to treat with the *Lords* and *Great Men* in *Parliament*, but only, that the King would have a *Colloquy* or *Treaty* with them, and thoſe of the Counties; and therefore He enjoins them to be at *Weſtminſter*, at ſuch a day, to adviſe upon and agree to ſuch things as the Earls, Barons and Great Men ſhould think fit to ordain: Which meeting with them, might be as well after this *Parliament* was riſen, as before; and that the Buſineſs they were to treat about was not *Parliamentary*, ſuch as granting of Money and conſenting to Laws, appears from the very words of the *Writ* it ſelf, which are only *ad Conſulendum & Conſentiendum*; whereas all *Parliamentary* Writs of the *Commons* that remain upon *Record*, have always *faciendum* likewiſe inſerted. And tho' I grant that there have been *Common Councils* of the Kingdom, whereto the *Commons* have been ſummon'd, as the Record now cited (and againſt which I have nothing to object) doth teach us, and alſo that ſometimes in Writs to Parliaments, the word *Colloquium* is uſed inſtead of *Parliamentum*; yet however the Title to the Writ of the Twenty third of this King ſufficiently declares, that this Aſſembly was a *Parliament*, and not a meer *Council* or *Treaty*. I confeſs alſo that in this King's Reign, the words *Colloquium* and *Parliamentum* (the latter being of a *French*, and the former of a *Latin* Original) were not ſo nicely diſtinguiſh'd, as they were in his Succeſſor's times, but were ſometimes uſed promiſcuouſly, therefore I have only aſſerted, that in *Writs* of *Summons* the word *Parliament* was *moſt commonly uſed*, when the King intended to ſummon either the *Lords* or *Commons* to ſuch an Aſſembly; which that the King did not intend to do by the Writ now in Diſpute, appears,

appears from this remarkable Circumſtance, that theſe *Knights* were not ſummon'd to come to this *Treaty* with the *Lords*, till after all *Parliamentary* Buſineſs was diſpatch'd and over; for the Doctor hath there ſhew'd us from the *Record* of the Thirtieth of this King, that the *Scutage* of *Forty Shillings* was granted the 1ſt of *June*, and the Statute of *Weſtminſter* was enacted ~~not~~ till the 8th of *July*: So that Money being given, and Laws made, which are the Principal Buſineſs of all *Parliaments*, I can ſee nothing *Parliamentary*, that theſe *Knights* could be ſummon'd to do or adviſe about, and therefore I may very well ſuppoſe with greater probability than the Doctor's Friends can aſſert the contrary, that the *Parliament* having paſs'd the Statute above-mention'd on the eighth, was diſſolved on the ninth or tenth of *July* following, for (to give the Doctor one of his own Reaſons in his * own Words) *the* Knights *of* Shires *being then great Husbands of their Time and Expences, were not very forward to undertake this Service; ſo when the Buſineſs of Parliament was over, they always deſir'd to be diſmiſs'd, to ſave their own as well as their Country's Charges.* And that they ſometimes went home, when the Earls and Barons continued ſtill ſitting as a ſeparate Council, and were alſo ſometimes empower'd by the *Commons* to act for them, appears from thoſe *Records* we have left concerning the Parliament at *Lincoln*, which was ſummon'd to meet on the Octaves of St. *Hilary*, in the Twenty eighth Year of this King, where after the *Lords* and *Commons* had given the King a *Fifteenth* of their Moveables, in conſideration of his then granting them that the Bounds of *Foreſts* ſhould be ſettled according to the late Perambulations, the *Commons* upon their Petition were diſmiſſed; and, as appears by the * Writs for their Expences, the Parliament was diſſolved on the 29th day of *January*, and yet nevertheleſs the Earls and Barons continued ſtill ſitting till the end of the next Month at leaſt, during which time they drew up that remarkable Letter to the Pope, wherein they ſo ſtoutly aſſerted the King's *Supreme Dominion* over the Kingdom of *Scotland*, in Teſtimony whereof they put their Seals to it for themſelves and the *whole Community* of the Kingdom, that is, for the *Commons* as well as themſelves, as appears by the Date of it, being the 12th day of *February*, 1301. So likewiſe in the Sixth of *Edward the Third*, a Parliament was aſſembled on the 16th of *March*, and upon Saturday following, the King gave leave to the *Knights* of the *Shires*, the *Citizens* and *Burgeſſes*, to go home; but order'd that the Prelates, Earls, Barons, and thoſe of his Council ſhould tarry longer for the diſpatch of ſome particular Affairs in which He deſir'd their Advice.

* *Page* 151.

Rot. Clauſ. 25 Ed. I. *m.* 16.
Ibid. m. 17. *Dorſ.*

* *Rot. Parl.* Ed. I. 28
n. 11.

But I confeſs that there remains one ſeeming Difficulty behind, which is, how the King came to be perſwaded by the *Earls* and *Barons* to ſummon two or three other *Knights* to treat with them about ſome particular matters, when the *Parliament* was ſitting, and when they might as well have diſpatched all Buſineſs whatſoever, in which the Advice and Conſent of the *Knights* of the *Shires* was neceſſary, ſuppoſing them (as I do) to have been already ſummon'd, at the beginning of this *Parliament*: I confeſs this would be a very material Objection, were not the *Parliamentary* Records of this King and his Succeſſor almoſt all loſt, except ſome few Fragments

ments that have been collected and preſerved by Mr. *Ryley* in his *Placita Parliamentaria*; but the Gentlemen that ſhall make this Objection would do well to conſider, that if the leſs Tenants *in Capite* were ſummon'd to this Parliament inſtead of the *Knights* of *Shires*, the Difficulty will remain as great, if not greater, than it was before; for if they had then *repreſented* all their inferior *Military* Tenants, and that they had already given *Taxes* for them, and had alſo made the *Statute* of *Weſtminſter* the *Third*, what Parliamentary Buſineſs could there be for thoſe *Knights* of *Shires* to do, when the Doctor will not allow them to have then any hand in either of thoſe Great Affairs, of giving *Money*, or in making Laws: But as for the Doctor's Gueſs, *that it is moſt probable (tho' it is not here abſolutely ſaid ſo) that the King was moved by the Earls, Barons, and Great Men of the Kingdom, to call theſe* Knights *to this Parliament*; I think I may with much more colour of Reaſon affirm, that it was very improbable, they ſhould move for any ſuch thing; for if they had deſir'd it, becauſe the leſs Tenants *in Capite* were averſe to their Proceedings, and out-voted them at this time, when they ſat together in one Houſe, would not the calling up of two or three *Commoners* more out of each County (who were not Tenants *in Capite*) have made the Party of the leſs Tenants *in Capite* rather ſtronger than it was before? But if to this it be reply'd, that theſe *Knights* of *Shires*, being inferior Military Tenants, might hold their Lands of the *Earls* and *Barons*, and conſequently would be more compliant to them, than to the leſs Tenants *in Capite*: In return to this, I think I may ſay, *it is gratis Dictum*, and theſe Inferior Tenants, who were then choſen *Knights* of *Shires*, might as well have held their Eſtates of the Biſhops, Abbots and Priors, whom the Doctor doth not make to have been Parties in any ſuch Requeſt to the King; or they might alſo hold of divers of thoſe leſs Tenants *in Capite* themſelves, upon whom they had more dependance than upon the *Temporal Lords*; ſo that take it which way one will, I can ſee no Advantage gain'd either to the King or the Barons, by introducing this ſuppoſed new Order of Men into *Parliament*, ſo long as the Tenants *in Capite* are ſuppoſed by the Doctor to have ſat there (if they were there at all) to the very end of this Parliament.

Therefore to conclude, if you will accept of my Gueſs, (which may be as good as the Doctor's, concerning a matter now left ſo much in the Dark) I ſhall give it you, without putting ſo great a ſtreſs upon the Words of this Writ, which is the only thing we have to guide us. Now it appears in the very beginning of it, that the King had been particularly *requeſted by the Earls, Barons, and Great Men, concerning certain matters, which He did not think fit preſently to grant, without firſt having* Conference *and* Treaty *not only with the* Lords *themſelves, but with* Others *of the* Counties *of the Kingdom*, and therefore the King thought fit to have the Advice of two or three of the moſt *Diſcreet Knights* of the *Shires* about theſe matters, which whatever they were, could not be either about granting *Money*, or giving their Conſent to any *Statute* that was then to be made; for both thoſe things were diſpatched before ever they came up: And therefore it ſeems moſt probable, that the matter about which the King was ſo much importun'd by the *Lords* was concerning ſome future Alteration, or Impoſition upon the *Commons*, which the *Knights* of *Shires* that were then in the Parliament might either oppoſe downright, or elſe might modeſtly excuſe themſelves, as that they had not as yet receiv'd ſufficient Inſtructions from the *Communities* of their Counties that choſe them; upon which the King might think fit to ſummon two or three Others of the 'moſt Diſcreet and Able Knights, to appear at *Weſtminſter* at the 'day appointed, with full Power for themſelves and the *whole Com*'*munity* of the County aforeſaid, to adviſe and conſent to ſuch 'things, which the *Earls*, *Barons*, and *Great Men* aforeſaid, ſhould 'then think fit to agree upon; which however could not be done without being firſt ſufficiently inſtructed and empower'd thereunto by the ſaid Community of the Counties that ſent them; but that theſe *Knights* were not ſummon'd to appear in Parliament is highly probable, in that they are not order'd to appear on a day certain, which is fixed in all Parliamentary Summons, and is not to be alter'd without a new Writ of *Prorogation*; whereas in this now before us, the appearance of theſe *Knights* of *Shires* is left at their Diſcretion ſo ſoon as they could be *elected*, provided it was within three Weeks after *Midſummer*; and in the mean while, the *Earls* and *Barons* having ſome other Buſineſs to diſpatch with the King, might very well ſtay in Town, until theſe Knights of Shires ſhould come up to them, which however I am perſwaded, for the reaſons already given, was not till the *Parliament* was diſſolved. I ſhall now leave it to the Judgment of the Impartial Reader, whether this be not a more ſatisfactory Account of the reaſon and occaſion of the ſummoning theſe *Knights* of *Shires* by this extraordinary Writ of the Eighteenth of this King, than from thence to conclude, that they were then *firſt ſummon'd* to appear in *Parliament*, by a Summons in which there is not one Word ſaid of any ſuch thing, and at a day when all Parliamentary Buſineſs was over.

I have now finiſh'd one main part of my intended Deſign, in fairly ſetting down Doctor *Brady*'s chief Arguments in his Anſwer to Mr. *Petyt*'s *Rights of the Commons*, and his Animadverſions upon Mr. *Atwood*'s *Jani Anglorum facies nova*, whereby the Doctor endeavours to make good againſt them, that the *Commons* as now *repreſented* were not ſummon'd to any *Parliament*, till the Forty ninth of *Henry the Third*, nor from that time till the Eighteenth of *Edward the Firſt*, did the *Knights* of *Shires* appear there any more, as hath been above related. But ſince the publiſhing thoſe Treatiſes, the Doctor having, I ſuppoſe, received greater Light, or having further Deſigns, thought fit to write another concerning *Cities* and *Boroughs*, ſhewing 'their Original, and whence, and from 'whom (as he ſuppoſes) they receiv'd their *Liberties*, *Privileges*, and '*Immunities*; what they were, and what made and conſtituted a *Free* '*Burgh* and *Free Burgeſſes*, with other things; which becauſe they are not within my intended Deſign, I purpoſely omit; however, I will give the Reader (ſince the Book is not yet very common to be had) a brief Account of the Subſtance and purport of it: The firſt fifteen or ſixteen Pages are taken up in ſhewing what a *Borough* is, and in what a mean State and Condition many of the *Antient Boroughs* of *England* were at the time when *Domeſday*-Book was made, and from thence ſhews that the King or ſome other *Great Lords* had moſt of the Manſion-Houſes in thoſe Boroughs, by payment of certain Rents or other Duties, and that many of them were part of the Demeſne of the *King* or other *Great Lords*, either Eccleſiaſtical or Temporal; and at the end of thoſe Inſtances from *Domeſday*, he draws this following Inference.

Page 16. By theſe Inſtances, which are all, he ſays, (tho' erroneouſly) that can be found in both the *Domeſday*-Books, that do give any Light to the underſtanding what *Burghs* and *Burgeſſes* were in the *Saxon* Times, and in the Reign of *Edward* the *Confeſſor*, as likewiſe afterwards in that of *William* the *Conqueror*, we find the *Burgeſſes* or Tradeſmen in great Towns had in thoſe times their Patrons, under whoſe Protection they traded, and paid an acknowledgment therefore; or elſe were in a more ſervile Condition, as being *in Dominio Regis*, *vel Aliorum*, altogether under the Power of the King, or Other Lords; and it ſeems to me, that then they traded not, as being in any Merchant-Gild, Society or Community, but meerly under the Liberty and Protection given them by their Lords and Patrons, who probably might have Power from the King to licence ſuch a number in this or that Port or Trading-Town.

On this Paragraph I cannot but remark, that tho' the ſervile Condition the Doctor ſpeaks of, might extend to ſome of the meaner or ſmall *Boroughs* he there hath picked out, yet that all the *Antient Cities* and *Borough's* of *England* were in this abject and ſervile State, I do not believe; nor doth it agree with the Deſcription he hath given us of a *Burgh* in the two firſt Pages of this Treatiſe from thoſe modern Authors that have undertaken to write of them, ſince from the ſeveral Etymologies of this Word, it appears, that they were ſo called from being places of *Safety* and *Protection*; and the Doctor affirms, 'That whether a *Burgh* was taken for a Place of Strength, 'or a Place of Trade, as it was guarded with the *Liberties* and *Priviledges* granted by Princes, then (and perhaps now) altogether 'neceſſary to the Advantage of Buying, Selling, and Trading, by 'which Tradeſmen quietly, and without diſturbance enjoy the Benefit of it, *Burghs* might truly be called Places of Safety, Protection and Priviledge. *Page* 3.

I will not deny, what the Doctor hath here advanced, that a *Borough* was much ſafer and freer, from the Protection and Priviledges granted by Princes, yet that they were before thoſe Grants Places of Safety, and likewiſe of Trade and Buſineſs, is as certain, ſince Men did of their own accord erect *Cities* and *Towns*, and encloſe them with Walls or Trenches, for their own Security; and conſequently, where there was a Concourſe of People, of courſe it produced buying and ſelling all things neceſſary for human Life, ſuch as Clothes, Victuals, Utenſils, *&c.* either for ready Money, or by way of Exchange. Upon which the King or other Chief Lord of ſuch Places, exacted a *Toll* when *Standing-Markets* came to be ſetled in ſuch Places; ſo that the Grants of Princes or Lords might indeed encourage, but not create ſuch *Burghs* or Places of Trade and Protection; and when afterwards ſuch *Boroughs* were made *Free-*

Boroughs by the King's Charter, they are at the ſame time ſuppos'd to have been *Boroughs* before they were made *Free-Boroughs*: And this appears by thoſe Inſtances the Doctor hath given us a few Pages further, when he undertakes to ſhew, why ſuch Places are called *Free-Boroughs*, and why the Tradeſmen in them were called *Free Burgeſſes* from the Charters themſelves: Thus in the Charter to *Dunwich*, made a *Free-Borough* in the Firſt of King *John*, *ſciatis Nos conceſſiſſe & præſenti Carta confirmaſſe Burgenſibus noſtris* Dunewici *quod Burgum de* Dunewic *ſit Liberum-Burgum noſtrum.* So likewiſe in a Charter in the ſecond Year of the ſame King, to *Helleſton* in *Cornwal*, the Words are the ſame, *ut ſit Burgus Noſter de* Helleſton, *Liber Burgus*, &c. and after the ſame manner King *John* granted to the *Burgeſſes* of the Town of *Yarmouth* in *Norfolk*, *quod Burgenſes Noſtri de* Gernemua *habeant Burgum de* Gernemua *ad feodi firmam, in perpetuum*; which Liberty (ſays the Doctor) granted to the *Burghs* and *Burgeſſes*, was a Freedom to buy and ſell freely without diſturbance; a Liberty from paying Toll, Pontage, Paſſage, Money, Leſtage, Stallage, *&c.* in the Mercats and Fairs in theſe *Burghs*, and in coming to, and going from them; and for theſe things the *Burghs* were called *Free-Burghs*, and the *Burgeſſes*, *Free-Burgeſſes*; and for nothing elſe, as is moſt evident from the Charters themſelves. *Page* 18, 19.

From whence we may obſerve, (let the Doctor diſguiſe it as much as he pleaſes) that every one of theſe Towns are here called *Boroughs*, before ever King *John* made them *Free-Boroughs* by his Charter; and conſequently as ſuch, muſt have had ſome *Liberties* or *Priviledges*, as to buying and ſelling, and other matters above ordinary Towns and Villages; or elſe there would have been no difference between the One and the Other; but what thoſe were ſhall be further enquired into by and by.

I ſhall now turn back two or three Pages, and ſhew you what the Doctor ſays concerning the City of *London*, in the time of *William* the *Norman*, his Words are theſe: And any Man would think the Charter of the *Conqueror* obtained by *William* Biſhop of *London*, looked this way, (that is, they were before in *Dominio Regis*, in the Power of the King or other Lords, without being in any Merchant-Gild, Society, *&c.*) and that this was a meer *Protection*, rather than a *Charter*, appears by the Inſtrument it ſelf. I ſhall omit the *Engliſh-Saxon* Original, which the Doctor hath there given us, and only ſet down the *Engliſh* Tranſlation. *Ibid. p.* 16.

> William *the King Greets* William *the Biſhop, and* Godfrey *the* Port-Reve, *and all the* Burgeſſes, (*or rather Inhabitants*) *of the* Burgh *within* London, French *and* Engliſh, *Friendly. And I declare to you, that I will that you be all Law-worthy as ye were in King* Edward'*s days, and I will that each Child be his Father's Heir, after his Father's days. And I will not that any Man command any Wrong to be done to you. God you hold, or keep.*

I ſhall paſs by the Doctor's Paraphraſe and Explanation of the words of this Charter, as upon *Law-worthy*, and *each Child being his Father's Heir*, but ſhall give you the Inferences that he draws from *Ibid.*

thence

Ibid. p. 17.

thence in theſe words. From hence we may make a very probable Conjecture at the true meaning of this Protection or Charter; it is not to be doubted, but that the *Burgeſſes* of *London* had obtained of the *Saxon* Kings ſeveral Liberties and Immunities, amongſt which this was one, to be ſo far *Free*, as not to be *in Dominio*, or ſo obnoxious to any Lord, but that by reaſon of their State and Condition, they might be *Law-worthy*, that is, have the free Benefit of the Law, and had likewiſe further obtained, (if it was not then a Conſequent of their Perſonal State and Condition) that their Children ſhould be Heirs of their Lands and Goods, and in both theſe to be free from the Injuries, and unreaſonable Demands, and Power of any ſevere Lord; ſo that all the Application made by their Biſhop *William*, and not unlikely by *Godfrey* the *Port-Reve*, to the Conqueror for them, was, that their State and Condition might be the ſame it was in King *Edward*'s days, that *their Children might be their Heirs*, and that they might in both be protected from the Injury and Violence of imperious Lords, all which by the prevalency of their Biſhop were granted; conſidering therefore by the foregoing Inſtances it is clear, that many or moſt *Burgeſſes* or other *Burghs*, were *in Dominio* either of the King, or ſome other Lords or Patrons, in the time of King *Edward*, and that the *Londoners* might fear the Conqueror would break in upon their Priviledges, and reduce them to the ſame Condition; this Explication ſeems to diſcover the genuine Meaning, and very Import of this *Protection*, or, as 'tis commonly call'd, *Charter*.

I here ſo far agree with the Doctor, that this Grant of King *William*'s is not ſo properly to be call'd a *Charter*, as a *Confirmation* of the *Liberties* and *Priviledges* granted by the *Engliſh-Saxon* Kings; yet that it was more than a meer *Protection*, to be *free from the Injuries*, *and unreaſonable Demands*, *and Power of any ſevere Lord*, I am very confident; ſince there was no ſuch Lord that could pretend any Power over them, but the King, and He had already barr'd Himſelf from it by his *Coronation-Oath*, (the ſame that was taken by the *Engliſh-Saxon* Kings) from exerciſing any Right of *Conqueſt* over this Nation; but that neither the City of *London*, nor divers other *Antient Boroughs*, were from the beginning part of the King's Demeſnes taken in that Senſe as Tenants in *Antient Demeſnes* commonly are, for thoſe that might be taxed at the King's Pleaſure, and held their Lands by certain ſervile Tenures, I think may be very eaſily proved, ſince *London*, *Canterbury*, *Wincheſter*, *Oxford*, with other Cities and *Antient Boroughs*, ſent *Burgeſſes* to *Parliament* by *Preſcription*, and could not legally be taxed without their *own Conſents*; I ſay *legally*, becauſe I do not deny, but that King *Henry the Third*, and *Edward the Firſt*, did demand *Tenths* or *Fifteenths*, or ſuch like Taxes, without their Conſents in Parliament; but that this was an Encroachment of the *Prerogative*, appears by its being taken away by the Statute of the 34th of *Edward the Firſt*, *de Tallagio non concedendo*. And if *London* had been a Town of the King's antient Demeſn, how comes it to paſs, that it is wholly omitted in *Domeſday-Book*, wherein all the Towns, Boroughs, and Mannors, that were the King's Demeſnes in *Edward the Confeſſor's* time, are ſuppoſed to be Regiſter'd? But I ſhall now proceed to what the Doctor ſays in the next Paragraph.

* How long in moſt *Burghs*, very many *Burgeſſes* remain'd in this ſervile State, or others in a middle or *Neutral* State between *Servitude* and *Freedom*, I cannot ſay certainly, but do ſuppoſe, until our antient *Norman* Kings granted by their *Charters*, that there ſhould be Merchant or Trading Gilds, *Communities* and Societies in *Burghs*, and gave them Free Liberty of Trade, without paying *Toll* or *Cuſtom* any where, other than their *Fee-Farm* Rent in lieu of them, where that was reſerved; or to raiſe and multiply ſuch Payments by encouragment of Trade, which by the Grants of ſuch Liberties did mightily encreaſe, where the King's Bayliffs collected them.

* *Id. Ib.*

As to what the Doctor here undertakes to prove from *Domeſday-Book*, concerning the Servile and Neutral State between Servitude and Freedom of theſe *Burgeſſes*, till the Kings of the *Norman* Race emancipated them by their *Charters*, and gave them Free Liberty or Trade, without paying *Toll* or *Cuſtom* in the manner he here ſets down; I do not perceive his Proofs will amount to what he aſſerts, *that they were in a Servile State*, becauſe they paid *Toll* or *Cuſtom* to the King before ſuch Grants, as the Doctor mentions were made to them; and for this I ſhall only tranſlate what he himſelf hath ſet down in the firſt Page of his *Appendix*, concerning the *Borough* of *Great-Yarmouth*, which is tranſcribed from a Manuſcript Collection in the *Cottonian* Library, to this effect, which I ſhall here tranſlate.

'*Memorandum*, that the Town of *Jernemu* (i. e. *Yarmouth*) being for a great while before the *Conqueſt* built by the Progenitors 'of the Kings of *England* upon the Port or Haven of *Great-Jernemu*, and by reaſon of the Profit ariſing from the ſaid Haven, 'and for the bettering of the ſaid Town it was made the King's '*Borough*. What follows concerning it is in little *Domeſday-Book*, from which I ſhall here tranſlate ſome Paſſages.

Append. p. 1.

'King *Edward* held *Jernemu*, where were always ſeventy *Burgeſſes*, then it was worth together with the *Soke* of three Hundreds, 18 *l.* by * *Taile*, and the Earl's part was 9 *l.* by *Taile*, now 'the King's two Parts are 17 *l.* 16 *s.* and 4 *d.* White or Silver Mo'ney, and the Earl's part 10 *l.* of White Money. As for the Duties paid to the Sheriff, I have omitted them, becauſe it was given by Good Will, and not of Right.

* In the *Latin ad numerum.*

In the † next Page follows another Note, concerning this Town in the ſame Book in that Library, being to this effect. 'And you 'are to know, that the Progenitors of our Lord the King held 'the ſame *Borough* in their own hands, receiving all the Profits 'proceeding from the ſaid *Port*, to the time of King *John*, who 'granted the ſaid Town to the *Burgeſſes* of the ſame, in *Fee-Farm*, 'rendering to Him and his Heirs Fifty five Pounds *per Annum*, for 'the Payment of which, they have nothing unleſs it be the *Cuſtom* 'and other Profits ariſing from the ſaid *Port*; neither do they take 'any Cuſtoms of things bought or ſold in the Market upon Land 'at any time. Then follows another *Momorandum* out of the ſame Book, concerning certain Differences between the Men of *Yarmouth*, and *Roger Fitz-Osbert*, Keeper of the Mannor of *Luthingland*, concerning the *Cuſtoms* which the ſaid *Roger* took in the ſaid

* *Ap. p.* 2

Port againſt the Liberty of the Men of *Jernemu*, and at laſt was ſetled by an *Inquiſition*, which I need not here ſet down: But was alſo confirm'd by the Charters of King *Henry the Third*, and King *Edward the Firſt*, that notwithſtanding the Claims of certain Perſons there mention'd, who appear'd for the Inhabitants of *Little-Yarmouth* and *Gorleſton* in *Luthingland*, it is there declared on the behalf of the *Burgeſſes* of *Great-Yarmouth* and their Succeſſors, that all Goods and Merchandiſe whatſoever, whether Fiſh, or any other things which ſhould happen to be brought into the *Port* of the ſaid Town of *Great-Yarmouth* in Ships or Barks, ſhould be unloaded within the *Port* aforeſaid, and no otherwiſe, that ſo they may be ſold at the ſame Town of *Great-Yarmouth*, *&c.* Then follows a Charter of *Edward the Third*, concerning the Liberties of *Great-Yarmouth*, which not being to my preſent Purpoſe, I omit, and ſhall proceed to the Doctor's next * Record, which is found among thoſe of the *Exchequer* of *Trinity* Term, in the 34th Year of *Edward the Firſt*, and which contains a certain Proceſs before the Lord Treaſurer and Chancellor of *England*, the Chief Juſtice, and Juſtices of the *Common-Pleas*, and the Barons of the *Exchequer*, and ſome Others of the King's Council, upon a full Hearing between the *Burgeſſes* of the Town of *Great-Yarmouth*, and certain Perſons who appear'd on the behalf of the Towns of *Gorleſton* and *South-Jernemuth* in *Luthingland*, concerning the Priviledge of bringing in and unlading Goods and Merchandiſes in the *Port* of *Great-Yarmouth*, and not at any of the Places above-mention'd: The iſſue of which was, that the *Burgeſſes* of *Great-Yarmouth* obtain'd a Sentence of the King's Council againſt thoſe Perſons there mention'd, who appear'd for the ſaid Towns; the reaſon of which was, becauſe the Town of *Great-Yarmouth is the King's Free Borough*, and held of him in *Fee-Farm* at Fifty five Pounds *per Annum*; and alſo becauſe the ſaid Towns of *Little-Yarmouth* and *Gorleſton*, not being *Boroughs*, could ſhew no ſuch Liberties from the King, and therefore were ſtrictly commanded not to bring in any Ships to be unladed at the ſaid Towns, but only at the *Port* of *Great-Yarmouth*, &c.

* *Ibid. p.* 5.

Append. *p.* 7. From which Proceſs and Judgment Dr. *Brady* draws this Concluſion, That by this Plea and Controverſy in the *Exchequer*, between the *Burgh* of *Great-Yarmouth*, and the Men of *Little-Yarmouth* and *Gorleſton* in *Luthingland*, it appears, that *Preſcription*, ſeeing they were no *Burghs*, prevail'd not to aſſert and make good a Liberty of unlading Goods, and expoſing them to ſale in thoſe Towns, tho' it had been always done in foregoing Times. By the ſame it is alſo evident, that Liberties belonging to *Free-Burghs* were only to be had and obtain'd by the King's Charter, and that where they were uſed without it, they were eſteemed and judged Uſurpations, eſpecially if practiſed, and continued to the Prejudice and Damage of a *Free-Burgh*.

I have been the more particular in ſetting down theſe Proceedings concerning *Great-Yarmouth*, as being an Antient *Borough* by *Preſcription* divers Ages before King *John* made it a *Free-Borough*, and granted it to the *Burgeſſes* in *Fee-Farm* at the Rent of Five and fifty Pounds *per Annum*, as hath been already ſaid; and the more plainly to ſhew the difference between an *Ordinary Borough*, and a *Free-Borough* made ſo by the King's Charter, I ſhall here tranſcribe from the Doctor's *Appendix*, ſo much of King *John's* Charter to this *Borough*, as ſhall ſerve for my preſent purpoſe, referring the Reader to the Treatiſe it ſelf, or elſe, if he be more curious, to the Record in the *Tower*, to the reſt that follows,

'Johannes *Dei Gratia*, &c. *Sciatis Nos conceſſiſſe & præſenti Carta* '*noſtra confirmaſſe Burgenſibus noſtris de* Gernemua *quod habeant Burgum de* Gernemua *ad Feodi firmam in perpetuum, & quod* Burgus '*ille ſit* liber Burgus *in perpetuum, & habeant* Socam *&* Sacam, Tol, '*&* Theam *&* Infangenethef *&* Utfangenethef, *& quod ipſi Burgenſes* '*per totam Terram noſtram, & per omnes Portus Maris ſint quieti de* 'Theoloneo, Leſtagio, Paſſagio, Paagio, Pontagio, Stallagio, & '*de* Leve, *& de* Denegeld, *& omni alia Conſuetudine, ſalva Libertate* '*Civitatis* London, *& quod nullam Sectam Comitatuum, vel Hundredorum faciant de Tenuris infra Burgum* de Gernemua. *Conceſſimus* '*etiam eiſdem Burgenſibus, & hac* Carta Noſtra *confirmavimus, quod* '*nullus eorum placitet extra Burgum* de Gernemua *de nullo placito præter placita de tenuris exterioribus*, &c.

Cart. 9 *Johan.* n. 20.
Cart. Burgenſium de *Gernemuth*, n. 2.
Printed in Dr. B's Append. p. 8.

From which Charter we may obſerve, that *Yarmouth* was not then made a *Borough*, but only a *Free-Borough*; for as a Borough it had before the Liberty of buying Goods imported within it ſelf, only the King before this Grant received the *Cuſtom* of Goods brought into this *Port* in his own Hands, and had alſo the *Socha* and *Sacha* or liberty of holding Courts within that Precinct; all which, with the *Toll* of the Market, and Tryal of *Thieves*, in and without the Liberty, together with a Diſcharge from the other Payments and Duties there mention'd, were granted by this; but theſe Clauſes in this Charter are very remarkable, *Firſt*, that None of them ſhou'd do any Suit or Service to the *County-Court*. *Secondly*, that they ſhould not be bound to plead without the Borough of *Yarmouth* to any Plea, except ſuch as concern'd *Foreign* Tenures; by which Priviledges of being excuſed from appearing at the *County-Court*, and of holding all Pleas within themſelves, as alſo of not being bound to anſwer at Law in any Suit out of the Borough, unleſs it were for Lands lying out of it, they came to be wholly cut off and divided from the *Community* or Body of the County; and what the conſequence of that was, we ſhall ſhew more hereafter: So that I cannot ſee that theſe *Burgeſſes* of *Yarmouth*, or any other Town holding their Lands or Houſes within the ſame by *Burgage*-Tenure at a certain Rent, were any way in a more ſervile State, either as to their Perſons or Eſtates, than were other *Socage*-Tenants that held of the King or any other Lord either Eccleſiaſtical or Temporal: And as for their paying *Toll* in the Market, for what was bought and ſold in it, there is nothing ſervile in that, ſince it is a Duty payable in all Markets of *England*, either to the King or Chief Lords in ſuch ordinary Market-Towns and Boroughs, which, not being incorporated, have not the *Toll* or Duty of the Markets granted them by *Charter*; and as for the Cuſtoms upon Commodities, the reaſon of it is plain, that before King *John's* Charter, the King kept the Cuſtoms of the Port of *Yarmouth* in his own Hands, for the Defence of the Sea; and if they afterwards paid a Rent for it, it did not at all alter the Condition of the Service, but only as before the *Charter* the King receiv'd it by his Officers, ſo after it He had a Rent in dry Money inſtead of it: The like I may ſay of other Boroughs of the ſame kind.

Neither is the Doctor's Obſervation true concerning other *Antient Boroughs*, that they were all in a State *between Servitude and Freedom, either to the King or ſome other Lord:* And for this I need go no further than the next Town, the Doctor hath inſtanc'd in from *Domeſday-Book*, after *Yarmouth*; the Title is *Terra Regis in Tetford, &c.* where after an Eſtimate made of the Lands and Mills therein belonging to the King, and Earl, or Sheriff, it thus follows in the Doctor's Tranſlation, which I ſhall give you, correcting ſome Words; *In the* Burgh *there were* 944 Burgeſſes *in the time of King* Edward, *and the King had all the Cuſtom they paid, or had of them all ſorts of Cuſtom: Of theſe Men there were* 36, *who were ſo much King* Edward'*s Demeſne Tenants, or Vaſſals, that they could not be the Vaſſals or Tenants of any Other, without the King's Licence; but all Others could be the Tenants or Vaſſals of any Man, but ſo as their* Cuſtom *always remain'd to the King, except only the* Hereot. *Now there are* 720 Burgeſſes, *and* 224 *Houſes or Dwellings void; of theſe* Burgeſſes, 21 *have ſix Plough-Lands, and* 60 *Acres, which they held of the King,* &c. from which we may obſerve, that tho' all theſe *Burgeſſes* held of the King, yet there were only 36 under his immediate Dominion, who could not change their Lord without the King's Licence, which all the reſt might freely do; and of theſe *Burgeſſes*, 21 of them had ſix Plough-Lands and 60 Acres, which they held of the King by a certain *Cuſtom* or *Rent.*

And that this Tenure was not ſervile in the time of *William the Firſt*, appears by what the * Doctor hath tranſcribed out of *Domeſday-Book*, under the Title of *Norwich*, which is thus *Engliſhed: There are* 36 French Burgeſſes *in* Norwich, *in the* New Burgh, *and ſix* Engliſh, *and every one paid an Annual Cuſtom of five Pence, beſides their Mulcts or Forfeitures; the King had two parts of the whole, and the Earl the third part: Now, there are* 41 French Burgeſſes, *Vaſſals to the King and Earl, and* Roger Bigot *hath* 50; beſides theſe there are 33 *more who hold of other Lords*, needleſs here to be recited, only what follows deſerves our notice; *That all the Lands of the* Burgeſſes (i. e. *in the* New-Burgh) *was the Demeſne of Earl* * Ralph, *who granted it to the King, in common with himſelf, to* † *make a* Burgh *to be* (that is the Profits of it) *between him and the King; and all thoſe Lands, which are as well the* Knights *as* Burgeſſes, *pay their Rent to the King.* From whence we may obſerve, that there were certain *Military* Tenants, who held of the King, as well as the *Burgeſſes*, and that by the ſame Rents and Services; which ſhews that this *Tenure* was not baſe nor ſervile: But the Doctor to conceal this, hath here tranſlated the *Latin, viz. Terræ iſtæ tàm* Militum, *quàm* Burgenſium *reddunt Regi, ſuam Conſuetudinem*, in theſe Words, *and all thoſe Lands which were the* Knights *or* Burgeſſes *paid their Rent to the King*; which I ſuppoſe he did, to make the Reader think, that the *Knights* and *Burgeſſes* of this City were the ſame Perſons; but that is an Impoſition upon him.

I need

* *Ibid.*

* i. e. *Ralph Guader*, who had been attainted for Treaſon.

† This was the Precinct about the Caſtle.

I need not go thro' all the *Cities* and *Boroughs* he hath there mention'd from *Domeſday-Book*, ſince he hath ſcarce ſet down any, but what held of the King by certain *Rents* and *Cuſtoms*, and none of them by any *ſervile Tenures*, as I can obſerve; omitting almoſt all other *Boroughs* (tho' likewiſe enter'd in the ſame Book) that held of the Biſhops, Abbots, or Temporal Barons, which I ſuppoſe the Doctor did to conceal from his Reader, that moſt of the *Antient Cities* and *Boroughs* of *England*, were none of the King's Demeſnes, neither held of Him *in Capite*, as the Doctor aſſerts in his Anſwer to Mr. * *Petyt*, concerning the Petition of the Burgeſſes of St. *Albans*.

* Page 38

But now from what has been already ſhewn, or that can be gather'd from thoſe Inſtances in *Domeſday-Book*, which the Doctor hath cited in this Treatiſe, I ſhall leave it to the Reader to conſider, whether this general Concluſion is to be drawn from it, that *in the Reign of King* Edward *the* Confeſſor, *as likewiſe afterwards in that of* William *the* Conqueror, *the Burgeſſes of great Towns had, I ſay, in thoſe times their Patrons, under whoſe Protection they traded, and paid an acknowledgment therefore; or elſe were in a more ſervile Condition, as being altogether under the Power of the King, or other Lords:* Whereas there is not a word there (as I can find) concerning theſe *Burgeſſes*, their manner of trading, or paying any acknowledgment for it, to thoſe to whom they own'd their Protection; nor was their being under the King's Demeſne any ſuch ſervile thing as the Doctor would have it; ſince it was no more than a bare Tenure in *Soccage* under a certain Rent, which not only ſuch *Burgeſſes*, but *Knights* or *Military* Tenants, either of the King, or Earl, did not then think it a diſparagement for them to hold by, as appears from the inſtance of thoſe Knights in *Norwich*, that held Lands within the Borough, paying the Cuſtoms to the King: And that Men of Quality did then hold Land within *Cities* and *Boroughs*, which belong'd to the King, doth likewiſe appear from what the Doctor hath alſo ſhewn us from *Domeſday-Book*, concerning the City of *Canterbury*, which I ſhall give you according to his Tranſlation:

In the City of Canterbury, *King* Edward *had fifty one* Burgeſſes, *paying Rent, and* 212 *other under his Priviledge and Juriſdiction*, &c. *now the* Burgeſſes *paying Rent are* 19, *the Others which were* 32 *are dead, and yet there are* 212 *under the King's Priviledge and Juriſdiction. The* Burgeſſes *had forty five Houſes without the City, of which they themſelves had the Rent and Cuſtom; but the King had the Juriſdiction and* Soke; *the* Burgeſſes *alſo held of the King thirty three Acres of Meadow, which were toward the maintenance of their* Guild. *Theſe Houſes, and this Land* Ranulph de Columbels *now holds, and he has alſo beſides theſe eighty Acres more, which the* Burgeſſes *held freely of the King: For all theſe the ſame* Ranulph *vouched the Biſhop of* Baieux *for his* Protector. Nothing more here concerning the *Burgeſſes*.

From which it plainly appears, that in the City of *Canterbury* there were in the time of King *Edward* two ſorts of *Burgeſſes*, the one of which paid *Rent* and *Cuſtom* to the King, and there were others over whom He had only the Duties upon their *Sache* and *Soche*, that is, their Power or Liberty of trying Cauſes within the Precinct. There were alſo *Other Burgeſſes* who had Houſes without the City, of which they themſelves, *i. e.* the *Burgeſſes* had their *Rent* and *Cuſtom*, but the King only the *Sacam* and *Socam* : And that the Doctor's Concluſion that follows in the ſame Paragraph is falſe, to wit, *that theſe* Burgeſſes *traded not, as being in any Merchant-Guild, Society and Community, but meerly under the Liberty and Protection given them by their Lords and Patrons*, appears by this very Paſſage before us, where it is ſaid, that the *Burgeſſes* of *Canterbury* held thoſe 33 Acres for their *Guild* ; Now what that can ſignifie, beſide their Trading Society or Corporation, I deſire the Doctor's Friends would inform us if they can. And further, this very Paſſage will likewiſe ſhew us, that not only ſuch Ordinary Men as *Citizens* and *Burgeſſes*, held Land within the City or Borough by the like Rent and Duties, but alſo that Men of Quality thought it no diſparagement to hold Lands by the ſame Tenure as the Burgeſſes held them, you may ſee by this *Ranulf de Columbell* a *Norman*'s holding the ſame Land at the time when this Survey was made ; and beſides thoſe 33 Acres, he had 20 more, which the *Burgeſſes* had held before in *Alodio*, i. e. *diſcharg'd of any Service*, to the King, for all theſe Lands. But this Paſſage concerning *Ranulph de Columbell*, the Doctor has omitted in his *Engliſh* Tranſlation, I ſuppoſe, leſt his ordinary Readers ſhould know that any but meer Tradeſmen held Lands in *Cities* and *Boroughs* : And then it follows in the ſame place, that this *Ranulph* was under the *Protection* of the Biſhop of *Baieux*. Now if this had been ſaid of the *Burgeſſes*, no doubt, the Doctor would have urged it as a main Argument of their *ſervile* Condition, that they were fain to have the Biſhop's Protection to trade ; but this being ſaid of a *Norman* Gentleman, the Doctor has mollified the Expreſſion, by paraphraſing it thus, *that he held theſe Lands of the Biſhop, and he was his* Warrant *for the poſſeſſion* : But how well that Expreſſion will bear this Senſe, I will leave to the intelligent Reader to conſider.

* Treaty of Boroughs, p. 17.

I ſhall now proceed to what the * Doctor ſays concerning the Original of *Cities* and *Boroughs* in *France*, and he cites *Du Freſne*'s Gloſſary, who there ſays, ‘ That the Kings of *France* erected theſe *Communities* to check the Inſolencies of their *Great Vaſſals*, and to protect his People from their over-grown Dominion and extravagant Power, that they reputed ſuch *Cities* and *Towns* their own, where there were ſuch *Communities* ; which I ſhall not at all concern my ſelf about, ſince it plainly appears by what follows in this Author, that thoſe Places were Cities or Great Corporate Towns ; for but a little farther, the Doctor ſays from him, that the ‘ chief things which conſtituted a *Community*, were a *Mayor*, *Eſchevins* or *Aldermen*, a *Society*, *Fraternity*, or *Common Council*, out of which they were to be choſen, a *Bell-Fry*, and *Bell* to call them together to publick Meetings, a *Common Seal* and *Juriſdiction*. All theſe do indeed belong to *Cities* and *Towns Corporate*, but do no ways concern our *Ordinary Boroughs*, which are, and ever were quite different things from *Cities* and *Corporations* ; for every Body knows that all *Cities* are *Boroughs*, but not *vice verſa*, all *Boroughs* are not *Cities*, or *Towns Corporate* ; tho' the Doctor the better to ſerve his preſent turn, doth all he can to make all *Ordinary Boroughs* to have been at firſt incorporated by the *Charters* of former Kings ; but what Authority he hath for this his ſo ſingular Opinion ſhall be conſider'd hereafter.

From *France* the * Doctor comes over to *Scotland*, and ſays, that about the ſame time that theſe *Communities* firſt began to be frequent in *France*, the Laws and *Cuſtoms* of the *Burghs* of *Scotland* were publiſhed by King *David* the *Firſt*, who began his Reign *A. D.* 1124, and was cotemporary to our *Henry the Firſt*, and King *Stephen*; but this makes againſt the Doctor's Notion, and ſhews, that the *Boroughs* of *Scotland* were not then newly erected, but were far more antient, becauſe there muſt have been *Boroughs* long before there could be *Laws* made to regulate them; and *Cuſtoms* are only ſuch, as muſt have continued beyond time of memory.

But I ſhall further obſerve, concerning the *Boroughs* of *Scotland*, that they have always ſent *Burgeſſes* to Parliament, as the Doctor himſelf acknowledges in his Anſwer to Mr. † *Petyt*; And as for the Great Cities or *Communities* of *France*, the *French* Hiſtorians and Antiquaries allow, that they have from their firſt Original ſent *Deputies* to the *Antient Aſſemblies* of Eſtates; but *England* being (in the Doctor's Opinion) a Conquered Kingdom, is not to be allow'd thoſe Priviledges with *France* and *Scotland*, ſo that no *Cities* nor *Boroughs* here (if he may be credited) did ever, but once, ſend *Repreſentatives* to Parliament, before the latter end of *Edward* the *Firſt*.

I ſhall now proceed to the reſt of what the Doctor there aſſerts, concerning the Original of *Priviledges* to *Boroughs*, of which he ſays thus: It wants not Probability, (tho' it manifeſtly appears not) that *William Rufus*, *Henry the Firſt*, and King *Stephen*, being all *Uſurpers*, granted large Immunities to *Burghs*, to ſecure them to their Party; and by the time that *Glanvil* wrote, which was in the Reign of *Henry the Second*, *Burghs* had ſuch great Priviledges, as that if a Bondman or Servant remained in a *Burgh*, as a *Burgeſs* or Member of it, a Year and a Day, he was by that very reſidence made *Free*; and ſo it was in *Scotland*, he was always free and enjoy'd the Liberty of the *Burgh*, if he were able to buy a *Burgage*-Tenure, and his Lord claim'd him not within a Year and a Day: And then he cites the Law made by King *David* about it to the ſame effect, and which indeed rather makes againſt the Doctor's Opinion. For it cannot be ſuppos'd, that the *Scots* borrowed their Laws concerning their *Boroughs* immediately from *England*, ſo ſoon almoſt as they were made here; and therefore it is moſt likely, that this Cuſtom concerning the Enfranchiſement of Bondmen, was practiſed in the *Boroughs* of both Kingdoms for a long time before, and did not proceed from the Grant or Charter of thoſe *Uſurping* Kings he mentions: And ſo likewiſe the Doctor's next Aſſertion wants probability, to wit, that the Immunities granted to *Boroughs*, proceeded from thoſe *Uſurpers* he mentions, ſince he can ſhew us no Authority for what he ſays; but indeed if thoſe Kings of the *Norman* Race granted any ſuch Priviledges at all, it muſt have been by ſuch *Uſurpers* as the Doctor names, ſince of the eight firſt Kings after the Conqueſt, there was but One of them, that had a *Title* to the Crown by Inheritance, when He firſt took poſſeſſion of it. And I confeſs this is a very notable proof of the Doctor's, to make out that theſe Grants were made by *Uſurpers*, when the two moſt antient Authorities that he hath brought of the Grants of thoſe Kings to any *Boroughs* or Towns Corporate, is the Charter of *Henry the Second* to the *Burgeſſes* of *Wallingford*, whereby He granted them many large Priviledges for the Services they had done Him againſt King *Stephen* in recovering his *Hereditary Right*: And *Wincheſter* and *Oxon* had alſo Charters from the ſame King; and *Portſmouth* had another from King *Richard the Firſt*, whereby He granted them a *Fair* and a *Market*, and theſe two Princes were the only ones of Eight, who could make any colourable Claim to an *Hereditary Right*, at the time of their Coronations.

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* *Ib. p.* 18.

† *Page* 100.

But the main Error that runs thro' this Author's Treatiſe, is, in confounding *Boroughs* with *Free-Boroughs*, and both of them with thoſe *Guilds* or *Communities*, that were only erected in *Towns-Corporate*, as if they had been all one and the ſame; and for this the * Doctor cites King *John*'s Charter to *Hertlepool*, in the Biſhoprick of *Durham*, *Sciatis Nos conceſſiſſe & hac præſenti Charta Noſtra confirmaſſe hominibus de* Hertlepool, *quod ſint Liberi Burgenſes*, &c. which Liberty (ſays he) granted to the *Burghs* and *Burgeſſes* (for all Inhabitants of *Burghs* were not ſuch) was a Freedom to buy and ſell freely without diſturbance, a Liberty from paying Toll, Pontage, Paſſage-money, Leſtage, Stallage, in the Mercates and Fairs in theſe *Burghs*, and in coming to, and going from them; and for theſe things, the *Burghs* were called *Free-Burghs*, and the Inhabitants *Free-Burgeſſes*, and for nothing elſe, as is moſt evident from the Charters themſelves: But the Doctor carries that too far, for there was certainly a Liberty of buying and ſelling in the Mercates of *Ordinary Boroughs*, (paying *Toll* and other Duties) before ever they were made *Free-Boroughs*, or the Inhabitants called *Free-Burgeſſes*.

But further to prove that the *Guild*, or Corporation erected by the King's Charter in *Towns-Corporate*, was the ſame thing with a *Free-Borough*, the † Doctor cites a Law of King *David* abovemention'd, *That All his* Burgeſſes *ſhould be* free *to buy and ſell in his whole Kingdom, as well by Land as by Water, and to make their advantage without diſturbance, upon pain of forfeiture to ſuch as diſturbed them*; and in the Statutes of King *William*, Chap. 35. He alſo decreed, *That the Merchants of the Kingdom ſhould have their* Merchant-Guild *peaceably, with the Liberty of buying and ſelling every where, within the Liberties of their* Burghs; *ſo that every one be content with his Liberty, and none ſhould uſurp the Liberty of another*, &c. and from thence the Doctor makes a learned Remark, *that by underſtanding wherein their Liberty conſiſted, we come to know what Men the* Burgeſſes *were, to wit, Buyers and* Sellers, *Ordinary and Common Tradeſmen, (then called Merchants) ſuch as are commonly found in ordinary Inland* Burghs *and Mercate Towns, ſuch as frequent* Fairs *and* Markets. But he need not have gone ſo far as the Laws of King *William* for this great diſcovery; for had he diſcourſed with any travelling *Scotch Pedlar*, he could have inform'd him, that every ordinary Tradeſman in *Scotland* is called a Merchant at this day; and that ſuch Tradeſmen in *England* were alſo called Merchants in former times, I ſhall not deny, ſince the Authorities he brings for it are plain

* *Ibid. p.* 19.

† *Ibid.*

plain enough. But to what purpoſe doth this Author cite the antient Laws in *Scotland* concerning their *Boroughs*, as if that could inſtruct us, what made a *Borough* in *England?* ſince all the *Scotch* Boroughs (as I am credibly informed) are a ſort of Towns Corporate, having a Provoſt, with a Corporation govern'd by Bayliffs, who are like our Aldermen, and have alſo a *Guild*, or Company of Merchants and Traders, under certain Laws or Rules; but this is nothing to our *Boroughs*, much leſs to our *Free-Boroughs* in *England*, many of which have neither Mayors, Bayliffs, nor Aldermen, nor yet any ſet number of *Burgeſſes* inſtead of them; neither do they ſend Members to Parliament, becauſe they are ſuch *Communities* or Corporations, as the Doctor will have it; ſince there are ſeveral Towns Corporate made ſo by the King's Letters Patents in modern times, which nevertheleſs do not ſend any *Burgeſſes* to Parliament; and tho' ſome of them may have the liberty of ſending *two*, and ſome *one Burgeſs* to Parliament, yet that is no effect of their being a *Corporation*, but becauſe that Priviledge is particularly granted in the *Charter* it ſelf; but there are not any of this kind more antient than the Reign of King *Edward the Fourth*, before which time, there is not to be found any Clauſe in a Charter granted to an ordinary Market Town, which when it was made a Corporation, gave it a Priviledge of ſending *One* or *Two Burgeſſes* to Parliament. But to proceed:

The Doctor's main Spleen being againſt the City of *London*, which he will not have to be a *Corporation* until the beginning of *Richard the Firſt*, I ſhall give you his Account of it, and then examine what he ſays: In the Year 1191, which was the Second of *Richard the Firſt*, *John* Earl of *Moreton*, the Archbiſhop of *Rouen*, and all the Biſhops, Earls, and Barons, with the Citizens of *London*, met in St. *Paul*'s Church-yard on the 11th of *October*, and there depoſed the Chancellor *William Longchamp*, Biſhop of *Ely*, the King being then in the *Holy Land*, and made *Walter* Archbiſhop of *Rouen*, Chancellor in his ſtead; and the ſame day the ſaid Earl and Archbiſhop, and other the King's Juſtices, granted to the Citizens of *London*, to have their *Community*. And the ſame Year the Earl of *Moreton*, and the Archbiſhop, and almoſt all the Biſhops and Earls and Barons of the Kingdom did ſwear, firmly and ſteadfaſtly to defend and preſerve that *Community*, ſo long as it pleaſed the King.

This *Community*, which was thus granted to the Citizens, was a ſelect number, for the better management of the Affairs of the City; for no doubt but the Citizens met promiſcuouſly in St. *Paul*'s Church-yard, and to avoid Confuſion for the future, it was deſired by themſelves, and thought requiſite by the Earl of *Moreton*, the Chancellor, and King's Juſtices, that they ſhould have ſuch an Eſtabliſhment, the better to aſſiſt them in their *ſeditious* Practices, and for the greater advantage of the Citizens; otherwiſe, why ſhould the Citizens deſire it, and the Nobility be importun'd to ſwear the defence of it? *Ibid.*

But notwithſtanding the Doctor's Confidence, that the City of *London* was no *Corporation* before that time, yet in the next Paragraph he ſeems to doubt it, as appears by what follows: Whether this *Ibid.*

this Community mention'd by *Hoveden* was the Firſt, that was granted to *London*, or whether they had one before, and was diſſolved by *Henry the Second* for their conſtant Rebellion againſt his Mother *Maud* the Empreſs and Himſelf, and never reſtored until this time, I know not: They had not a *Mayor* indeed until the Firſt of *Richard the Firſt*, the Year before this, and *perhaps* might not have a *Community* until the Second of his Reign. And truly the Doctor hath very good reaſon to doubt it, for tho' they had not a *Mayor* until the Firſt of *Richard the Firſt*, yet that they were a *Community* or *Corporation* long before that time, (however it became now to be forfeited or ſuſpended) appears by their *Antient Charters* and other Records: And tho' the Doctor in his *Appendix* to this Treatiſe hath given us divers Charters to this City from *Henry the Firſt*, *Henry the Second*, and *Richard the Firſt*, yet there is not any thing in them, that mentions the making them a *Community* or *Corporation*; and in the moſt antient of them, *viz.* that of *Henry the Firſt*, *London* is there called a *City*, and its Inhabitants *Citizens*, which Titles they would not have had, if they were not at that time a *Corporation* with a *Gilda Mercatoria*, which the Doctor ſuppoſes to be neceſſary to all *Cities* and *Towns* of Trade, and in the firſt of theſe Charters from King *Henry the Firſt*, is contain'd a Grant to the Citizens of *London*, *of the whole County of* Middleſex *to be held in* Fee-Farm *for* 300 *l.* per Annum, *with a Priviledge that the* Citizens *ſhould name what* Sheriff *they would from among themſelves, and likewiſe what Juſticiary they would, to hold the Pleas of the Crown, and that no other Juſticiary ſhall be over the Men of* London, *nor ſhall the* Citizens *plead without the Walls of the* City; *and they ſhall be quit from* Schot *and* Lot *and* Danegeld, with other Priviledges too long to be here recited; only it therein plainly appears, that before this *Charter* they had two Courts, one called the *Huſtings*, the other the *Folkeſmot*; and it is alſo appointed, that the *Huſtings* ſhall ſit once in the Week: Now this being the Sheriffs of *London*'s Court, and one of the moſt antient of *England*, as appears by the *Saxon* derivation of it, (which the Doctor hath there given us at the bottom of the Margin) I leave it to the Judgment of the impartial Reader, whether there can be a more evident Proof from any Charter to a *City* or *Borough* of their being a *Community* or *Corporation*, than their having Sheriffs of their own, with the Government of a *whole County* committed to them, and the Power to appoint a *Juſtice* of their Own, and to hold *Pleas* in all ſorts of Actions, whether Civil or Criminal: And whoever will take the pains to peruſe the reſt of the Charters to this City, which the * Doctor hath tranſcribed into his *Appendix*, will find, that they only contain a *Confirmation* of their former Liberties and Priviledges, without any mention of their being thereby made a *New Corporation* or *Community*. The like I may ſay for the antient Charters granted to *Wincheſter*, *Norwich*, *Lincoln*, and other antient Cities, which do ſuppoſe, and not make them to have been *Communities* or *Corporations*, or *Free-Boroughs*; particularly that of † *Richard the Firſt* to *Wincheſter*, begins with this remarkable paſſage.

Append. *to the Doctor's Treatiſe. n.* 25.

* *Page* 25, & *dein. ad p.* 30.

† *Ib. p.* 31.

Ricardus *Dei Gratia*, *Rex* Angliæ, *Dux* Normaniæ, *&c.* *Sciatis Nos conceſſiſſe Civibus noſtris* Wintoniæ *de* Gilda Mercatoria, *quod nullus*

nullus eorum placitet extra muros Civitatis Wintoniæ de ullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris Noſtris, &c. whereby it appears, that the Community of *Wincheſter* had a *Gilda Mercatoria* long before this Charter, and that (without doubt) by the Grant of ſome of the *Engliſh-Saxon* Kings; ſince there is no *Charter* to be found more antient than this to that City, from any of the Kings of the *Norman* Race. But what the Doctor ſays further concerning *London* having a *Community* or *Corporation* in the time of *Edward the Firſt*, and the manner of their then chuſing their *Mayor* and *Common Council Men*, is not my buſineſs to examine.

I ſhall now proceed to what he hath further ſaid, to explain what was meant by the *Community* or *Communalty* of a *Borough* or *City*, which he doth in theſe Words:

* Yet further to make it clear, beyond all exception, what the *Community* or *Communalty* of a *Burgh* or *City* was, I will add a Clauſe in a Private Act of Parliament, made for the Eſtabliſhment of certain Rents and other matters between the *Burgh* of *Plymouth*, and the Prior and Convent of *Plympton*, in the time of King *Edward the Fourth*, in theſe *Engliſh* Words, as 'tis to be found upon the Parliament-Roll, 4 *Ed.* 4. *M.* 38, 39. *and if the ſayd Yearly Rent of* 29 *l.* 6 *s.* 8 *d. be behind in part, or in all, not payd to the ſame Priour of* Plympton, *and Covent, and to their Succeſſors in the ſame Priorye by fifteen days next after Eny of the ſaid Feſts of Payment, that then it be Leful unto the ſame Priour and Covent and their Succeſſours, and to their Officers and Miniſters to diſtreyne in the ſaid* Borough, *and in name of Diſtreſſe to take all the Goods and Catalles of the ſaid* Maire, *and* Communalte *and of* all Other Burgeis *of the ſame* Borough, *and of all Other Perſons reſident, and dwelling in the ſame* Borough, *and Precinct of the ſame, and in every parcel thereof.* Here we find the *Mayor* and *Commonalty* of *Plymouth* a ſelect number, and diſtinct from all Other *Burgeſſes* of that *Burgh*, and all other Perſons reſident and dwelling within the ſame. And what the *Mayor* and *Commonalty* of this *Burgh* were, other than the *Mayor*, *Aldermen*, and *Common-Council*, or the *Mayor* and *Chief Burgeſſes*, which were the governing part of the Town, let any one, that can, tell me.

* In the Treat. Ib. p. 24.

At the end of the 38 Membrane, and beginning of the 39.

I ſhall not here diſpute, what is to be underſtood by the word *Communalty* in a *Borough* incorporated by *Charter*, as this is; but I am very confident the Doctor is miſtaken in making this word ſo to be underſtood in thoſe *Boroughs*, which far the greater number of them were never incorporated at all; for in thoſe, the word *Communalty* can by no means be underſtood of a ſelect number, and diſtinct from all the other *Burgeſſes* of that *Burgh*; ſince all the *Burgeſſes* of it, who have Votes in the Election of Members to Parliament, are alike Part of the *Communalty* of the *Borough*, and indeed this is but a needleſs Criticiſm of the Doctor's, ariſing from the too nice wording of this Agreement between the Town of *Plymouth* and the Prior of *Plympton*; for who doth not know, that underſtands any thing of the difference between a *Town-Corporate*, and a *Borough* by *Preſcription*, ſuch as *Oxford*, *Woodſtock*, &c. that notwithſtanding the choice of the *Mayor* and *Aldermen* is wholy in the *Common-Council*,

Council, yet the Election of *Burgeſſes* to ſerve in Parliament is made by all the *Freemen* of thoſe *Towns Corporate* ? and in other places by all the *Burgeſſes*, who have ſuch Houſes within the *Borough*, as are of *Borough*-Tenure, according to the ſeveral Cuſtoms of thoſe *Borough-Towns*, which I grant are very different, and which I could wiſh, I might ſee all reduced to one uniform Order or Method by *Act of Parliament*, for the avoiding of Quarrels at *Elections*, and to ſave the *Houſe of Commons* a great deal of trouble, beſides the Advantage ſeveral Factions lay hold of, whenever they have it in their Power to determine, as they pleaſe, concerning them; but this only by the bye. However, ſince the Doctor hath undertaken to give us ſome further Light concerning *Parliamentary-Boroughs*, I ſhall give you his Opinion concerning them, as it follows in the ſame Page.

Id. 24. From treating of the Conſtitution of *Burghs*, and ſhewing what they, and the *Burgeſſes* antiently were, and of what Value and Eſtimation in the Nation, I ſhall proceed to *ſhew* what the *Parliament-Burghs* were, and when, and for what Cauſe at firſt they ſent *Repreſentatives* to *Parliament*.

Ibid. In the Reigns of King *John* and *Henry the Third*, we do not find any *Citizens* or *Burgeſſes* in *Great Councils*, or *Parliaments*, unleſs they were in that of the Forty ninth of *Henry the Third*, at which time, the Citizens of *York* and *Lincoln*, and other *Burghs* of *England*, were *written* unto, to ſend *two Citizens* and *two Burgeſſes* according to the Form of the *Writ* directed to the Biſhop of *Durham*, and for this he refers us back to his Anſwer to Mr. *Petyt*, *f.* 137. *A. f.* 140. *B.*

* *Ibid.* *The main Cauſe of the Citizens and Burgeſſes being firſt ſummon'd to Parliament.*

Id, p. 25.

^ his

* The main Cauſe of their being *firſt ſummon'd* to *Parliament*, was, to give their Conſent to *Taxes* propounded to, or impos'd upon them; before that time, in the Reigns of thoſe two Kings, they were *Talliated* or paid *Tallage* according to the *Impoſition* upon them, or *Acceptance* of what they *offered* by the King's Officers or Juſtices, as alſo in the time of *Edward the Firſt*, until after the Thirty fourth Year of his Reign, and this he thinks to be manifeſtly proved in ~~my~~ Animadverſions upon a Book called *Jani Anglorum Facies nova*, fol. 178, 179, 180, and further appears in *Ryley*'s *Placita Parliamentaria*, in the Thirty third of this King, *fol.* 259. 264, 265. 275, 276. Altho' ſeveral Years before, *Citizens* and *Burgeſſes* were ſummon'd to Parliament, and there gave their *Conſent* to the *raiſing* and *paying* of *Taxes*. In the Thirty ſecond Year of his Reign, He cauſed a *Talliage without Common Conſent* to be aſſeſſed by Commiſſioners in all his *Cities*, *Burghs* and *Demeſnes*, in every County of *England*, either by Heads (*Capitatim*) or in common, and gave particular direction that the *Talliage* of *Norwich* ſhould be aſſeſſed at Four hundred Pounds.

I ſhall not ſay much to what the Doctor hath here laid down, becauſe the greateſt part of it is anſwered already in what I have before brought to the Doctor's Arguments, to prove, that *No Knights* of *Shires* were ſummon'd before the time he laſt mentions; and as for the reaſon he gives, why the *Citizens* and *Burgeſſes* came afterwards to be ſummon'd in this King's Reign, *becauſe they ſhould give their* Conſent *in* Taxes *propounded to, or impos'd upon them, and* *that before this time they were* Talliated *according to the* Impoſition *laid upon them*, &c. All this, in my Opinion, utterly deſtroys the Reaſon he hath given; for if the King could have *legally Taxed* all the *Cities* and *Boroughs* of *England* at his own Pleaſure, not only before they ſent *Burgeſſes* to Parliament, but alſo after they had their *Repreſentatives* there, they were obliged to grant the King whatever Aid He demanded: I cannot ſee then what reaſon there could be, to make them ſend *Members* to Parliament at all, ſince they could but have paid what He pleas'd to impoſe, without putting Himſelf to ſo much needleſs Trouble of ſummoning, or them to the Charges of ſending up their Members: But I ſhall ſay more to this Point by and by.

Perhaps thoſe of the Doctor's Opinion, will ſay, in Anſwer to this, That tho' the King had formerly done ſo, and might have done it again if He pleas'd, yet that He had rather receive thoſe *Aids* or *Taxes* from the *voluntary Conceſſion* of his Subjects, than to exact them of them whether they would or not; but to this it may be reply'd, That it would be a good Anſwer, had not the Doctor aſſerted this Power of *Talliating* all the *Cities* and *Boroughs* in *England*, as his antient and undoubted *Right* and *Prerogative*, and that even after the *Citizens* and *Burgeſſes* were ſummon'd to Parliament, they were ſtill obliged to grant whatſoever Sum the King ſhould think fit to impoſe upon them; for that Grant can never be voluntary, when there is no Liberty left to refuſe, if they ſhould think fit; beſides, if this had been the King's antient and undoubted Right, the *Cities* and *Boroughs* of *England* had no more reaſon to be diſcontented at it, than the *Cities* and *Towns* of *France* have at this Day, to pay whatſoever *Talliage* it pleaſes their King to impoſe upon them; and tho' it may be paid with great regret, yet that is all one, ſince *Oderint dum Metuunt* is the Maxim of that ſort of Government, which the Doctor ſeems by his *Treatiſe* chiefly to deſign to advance.

But, indeed, what he hath ſaid in Anſwer to Mr. *Atwood*'s *Jani Anglorum*, &c. doth not make out what he hath here aſſerted. yet it cannot be deny'd, that he is herein ſo far in the right, that the Kings of *England* before the Statute, *de Tallagio non concedendo*, often Talliated their own private Demeſns, that is, ſuch Lands as held immediately of the King upon Payment of certain Rents, or performing certain Duties or Services in kind; and there was ſome reaſon for this, ſince the Tenants of thoſe Lands being diſcharged by their Tenure, from any Suit or Service at the *County-Court*, had nothing to do in the *Election* of *Knights* of *Shires*, and conſequently could have no *Repreſentatives* in *Parliament* to grant *Taxes* for them; and beſides all this, theſe Tenants not holding by *Military* Service, but meer *Soccage-Tenure*, were not obliged to ſerve the King with their *Perſons* or *Eſtates* in any *Foreign* War, either in *France*, *Scotland*, or *Wales*; but only in caſe of an Invaſion by *Foreign* Enemies, or of ſome *Inſurrection* or *Rebellion* within the Realm; and therefore it was but reaſonable, that theſe Tenants in *Antient Demeſne*, enjoying ſuch great Priviledges, ſhould contribute to the Publick Neceſſities of the King and Kingdom as well as the reſt of the Nation; and ſince they could not grant this in Parliament, it was left to the King as their Supreme Lord, to *Tax* them according to the ſame Proportion as the reſt of the People were obliged to pay Him, and whenever ſuch a *general Tax* was laid upon them, it was always (or at leaſt for the moſt part) when the *whole Kingdom* was Taxed by *Authority of Parliament*: And if it were done at any other time, it was look'd upon as a Grievance and Encroachment of the *Prerogative.* But preſently after the Statute above-mention'd, *De Tallagio non concedendo*, (when all ſorts of *Tallages* or *Taxes* whatſoever, were for the future to be only granted by the King and Parliament) we find that in the next *Parliament* after that wherein this Statute was made, being the 34*th* Year of this King, not only the *Cities* and *Boroughs*, but the Tenants of the King's *Antient Demeſns*, by certain *Repreſentatives* of their own Chooſing, (ſince they could not all appear in Perſon themſelves) granted the King a *Twentieth* Part of their Goods for the making his Son a Knight, and the Defence of *Scotland* againſt *Robert Bruce*, as appears by a * Record in the *Exchequer*, which is alſo cited by the Doctor in this very *Treatiſe.* And theſe Tenants in *Antient Demeſne* (as he himſelf acknowledges) continued to be often mention'd, as Granters of their Shares of all *Taxes* upon Moveable Goods, till after the 8*th* Year of K. *Edward*, when the Eſtabliſhment of *Taxes* upon Perſonal Eſtates became certain, and the way and manner of levying them was changed, the Tenants in *Antient Demeſne* were no longer mention'd in the Commiſſions to the Taxors and Collectors, as Granters of thoſe Taxes; ſo that there now remain Two Queſtions in Diſpute between the Doctor, and thoſe of the contrary Opinion: The *Firſt* is, Whether King *Edward* the *Firſt*, or any of his Predeceſſors, *Talliated* all the *Cities* and *Boroughs* in *England*, as his, or their *Antient Demeſnes*? The *Second* is, Whether or no *Cities* or *Boroughs* which were not his *Antient Demeſne*, had any Right to ſend *Citizens* or *Burgeſſes* to Parliament, but only as they were made *Free-Cities* or *Free-Boroughs* by the King's Charter? As to the *Firſt* of theſe, the Doctor is certainly miſtaken; ſince the greater Part of the *Antient Cities* and *Boroughs* in *England*, cannot be proved either from *Doome's-Day-Book*, or any other Record to be Part of the King's *Antient Demeſne*; nor doth the Doctor either in his Anſwer to Mr. *Atwood's Jani Anglorum*, or in this Place now before us, prove any more, than that King *Henry* the *Third*, and *Edward* the *Firſt*, his Son, *Talliated* ſuch *Cities* and *Towns* as held in *Antient Demeſne* only; nor did the King pretend to Talliate *London* any otherwiſe: But concerning His Rght to do this, we ſhall ſpeak further by and by. In the mean while I deſire the Reader would conſult the * Doctor's Liſt which he hath given from *Doome's-Day-Book*, and other Records, of the preſent *Boroughs* that were *Antient Demeſne*, and there he will find None of the *Cities*, and not a Third Part of the *Antient Boroughs* of *England*, to have been the *Antient Demeſne* of the Crown; and if ſo, the Doctor's general Propoſition is falſe, which he hath already ſo poſitively laid down, *That before the* 23d *of* Edward *the* Firſt, *all the* Cities *and* Boroughs *in* England *were Talliated, or paid Tallage, as the King's Demeſnes, according to the* Impoſitions laid upon them, or Acceptance of what they offer'd the King's Officers or Juſtices;

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* Ib. p. 38.

* Ib. p 41, 42.

I think this is ſufficient at preſent to be ſaid as to the firſt point; and as for the *Second*, concerning the Rights and Priviledges of *Free-Boroughs*, their ſending Members to Parliament, ſhall be conſider'd when we come to thoſe Pages in the Doctor's *Treatiſe*, which particularly ſpeak concerning them.

I ſhall therefore proceed to examine the * Doctor's next Aſſertion, *viz.* that the firſt time we find any *Citizens* or *Burgeſſes* ſummon'd to Parliament, was in the 23*d* Year of *Edward* the *Firſt*, according to the Tenor of the * Writ which there follows; for which I ſhall refer you to the Tranſcript here publiſhed of it, as alſo in the Anſwer to † Mr. *Petyt's Rights of the Commons*, which ſince it is no more than an ordinary Writ of Summons to Parliament in the uſual Form, I need recite no more of it, than that it was firſt held on the Sunday after the Feaſt of St. *Martin*, and the Sheriff of *Northamptonſhire* is "thereby required to cauſe to be choſen and come to *Weſtminſter* "at the Day appointed, *Two Knights* of the County aforeſaid, and "the ſaid *Citizens* and *Burgeſſes*, to have the ſame Power ſeparately, "from them, for themſelves, and the *Communities* of *Cities* and *Burghs*, "then to do in the Premiſes what ſhall be ordain'd by the *Common-Council* of the ſame. This is dated at *Canterbury* the 3*d* of *October*.

* Ibid p. 25.

* *Rot. Clauſ.* 23. Ed.I.*M*.4. *Dorſ.deParliamento tenendo.*

† *Page* 155

This Parliament (ſays the * Doctor) did not meet on the *Sunday* after St. *Martin*, but was prorogu'd before their meeting, to the *Sunday* next before St. *Andrew* the Apoſtle, which is the 30*th* of *November*, and all the *Treating*, *Ordaining*, and *Doing* in this *Parliament*, was only to *Grant*, and Conſent to *raiſe* ſuch *Supplies* as the King *demanded*, as will afterward appear. But the Doctor is too bold in this laſt Aſſertion, for the *Rolls* of this Parliament being loſt, he cannot tell what might be *treated of*, or *ordain'd* in it, beſides the granting the King an *Aid*; and there were many Parliaments call'd in thoſe Times, when *no Statutes* were made; and yet it would be very bold to aſſert, without firſt conſulting the *Rolls*, that nothing elſe was treated of or done, beſides giving *Money*. But to proceed to the Doctor's next Paragraph.

* Ibid p. 26.

* The not *finding* any *Citizens* or *Burgeſſes* **ſummon'd** by former *Writs* directed to Sheriffs, nor *particular* Writs directed to the *Mayors*, *Bayliffs*, or *Chief Officers* of *Cities* and *Burghs* before this (except that in the 49*th* of *Henry* the *Third*) might be a ſufficient Proof, that theſe were the *Firſt Summons* of *Citizens* or *Burgeſſes* to *Parliament*. But to *clear* this *Point* beyond all *Doubt* and *Cavil*, we muſt look back to the 18*th* of this King, and ſee what the *Stile* of *Parliaments* was, between that time and this.

* Ibid.

And then the Doctor proceeds to recite the Writ of the 18*th* of this King, which he found in a *Bundle* of Writs directed to the *Sheriffs* of ſeveral, or moſt, of the Counties of *England*, and they are (ſays he) the *antienteſt* extant, or perhaps that ever were (except, as above, he means thoſe of the 49*th* of *Henry* the *Third*) by which *Two* or *Three Knights* were directed to be *choſen* for each County; but no *Citizens* or *Burgeſſes*. And accordingly *Norfolk*, *Suffolk*, *Cambridge* and *Huntington Shires*, and *Cumberland*, return'd each of them **Three** *Knights*, with *Manucaptors* for their Appearance; all other Counties but **Two** each, *&c.*

Ibid.

* *Retorn. Parl.* 18. Edw. I.

As to the Firſt of the Doctor's Arguments to prove that the *Cities* and *Boroughs* ſent no *Repreſentatives* to Parliament till this Year, I have in effect anſwered it already, when the like Reaſon was made uſe of to prove that there were no *Commons* ſummon'd until the 49*th* of *Henry* the *Third.* And I muſt once more ask the Gentlemen of this Opinion, ſince the *Writs* of *Summons* (as I have ſaid already) to the *Biſhops* and *Temporal Lords*, as well as to the *Commons*, from the Year laſt mentioned, to the 23*d* of this King, are all loſt, how they can prove that there were any ſuch Perſons preſent, in any of the *Parliaments* that were ſummon'd from that time to this? If they ſay, that tho' thoſe *Writs* of *Summons* are loſt, yet it evidently appears from *Records*, *Titles* to *Statutes*, and the *Hiſtories* of thoſe Times, that the Biſhops and Peers were preſent in all *Great Councils* and *Parliaments*, during that time, but that the *like Teſtimonies* cannot be produced on the behalf of the *Commons.* To this I reply, That this is aſſerted without any good Ground, ſince, I hope, I have already evinced the contrary in the firſt Part of this Diſcourſe, and that from the *ſame Teſtimonies*, that thoſe of the Doctor's Opinion can pretend to produce; but whether they are convincing or not, muſt be left to the Judgment of the impartial Reader: Yet however, ſo much is plain, that this Reaſon ſignifies nothing, that theſe *Two Writs* laſt mention'd, were the firſt that were ever iſſued out for the ſummoning of *Knights*, *Citizens*, and *Burgeſſes* to Parliament; and to clear this, let us for once ſuppoſe, that the Doctor had never found this looſe Writ of the 18*th* of *Edward* the *Firſt*, for the ſummoning thoſe *Two* or *Three Knights* to a Great Council or Parliament (call it which you pleaſe) might he not then as well have aſſerted, that there were not any *Commons* in Parliament, from the 49*th* of *Henry* the *Third*, to this of the 23*d* of *Edward* the *Firſt*, whereby the *Knights*, *Citizens*, and *Burgeſſes*, are all alike ſummon'd.

And as for the Doctor's other Argument, from this very *Writ* of the 18*th* of this King, wherein no *Citizens* and *Burgeſſes* are at all mention'd, I think I have with greater Probability made it clear (than he hath done the contrary) that this was no *Summons* to a *Parliament*; nor can it be proved, that the like Writs were ſent to all, or moſt of the Counties in *England*: He ſays indeed, *That they were to ſeveral, or moſt of them*, but herein he is mightily miſtaken; for upon Examination, I can find no ſuch *Writs* ſent but to *Twenty five* of them, which is far ſhort of all the Counties of *England*, as it ought to have been, to have made a *full Repreſentative* of the *whole Community* of other *Military* Tenants, whom only the Doctor will allow to have been *repreſented* by them: And if his Friends ſhall here object that there might have been more Writs in this Bundle, to the reſt of the Counties, which are now loſt, why is not that as good a Plea for the loſs of all Writs, for electing any *Commons* to Parliament before this Time? And whereas the Doctor makes uſe of this as an Argument, that there were no *Citizens* and *Burgeſſes* ſummon'd to Parliament, till the time he aſſigns, becauſe there are none mention'd in that of the 18*th* of this King, it is ſo far from paſſing with me for a good Reaſon, that it rather ſeems a very bad one for him, and proves what I have aſſerted,

ſerted, That becauſe no *Citizens* and *Burgeſſes* were order'd to be ſummon'd by this Writ, therefore it was not a *Summons* to a *Parliament*, but to a *Colloquy* or *Treaty* of *Two* or *Three Knights* of certain Shires, to treat with the *Earls* and *Barons* only, no *Biſhops* nor *Abbots* being therein mentioned.

I ſhall now proceed to the reſt of the Doctor's Obſervations upon this Parliament in the 18th of this King, which (* if the Doctor may be believed) gave the King a *Fifteenth* Part of their Moveable Goods, as appears by the account upon the * *Great Roll* in the 23*d* Year of this King, eſpecially in the two laſt *Rolls* thereof; the Title of that Account, wherein we alſo have the *Style* of that Parliament, runs thus.

* *Ibid.*

* *In Officio Pipæ apud Weſtmonaſt.*

The *Account* of the *Fifteenth* granted to the King in his *Eighteenth* Year, by the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and *All Others of the Kingdom* aſſeſ'd, collected, and levied by *Divers Collectors* in ſeveral *Counties*, in the ſame Eighteenth Year. This is *the very ſame Style* which was uſed in the *Reigns* of *King John* and *Henry* the *Third*, before the *Commons* or *Communities* of *Counties*, were *repreſented* by *Knights choſen* by them: And 'tis here further to be *noted*, that the *Two* or *Three Knights*, *choſen* for the *Community* of the *County*, did *repreſent* them, and according to the *Form* of the *Writ*, *conſulted* and *conſented* to a *Fifteenth* for them, which are here called the *Omnes Alii de Regno*, and were *Military Tenants* in *Capite* of the *Ordinary Rank*, but of the *ſame Order* with the *Knights*. * In the *Cheque-Roll* of the 19*th* of *Edward* the *Firſt*, there is the *Form* of a Writ to appoint *Taxors* and *Collectors* of this *Fifteenth* in theſe Words: *Edward* by the Grace of God, *&c.* to the *Knights*, *Freemen*, and *whole Community of Counties* (none named) *&c.* Greeting, whereas the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and *All Others of our Kingdom*, now, as at other times, to Us and our Progenitors, have freely *granted* a *Fifteenth* Part of all their Moveable Goods, *&c.* Witneſs our ſelf at *King's-Clipton*, the 22*d* of *September* in the Eighteenth Year of our Reign. Here we find the *ſame Perſons only granted* this *Fifteenth*, who were *wont* to *grant* the ſame *manner of Taxes* in the *Times* of his Progenitors. This, tho' the Doctor thinks it illuſtrates what went before, yet rather confounds it, as I ſhall ſhew farther by and by.

Ibid.

* *Ibid. p.* 27. In the Cuſtody of the King's Remembrancer, *Inter Communia de Term. S. Mich. Rot. or n.* 5.

In the mean while I ſhall look back and make ſome *Animadverſions* upon what, I think, the Doctor hath very inconſideratly laid down: In the Firſt Place, albeit I do not deny, that the King had a *Fifteenth* given Him this Year in *Parliament*; yet that this was done in that very Parliament which the Dr. mentions in his * Anſwer to Mr. *Petyt*, which met on the Firſt of *June* this Year, and gave the King *Forty Shillings* of every *Knight's Fee*, for the Marriage of his *Eldeſt Daughter*, I can ſcarce believe; for we do not find, that the *Parliaments* of thoſe Times were *wont* to *grant* Two ſuch *Great Taxes*, the one upon *Goods* and the other upon *Lands*, in one and the ſame Seſſion of *Parliament*. And notwithſtanding the Doctor obſerves, that this *Grant* of a *Fifteenth* made in the very ſame Style as was uſed in the Reigns of King *John* and *Henry* the *Third*, before ever he allows the *Commons* or *Community* of Counties to be *repreſented* by *Knights choſen* by themſelves; yet this rather

* *Page* 149.

rather militates againſt, than any way makes for his Opinion, ſince if the *Two* or *Three Knights*, who he ſays preſently after, were choſen by the Community of the County, did repreſent them, and according to the Form of the Writ conſulted and conſented to a *Fifteenth* for thoſe *who are here called the* Omnes Alii de Regno, *and were* Military Tenants in Capite *of the Ordinary Rank, but of the ſame Order with the* Knights; I ſay if ſo, I would then aſk the Doctor's Friends, who they were that made up that *whole Community* of the Kingdom in *Parliament*, and who (as appears by the Writ of the Thirtieth of this King) gave the above-mentioned *Forty Shillings* out of every *Knight's-Fee*? If they ſay, (as he doth in his * *Gloſſary*, citing this Record) *that it is from thence very clear, that ſuch as paid this* Scutage *of* Forty Shillings *for a* Knight's-Fee, *were the* tota Regni Communitas *and no Others*; *and of theſe the* Tenants in Capite *granted, and paid it firſt for themſelves and their* Tenants; and that then by this *Community* the *Tenants in Capite* only are to be underſtood, who were ſuppoſed to be preſent in this Parliament; then pray, to what purpoſe ſhould any other *Military Tenants in Capite* be afterwards ſummon'd to this Parliament, to grant this *Fifteenth* upon Moveables, when the whole Body or *Community* of them was already, by the Doctor's own Allowance, preſent in Parliament; and might then (according to his Conceit) as well have *granted* this *Fifteenth*, as they did the *Forty Shillings Scutage* upon every *Knight's-Fee*? But if it be ſaid, that theſe *Knights* were not *Tenants in Capite*, but other *Inferior Military* Tenants, who had received the Order of *Knighthood*, it will not at all mend the matter; becauſe if the Tenants *in Capite* were preſent and repreſented them, it had been very needleſs to *ſummon* thoſe to Parliament to grant a *Tax* for their Lords, as well as for themſelves; ſince the *Earls*, *Barons*, and leſs Tenants *in Capite*, were always *wont* to grant it for them. Nor is this the only Abſurdity that attends the Doctor's Interpretation of this *Record*; for if the *Omnes Alii de Regno* here mention'd, were only the Tenants *in Capite*, of the *Ordinary Rank*, as he will here have them, how could they give a *Fifteenth* of all the Moveable Goods in the Kingdom; Or how could they *grant* for thoſe whom they could no ways repreſent, *viz.* the King's Tenants in *Petyt-Serjeanty*, as alſo all Tenants by *Socage*-Tenure? whom the Doctor will have to be but very few? but I think I have ſhewn, that they muſt have been at this time a great Body; and beſides this, all *Cities* and *Boroughs* muſt have granted this *Fifteenth* as well as the reſt of the Kingdom, for that the King could not *tax* them at his Pleaſure, I hope to prove hereafter, notwithſtanding what the Doctor aſſerts to the contrary.

But as for the Commiſſion of the Ninteeenth of this King, for the appointing *Taxors* and *Collectors* to gather in this *Fifteenth*, which is directed to the *Knights*, *Freemen*, and the *whole Communities* of *Counties*; I think this too will rather make againſt than for him; for as for the *Liberi Homines*, or *Freemen*, tho' the Doctor in his *Gloſſary* will have them to ſignify Tenants *in Capite*, or at leaſt thoſe that held by *Military* Service, yet I hope I have already ſufficiently proved, that theſe Words muſt have another ſignification in this place, as well as the *whole Community* of Counties which immediately

* Page 33.

diately follows; or elſe none but Tenants *in Capite*, and thoſe by *Knight's-Service*, could have either paid or granted this *Fifteenth*, which will fall very ſhort of *All Others of the Kingdom*, who are there ſaid to have granted it. And beſides this, I cannot but obſerve what follows in this Writ, *viz.* 'Whereas the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and *All Others of our Kingdom*, now, as at other times, *to Us and our Progenitors*, have '*freely granted a* Fifteenth *part of all their Moveable Goods*, &c. From whence I thus infer from the Doctor's own Conceſſion, that if the *Knights* of *Shires* then *granted* this Tax for all Others of the Kingdom, *as they had formerly done at other times to the King and his Progenitors*, it will then follow, that the *Omnes Alii de Regno*, as *repreſented* by *Knights* of *Shires*, gave Taxes of this kind to King *John*, Grand-father to *Edward the Firſt*, and may by a reaſonable Conſtruction be extended yet higher as far as the Reign of *Henry the Second*, or elſe the Averment in this *Writ* would not be true, that *All the Orders* of Men above-mentioned, and *Oll Others* of the Kingdom, *now as at other times*, had granted ſuch Aids to the King and his Progenitors. Dr. B's Treatiſe, *ut Sup.* Pag. 27.

But the Doctor is ſo confident, that the *Cities* and *Boroughs* had not *Repreſentatives* in this *Parliament*, when the *Fifteenth* abovemention'd was granted, that he will have it then levyed upon all the *Cities* and *Boroughs* in *England* without their *Conſents*: his * Words are theſe. * *Ib. p.* 27.

The *Cities* and *Burghs*, or at leaſt the *City* of *London*, this year had alſo a *Fifteenth taxed* and *levyed* upon them, which notwithſtanding it was *demanded* by the King, *without* their being *ſummon'd* to Parliament, by *Citizens* and *Burgeſſes* their *Repreſentatives*, yet their *Complyance* with the King's *Demands* was called a *Grant*.

This he endeavours to prove from the ſame *Account-Roll* ~~of~~ the ſame *Great Roll* above-cited, where certain Perſons (needleſs here 'to be named) appointed *Aſſeſſors* and *Collectors* of the above-men'tion'd *Fifteenth*, *granted* to the King in the City of *London*, and 'within the whole Precinct of the ſame City, in the Eighteenth 'Year of his Reign, were order'd to give Account of 2860 *l.* 13 *s.* '8 *d.* of the ſame *Fifteenth*, as it is contain'd in the *Roll* of *Particulars* delivered into the *Treaſury*, &c. *Ib*

And on theſe Words, *granted to the King in the City of* London, the Doctor hath made this Marginal Note, (with a reference to the word *granted*, *viz.* *Upon the King's Demand, and ſending to them*, which how the Doctor could make out from this *Record*, I know not; for any one that reads it would think, that they had *granted* this in *Parliament*, or in a *Council* or *Colloquy* at leaſt.

The † Doctor's next Inſtance to prove that the *Citizens* and *Burgeſſes* were not ſummon'd to Parliament, till the Twenty third of this King, is a certain *Writ* of *Summons* directed to the She'riff of *Northumberland* in the Twenty ſecond of *Edward the Firſt*, 'for a Parliament to meet at *Weſtminſter* on the morrow after '*St. Martin*, and therefore commands the Sheriff to cauſe to be '*choſen* out of the *County* aforeſaid, two diſcreet Knights moſt fit 'for Buſineſs, with full *Power* for themſelves and the whole *Community* † *Ib. p.* 28, 29. *Rot. Clauſ.* 22 E. I. *m.* 6. *Dorſ.*

‘ *munity* of the County aforeſaid, to *conſult* and *conſent* to thoſe things, which the *Earls*, *Barons*, and *Noblemen* aforeſaid, ſhall have *unanimouſly ordained* in the premiſes, *&c.* Witneſs the King at *Weſtminſter* the eighth day of *October*.

* *Id.* 29.

* The like Letters or Writs, the Doctor ſays, were directed to *every Sheriff* in *England*; witneſſed as above.

Then on the day following, (that is) on the Ninth of *October*, the King *directed* other Writs (reciting in them much of this above) ‘ to *every Sheriff* to *cauſe* to be *elected*, two *Knights* more, to be added to the former, to come to Him at the ſame time and place, *to hear and do*, what he ſhould there more fully enjoyn them. Here were no *Citizens* or *Burgeſſes* ſummon'd by theſe *Writs*, and none but *Knights*, in number four, who with the *Earls*, *Barons*, and *Great Men*, on the *very day* of their Meeting, gave the King a *Tenth* of all their Goods, and the *Writs* or *Commiſſions*, whereby *Taxors* and *Collectors* of the ſame *Tenth* were aſſigned in every County, bear date the ſame day, as is moſt evident from the *Records* following.

And then the Doctor cites an old *Account-Roll* in the *Exchequer*, which hath this *Title*, as I ſhall render it to you in *Engliſh*:

The Tenth of Temporal Goods, granted to the King in England, *on the morrow of St.* Martin, * *in the Twenty ſecond Year of King* Edward the Firſt, *ending, and the Twenty third, beginning.*

Then follows in the ſame place, this Title, The *Taxors* and *Collectors* of the ſame *Tenth* are aſſigned in every County in this Form; thus tranſlated:

‘ † The King to the *Knights*, *Freeholders*, and the *whole Community* of the *County* of *Cumberland*, Greeting; whereas the *Earls*, *Barons*, *Knights* and *All Others of our Kingdom*, have liberally granted to us now toward the War, as heretofore to our Progenitors *Kings* of *England*, a *Tenth* of all their Moveable Goods, * except thoſe things, which were excepted in the laſt *Fifteenth*, which was formerly granted unto Us, *&c.*

* *Note*, K. *Edward* began his Reign *Novem.* 16. 1272. So that this was done *A. D.* 1294. *Treatiſe*, p. 30.

† *Ib. Pat.* 22 Ed. I. *M.* 2. *in Cedula.*

* i. e. *Their Armour, Plate of ordinary Uſe, Jewels, and wearing Apparel.*

Then follow the Names of the *Taxors* and *Collectors* to gather the ſaid *Tenth*, which are needleſs here to be recited.

After which the Doctor proceeds to ſhew from *Matt. Weſtminſter*, that the King call'd another Parliament this Year, to adviſe how to regain what He had loſt in *Gaſcoigny*; and towards this War the *Clergy* granted a *Moiety* of their *Benefices* and Goods for that Year, as appears by the King's Writ or *Commiſſion* to the Abbot of *Feverſham* to collect the ſame for the Province of *Canterbury*, which the Doctor hath there cited at large, bearing date at *Weſtminſter* the thirtieth of *September* in the Twenty ſecond Year of his Reign.

But the Doctor is certainly miſtaken in making this *Convocation* of the *Clergy*, which gave the King a *Moiety* of their Goods and Revenue, to be held at the ſame time with the *Parliament*, which granted him the *Fifteenth* above-mention'd; ſince this Writ for collecting the *Tenths* of the Clergy bears Date the 30*th* of *September* in his Twenty ſecond Year, whereas the Parliament which granted the King the *Fifteenth* did not meet until the 12*th* of *November* the Year following; but however for all that, the Doctor confounds them together, as appears by this following Inference which he makes from this *Writ*, as well as the former.

* Here we have a *Moiety* given this year of their *Benefices* and Goods by the *Clergy*, and a *Tenth* by the *Earls*, *Barons*, and *Knights*, for *all others of the Kingdom*, that is, all *Free-Tenants*, ſuch as held in *Military Service*, and others in *Socage*, **which then were very few.** Let us now ſee (ſays he) how and what the *Cities*, *Burghes*, and King's *Tenants* of his *Demeſnes* gave, or paid by themſelves, not *being* then reckoned, *inter* **Omnes Alios de Regno,** who granted a *Tenth* part only.

* Ib. p. 31.

Theſe (ſays he) then were neither *ſummon'd*, nor *came* to a *Common Council*, or *Parliament*; but were *required* and *induced* by the *King's Commiſſioners*, or *Taxors* to *pay* a *certain Sum charged* upon, or demanded of them, which at this time was a *Sixth* part of all their *Moveable Goods*, towards the War. The *City* of *London* was firſt ſent to, and made an *Example* to all other *Cities*, *Boroughs* and *Towns* of the King's *Demeſnes*, and their *Complyance* with the King's *Demands* paſſed *as*, and under the *name* of a *Grant*.

This is indeed a very bold Aſſertion, and we ſhall ſee how the * Doctor will prove it; why truly he endeavours to do it by a Writ directed to the City of *London* in this form in *Engliſh*; 'The 'King to his Beloved and Faithful the *Mayor*, *&c.* and to the whole '*Community* of the City of *London* Greeting: whereas in the form 'in which you lately granted Us a *Fifteenth*, you have alſo *liberally and freely granted* Us a *Sixth part* of your *Goods* and Moveables as an Aid for our War, we being willing to provide that the ſaid '*Sixth part* ſhould be levied and collected to the leaſt Damage and 'Grievance of you, and each of you in the ſaid City, have appointed *John de Banquelle*, and five other Perſons there named to be the '*Collectors* of the ſaid Tax. The Date of this Writ the Doctor hath not put down; but we muſt ſuppoſe it to have been ſome days before the following Commiſſion, and then the Doctor ſays thus.

* Ibid. *Inter Recorda de Anno* 23. *Ed.* I *Rot.* 73. *penes Remem. Regis. De Sexta parte Regi conceſſa in* London.

'And after the Example of *London*, the *King* ſent his *Commiſſioners* 'to *Tax* or *Demand* of his other *Demeſne Cities* and *Towns* a *Sixth* part 'throughout *England*.

'I will not trouble you with the *Latin*, but ſhall give you the '*Engliſh* of this *Commiſſion* tranſcribed at large, that the Reader may 'ſee the manner of *taxing* the Kings *Demeſnes* in thoſe times.

* The King to his well-beloved and faithful *Robert de Ratford*, 'Greeting. Whereas our *Citizens* and *Good Men* of *London*, have *willingly granted* to *Us* toward maintaining our War, a *Sixth part* of 'their Moveable Goods, that they might ſhew an *Example* to others 'of our Demeſne Towns, to make the like *Aid*. We have aſſigned 'you to *demand a like ſixth part* in every of our *Demeſne Cities*, 'and other *Towns* in the *Counties* of *Kent*, *Suſſex*, *Surry*, and *Southampton*, according to the *Taxation* of the *Tenth* now granted to Us 'in our Kingdom; and therefore We *Command* you, that taking 'with you the *Sheriffs* of Places, ye perſonally *go* to every of 'our *Demeſne Cities*, and other *Towns*, and diligently on our behalf '*require*, and *effectually induce* the *Men* of the ſame *Cities* and *Towns*, '*by ſuch means as you think expedient*, to *give* and *grant to Us the ſaid Sixth part*, according to the *Taxation* aforeſaid, and what you 'ſhall

* Ib. *eodem Anno & numero. De Diverſis Aſſignatis ad petendum Conſimilem Sextum in Dominicis Villis Regis in Diverſis Comitatibus.*

Id. p. 32.

‘ ſhall do herein, you ſhall *ſignifie* to Us, or our *Treaſurer* and *Ba-*
‘ *rons* of the *Exchequer*, without delay. In Witneſs of which thing,
‘ We have made theſe our Letters Patents. Witneſs the Venerable
‘ Father, *&c.* the 21*ſt* of *November*, the 23*d* year.

Ibid. Eodem Anno. Num. ſive Rot. 73.

By the like Letters the ſeveral Perſons there under-named are appointed to *collect* the like *Sixth part*, in each of the *Demeſne Cities*, and other *Towns* belonging to the King in all the *Counties* there under-written, which are all, or moſt of the reſt of the *Shires* of *England* not needful to be here recited.

From all which the Doctor draws this general Concluſion; ‘ By
‘ all theſe *Records*, ſays he, 'tis moſt clear, there were no *Citizens*,
‘ *Burgeſſes*, or *Tenants* of the *King's Demeſnes ſummon'd* to great *Coun-*
‘ *cils* or *Parliaments*, until the 23*d* of *Edward* the *Firſt*, and alſo how
‘ they were *Taxed* before that time.

But whither this was true or not, we ſhall now proceed to examine; and firſt I cannot but take notice, that the very words of both theſe *Writs* above cited, the one to the City of *London*, and the other, for *collecting* this *Sixth part* in *Cities* and *Towns* of *Antient Demeſne*, do no ways countenance the Doctor's Aſſertion, that the *Cities* and *Borough-Towns* of *England* were not ſummon'd, or came to a *Common-Council* or *Parliament*, but were *required* and *induced* by the King's *Commiſſioners*, or *Taxors* to pay a *certain Sum* charged upon or demanded of them, and that their *complyance* with the Kings *Demands* paſſed as under the name of a *Grant*. For ~~But~~ how can theſe words in the *Writ* it ſelf bear that meaning? which are *ſince you* (*the Citizens of* London) *have liberally and freely granted Us a Sixth part of your Goods*, and in the following *Commiſſion* for *collecting* it in other Places, it is recited, that the *Citizens and good Men of* London, *have freely granted a Sixth part*, &c. which ſeems to import, not a meer *Impoſition* or *Taxation* at will, but a *voluntary Conceſſion* ſomewhere made, *precedent* to the *Demand*, and where could this *Grant* be more properly made, than in the precedent Parliament, though it be not expreſly mention'd in the Writ it ſelf? And I ſhall prove this by comparing the date and purport of this *Writ*, with that of the 22*d* of this King, whereby the *Earls*, *Barons*, *Knights*, and *all Others* of His Kingdom *granted* the King a *Tenth* of their Moveables, in both which the words are almoſt the ſame. In this Writ it is ſaid, that the Parties abovemention'd with *all Others* of the Kingdom, *liberaliter fecerunt Decimam partem de Omnibus Bonis ſuis Mobilibus*: And the words in the *Writ* now before us are, *Sextam partem Bonorum & Mobilium Veſtrorum in Subſidium Guerræ noſtræ nobis Conceſſeritis liberalitèr & libentèr*; which are both to the ſame ſenſe, only in one it is *fecerunt*, and in the other *conceſſeritis*. And though it is true, that the next *Writ* for the gathering this *Sixth part* upon the Towns of *Antient Demeſne* do plainly ſhew, that their *Grant* of it was done *out of Parliament*; yet it doth not from thence follow, that the City of *London*, and other *Cities* and *Towns* which were not the King's *Antient Demeſnes*, could be included within thoſe *Writs*, ſince the *Commiſſioners* are thereby impowered to *demand* the like *Sixth part* of the *King's Demeſne*, *Cities* and *Towns* in the Counties there mention'd, but of no Other: Nor doth the *ſecond* Writ call *London* one of the *Demeſne Cities*, for the words of the *Writ* are, *ut aliis*, *qui ſunt de* *noſtris Villis Dominicis Exemplum præbeant ad Conſimile Subſidium faciendum*, which is thus to be tranſlated, that they, *viz.* the *Citizens* of *London* may ſhew an *Example to Others*, who are of our *Demeſne Towns*; and not as the Doctor hath here render'd it, *that they might* ſhew an *Example to Others of our Demeſne-Towns, to make the like Aid.*

But ſuppoſe we ſhould admit *London* as well as other places to be now *taxed*, as a Town of *Antient Demeſne*, the Doctor would gain no advantage by it; for this *Sixth part* being to be levied only upon ſuch great *Cities* and *Towns*, as held in *Antient Demeſne*, could never concern the Major part of the *Cities* and *Boroughs* in *England*, which never held by that Tenure; ſo that they either wholy eſcaped without paying any thing to this *Tax*, or elſe they muſt have granted it by their *Repreſentatives* in *Parliament*.

And that thoſe *Cities* and *Boroughs* which were not *Antient Demeſne*, granted the *Sixth part* of their Moveables in the *laſt Parliament*, when *all Others* of the Kingdom granted a *Tenth*, is more than probable, by thoſe words in the *Commiſſion*, for the *collecting* this *Tax* of the *Cities* and *Towns* in *Antient Demeſne*, * which was to be done, *Secundum Taxationem Decimæ jam Nobis in Regno noſtro conceſſæ*, that is, in a due proportion to every Man's Eſtate, according to the Taxation of the *Tenth* already granted in our *Kingdom.* This muſt be the *Tenth* before granted in *Parliament*, for there was no other *Tenth* given or paid ſince that time; and therefore though the *Writs* of *Summons* are now loſt, yet *Citizens* and *Burgeſſes* might very well have been ſent to this *Parliament*, for preſently after it, *viz.* in this very year, the † Doctor himſelf in his Hiſtory of the Reign of this King, ſays, that the *Citizens*, *Burgeſſes*, and Tenants of the King's *Demeſnes*, paid a *Sixth part* of their Goods, but they not being granted in *Parliament*, there were *Commiſſioners* ſent to every *City*, *Burgh* and *Town* of his Demeſne, to *require* and *induce* them, to pay a certain Sum charged upon, or demanded of, them toward the War, which at this time was a *Sixth part* of their Goods, which was required firſt, and granted in *London*, as an *Example* to other Places. The Commiſſion for all Counties in *England* bears Date the 21*ſt* of *November*, twenty third of *Edward* the *Firſt*, and if the Doctor allows this Tax to have been granted this year by the *Cities* and *Boroughs*, in imitation of the *Tenth*, that was already granted by the reſt of the Kingdom; I may, I think, carry it further, and ſuppoſe that the *Cities* and *Boroughs* had their *Repreſentatives* in this Parliament, for otherwiſe thoſe that were not *Antient Demeſnes*, (which were far the Major part) muſt have paid nothing to this *Tax*. And though the Doctor here ſays, that all the *Citizens* and *Burgeſſes* in General paid the *Sixth part* of their Goods, yet that is more than the Authorities he vouches do warrant; ſeeing it is expreſly limited by the *Commiſſion* above-mention'd, that the Collectors ſhall gather in each of the *Demeſne Cities and Towns belonging to the King*, and None Other, as hath been already obſerved.

* Ibid. p. 31.

† Contin. of the Compleat Hiſt. / 3

I am ſenſible, there are two Objections, that may be made againſt this Suppoſition; the One, that in the *Writs* to the Sheriffs for the *ſummoning four Knights* of *Shires* to the laſt *Council* or *Parliament*, there are no *Citizens* and *Burgeſſes*, order'd to be ſummon'd by them.

The other is, that the *Writ* to the City of *London*, aſſigning certain *Commiſſioners* to collect the *Sixth part* of their Moveables, as alſo the *Commiſſion* granted for the raiſing the like Tax from the *Cities* and *Towns* in *Antient Demeſne*, do both of them bear Date in *November*, in the twenty third year of this King; whereas the *Writs* or *Commiſſions* iſſued for the appointing *Collectors* for the *Tenth*, that had been granted in the laſt Parliament is dated the 12*th* of *November*, in the twenty ſecond year of his Reign, which is above a year before; and then it is not likely, if this *Sixth part* had been given in *Parliament*, that the King would have omitted the *collecting* of it for above a Twelvemonth after; and therefore it is more probable that it was *demanded* of, and *impos'd* upon all the *Cities* and *Boroughs* of *England*, as well thoſe who held in *Antient Demeſne*, as thoſe that did not, by the King's ſole Prerogative, in the interval between the laſt Parliament, and the next of the twenty third of this King, that met but a few days after the Date of the *Writ* and *Commiſſion* above-mention'd, for levying that *Tax* upon the *Cities* and *Towns* of *Antient Demeſne*.

To the firſt of theſe Objections I anſwer thus, that in thoſe *Writs* of *Summons* to the *Council* or *Parliament* of the twenty ſecond of this King, the *Citizens* and *Burgeſſes* are not ſummon'd, yet there might be ſome *Other Writs* iſſued out at the ſame time to the *Sheriffs*, that they ſhould cauſe *two Citizens*, and *two Burgeſſes* to be choſen for every *City* and *Borough* of *England*, which Writs were not enter'd upon the *Cloſe-Rolls* of this year, or if they were, may be ſince embezil'd, or taken off on purpoſe to conceal the truth, or elſe they might be ſent down in *looſe Writs*, which are now loſt, and were never enter'd at all.

Nor can the Doctor's Friends have any reaſon to except againſt this Suppoſition, ſince theſe Writs of the eighteenth of this King, on which alone the Doctor lays the whole ſtreſs of his Authority, that the *Knights* of *Shires* were then firſt again *ſummon'd*, are enter'd in certain *looſe Schedules*, which if the Doctor had not diſcover'd, might have been utterly loſt and deſtroy'd, as were doubtleſs many other conſiderable *Writs* and *Records*, which had been long ago carried up into the *White-Tower*, and there rotted with the dampneſs of the Place, though ſome of them have been retrieved by the indefatigable Pains and Induſtry of Mr. *Pryn*, as Others have been ſince by the like care of Mr. *Petyt*, the preſent Keeper of thoſe *Antient Monuments*.

And as to the ſecond Objection concerning the Date of the *Writ* and *Commiſſion*, whereby it appears that the *Sixth part* aſſeſſed upon the Inhabitants of *Cities* and *Towns* in *Antient Demeſne*, was not collected, and therefore that it was not likely to be granted till the twenty third of this King, and that in an Interval of Parliament. This, I ſay, is no material Objection, ſince the King might for ſome Reaſons beſt known to Himſelf, only levy the *Tenth* which had been granted by the *Knights* of *Shires* for their reſpective Counties, and might defer the *collecting* of the *Sixth part* that had been given by the *Citizens* and *Burgeſſes*, till the following year, when He wanted a freſh ſupply of Money; and at the ſame time on the like occaſion, He thought fit to demand the *like Aid* of all *Cities* and *Towns* of *Antient*

tient Demeſne; and though *London* was propos'd as an *Example*, yet was it not as a *City* of *Antient Demeſne*, but as being the Capital City of *England*, was to be a Pattern for all places of *Antient Demeſne*, to grant the *like Tax* of a *Sixth part*. And that the King might very well defer the levying of this *Tax* for a Twelvemonth, the Doctor's Friends can have no reaſon to deny, for that in his* *Anſwer* to Mr. *Petyt*, and alſo in his *Gloſſary* he hath cited a *Writ* of the 30*th* of this King, which relates to the *Parliament* held in the 18*th* year of his Reign, wherein a *Scutage* of *Forty Shillings* was *granted* by all the *Orders* or *Eſtates* therein mention'd, for an *Aid* to Marry his Eldeſt Daughter, which had nevertheleſs remain'd *unlevied* from the 18*th* to the 30*th* year of his Reign. And if this King could omit the *levying* ſo great a Sum, as this *Tax* of *Forty Shillings* upon every *Knights-Fee* through all *England* for twelve years, He might certainly forbear the *Collecting* and *Levying* this *Sixth part* of the Moveables of the *Cities* and *Towns* in *Antient Demeſne*, which was a much *leſs Sum*, and defer'd to a far ſhorter time. And therefore I ſhall now leave it to the Reader's Judgment to conſider, whether the Doctor from the *Records* he hath cited, hath made his Concluſion ſo clear and evident, as he ſuppoſes, that there were no *Citizens* nor *Burgeſſes* ſummon'd to *Great Councils* or *Parliaments*, until the 23*d* of *Edward* the *Firſt*, and alſo that they were *Taxed* before that time at the *King*'s *Will*, and by his *ſole Prerogative*. But we muſt not yet leave *the Doctor, but return back to the 23*d* of this King, wherein he ſuppoſes the *firſt Writs* of *Summons* of the *Cities* and *Burgeſſes* to *Parliament* were iſſued; from whence he obſerves, that the *Writ* directs that thoſe *Citizens and Burgeſſes ſhould have a Power to act* ſeparately *from the Knights of the Counties, and do what by Common Councils ſhould be ordained*, in theſe words, *Et dicti Cives, & Burgenſes Plenam & ſufficientem poteſtatem, pro ſe, & Communitate Civitatum & Burgorum* Diviſim *ab ipſis* (i. e. *Militibus*) *tunc ibidem habeant, ad faciendum tunc quod de Communi Concilio Ordinabitur in præmiſſis*. And accordingly they made a *different* Grant, the *Earls*, *Barons* and *Knights*, who then ſat, treated, and conſulted altogether, about *granting Taxes*, gave an *Eleventh part* of all their Moveable Goods, and the good Men of his *Demeſne Cities and Burghs* granted a *Seventh part* of all their Moveable Goods.

P. 149.

* *Treatiſe.* Ib. p. 32, 33.

† And according to the Addition made in the *Writ* of Summons, when the *Citizens* and *Burgeſſes* are ſuppoſed firſt to have come to *Parliament*, there was alſo an Alteration made anſwerable to it in the *Writ*, or *Commiſſion*, for appointing *Taxors* and *Collectors* for the *Levying* and *Collecting* of his *Eleventh*, and *Seventh part* in the ſeveral Counties, which is not to be found in theſe *Writs* or *Commiſſions* before this time, The words of the *Writ* or *Commiſſion* are thus tranſlated into *Engliſh*.

† Ibid. 33.

‖ ' The King to the Knights, Freeholders, and *whole Community*
' of the County of *Rutland*, Greeting. Whereas the Earls, Barons,
' Knights, and *Others of our Kingdom* have now liberally granted
' toward our War, as they *have done at other times* to *Us and our*
' *Progenitors*, an **Eleventh** part of all their Goods and Moveables.
' † *And the Citizens and Burgeſſes, and* Other Good Men of our De-
' meſne Cities *and* Boroughs *have likewiſe courteouſly granted a* Seventh
part

‖ *Pat.* 24 Ed. I. p. 1. *M.* 22. *De undecima & Septima Regi Conceſſ. Levand & Colligend.*

† *The Doctor here notes, that*

theſe words were not in former Commiſſions for appointing Taxors and Collectors.

' *part of all their Goods and Moveables*, excepting thoſe which were ' excepted in the *Tenth*, which was laſt granted to *Us*, *&c.* Then follows the Clauſe for appointing his *Aſſeſſors* and *Collectors* of both the ſaid *Seventh*, and *Eleventh* Parts in that County, dated at *Weſtminſter* the fourth day of *December*, which was about three or four days after the 30*th* of *November*, when this *Parliament* firſt met, and within which time, this *Subſidy* upon Goods was granted.

Ibid.

From which the Doctor thus obſerves, that according to the *Tenor* of the *Writ* of *Summons*, we find by this *Commiſſion*, that the *Citizens* and *Burgeſſes* were in this *Parliament*, and that they were *different Perſons* from the **Alii de Regno**, mention'd after the *Earls*, *Barons* and *Knights*, for they gave an *Eleventh* part, and theſe the *Seventh*, ſomewhat more than a third beyond what the others gave, and it became a *ſetled Rule* afterward, for the *Citizens*, *Burgeſſes* and *Tenants* in *Antient Demeſne* to give a *Third part* more, or thereabouts of their *Perſonal Eſtates*, than the *Earls*, *Barons* and Knights did grant.

† Ibid. p. 35.

† The Summons to this Parliament directed to the Archbiſhop of *Canterbury* is very obſervable, and may (ſays the Doctor) furniſh us with the *Reaſon* why, the King *ſummon'd* the *Citizens* and *Burgeſſes* to it.

|| *Rot. Clauſ. 23 E.* I. *M.* 3. *Dorſ. De Parliamento tenendo apud* Weſtmonaſterium.

Then follows a † Writ of the 23*d* of this King, directed to the Archbiſhop of *Canterbury*, and begins with this remarkable Clauſe, by the Doctor thus tranſlated into *Engliſh*.

' *As the moſt juſt Law eſtabliſhed by Princes doth appoint*, *that* which ' concerns All, ſhould be approved by All: *So it evidently ſhews*, ' *that Dangers common to All*, *ſhould be obviated by Remedies provided* ' *by All.* And then it proceeds to ſet forth the King of *France*'s fraudu' lent ſurprize of *Gaſcony*, and the late Invaſion of the Kingdom with an ' *intent* to *deſtroy* the *Engliſh Nation* and *Language*, *&c.* and then con' cludes with that notable Clauſe, which hath been continued in all ' Writs of Summons for the Clergy to this day, firmly *commanding* and ' *enjoyning him the Archbiſhop in the Faith and Love by which he* ſtood ' obliged to the King, to be himſelf at *Weſtminſter* on the Sunday ' next after the Feaſt of St. *Martin* next coming, and that he ſhould ' *warn* the *Prior* and *Chapter* of his Church, the *Archdeacon*, and ' *whole Clergy* of his *Dioceſs*, and cauſe the *Prior* and *Archdeacon* in ' their own Perſons, and the *Chapter* by *One*, and the *Clergy* by *Two* ' fit *Procurators* or *Proxies*, having ſufficient *Power* from the ſaid ' *Chapter* and *Clergy* to be preſent with him, then and there to *Treat*, ' *Ordain* and *Appoint* with Him and the reſt of the *Prelates*, *Great* ' *Men*, and other *Inhabitants* of the Kingdom, how to *prevent* theſe ' dangers and deſign'd Miſchiefs. This bears Date at *Wengeham* the ' 30*th* of *September*, being above a Month before the *Writs* for *Sum*' *moning* the *Knights*, *Citizens* and *Burgeſſes* were iſſued.

|| Ib. p. 34. 35.

This (|| ſays he) is the *firſt Summons* I find directed to the *Archbiſhop*, by which he was order'd to cauſe the *Body* of the *Clergy* of his *Dioceſs* and the *Chapter*, to come to Parliament with him, by their *Procurators* or *Repreſentatives*, and the ſame *Reaſon* given in this *Writ*, that brought *them* thither, brought alſo the *Citizens* and *Burgeſſes*, as may appear by the *Writ* before recited, *directed* to every Sheriff of *England*, for the *firſt choice* of them; and is dated the third day of *October*, next following after the *Date* of this to the Archbiſhop.

Having thus fairly recited word for word, whatever Authorities or Arguments the Doctor hath thought fit to produce on this point, I ſhall make now ſome ſhort *Animadverſions* upon them: In the firſt place, I cannot ſee that any ſuch great ſtreſs is to be laid upon that *Clauſe* in this *Writ* of the 23*d* of *Edward* the *Firſt*, on which the Doctor builds all his Inferences, *viz. that the ſaid Citizens and Burgeſſes ſhould have full and ſufficient power for themſelves and the Community of Cities and Boroughs* ſeparately, *from them* (i. e. the *Knights* of *Shires*) *then to do, what ſhall be ordain'd by common Advice concerning the Premiſſes.*

For though I grant by this *Clauſe*, they were impower'd to make a *different Grant* of *Taxes* from the *Earls*, *Barons* and *Knights* of *Shires*, who then *ſat*, *treated* and *conſulted* together; yet this doth not prove it to be a new thing, which was never practiſed before, ſince when ever they were ſummon'd, it was neceſſary they ſhould be impower'd by thoſe that ſent them. And though it is true, the *Citizens* and *Burgeſſes* at that time treated apart concerning the *quantity* of the *Tax* granted upon their Moveable Goods, becauſe it was more in proportion then the reſt of the Kingdom at that time paid, yet as this might not be the *firſt time* that they granted theſe ſorts of Aids, ſo neither was it the *laſt*; the ſame way of granting them being continued throughout all the reſt of this King's Reign, as appears by that noted *Record* already cited of the 34*th* of this King, when *All the Eſtates* of the Kingdom *granted* Him an Aid of their Moveable Goods, (the Particulars of which ſhall be mentioned hereafter) for Knighting the King's Son, and towards the War with *Robert Bruce*. And the like manner of granting Taxes in uſe all his Succeſſor's time, until about the beginning of King *Edward* the *Third*, when the *Lords Spiritual* and *Temporal* continued to ſit by themſelves, and the *Knights* of *Shires* joyning with the *Citizens* and *Burgeſſes*, made a *diſtinct Houſe* or *Aſſembly*, as they continue to this day

N. B.

So likewiſe the Doctor's Obſervations upon the *Writ* or *Commiſſion* for appointing *Taxors* and *Collectors* for the *Aid* that was given in this Parliament of the 23*d* of *Edward* the *Firſt*, have nothing in them, but what may be eaſily anſwer'd; for as to his Marginal Note, *that the Clauſe concerning the Citizens*, *Burgeſſes*, *and* Other Good Men that liberally granted a *Seventh* part of their Moveables; though it is true they were not mention'd in the *ſame Commiſſion*, for the *levying* of the like *Tax* upon Moveables *granted* by the *Knights* of *Shires*, yet all the difference between them, is, that there might be then *two* different *Commiſſions* granted for the *aſſeſſing* and *collecting* theſe Aids, the One of which was to certain Perſons to *aſſeſs* and *collect it* from the *whole Body* of the Counties, and the Other for the doing the like in the *Cities* and *Boroughs*; for the words *Conceſſerunt*, or *Conceſſerint*, are found in both of them alike, as any one may obſerve, that will take the pains to compare them together.

So that there ſeems to be no great Myſtery in this not mentioning the *Citizens* and *Burgeſſes* in *former Commiſſions* for the choice of *Collectors* for Counties, than that the King was pleaſed to do that by *ſeveral Commiſſions*, and by *two different* ſets of *Commiſſioners*, which He thought fit in this *Writ* of the four and twentieth year of his Reign, (perhaps for the ſaving of double charges and trouble) to do by One ſingle Commiſſion, and to make the ſame Commiſſioners ſerve for *aſſeſſing* and *collecting* the *Eleventh* and *Seventh* parts as well from the *whole Body* of the Counties, as from the *Citizens*, *Burgeſſes* and *Tenants in Antient Demeſne*; and yet for all that, the *Cities* and *Boroughs* might grant their ſhare of theſe *Taxes* in *Parliament*, before this time which the Doctor here aſſigns for their *firſt appearing* in *Parliament*, and that only in order to grant thoſe *Aids* abovemention'd.

For if the King could the year before this impoſe a *Tax* of a *Sixth part* upon the Goods of the City of *London*, and all Other *Cities* and *Boroughs* of *England* by his *Royal Prerogative*, I cannot ſee any reaſon why He might not as well have continued on the ſame way of *Taxing* them, without ever putting Himſelf to the *trouble* of calling a *Parliament*, or cauſing the *Repreſentatives* to travel from one end of the Kingdom to the other, to the great charge of the *Cities* and *Boroughs* that ſent them, who were obliged to defray their *Expences* during their going to, ſtaying at, and returning from all *Parliaments*, as is particularly ſet down in the *Writs* for levying thoſe *Expences* for *Citizens* and *Burgeſſes*, as well as thoſe for *Knights* of *Shires*; and both theſe *Writs* (ſeveral of which are ſtill preſerved in the Reign of this very King) have alſo this particular Clauſe inſerted, *ſicut in Caſu conſimili fieri conſuevit*, as I have already taken notice of in the Argument I have drawn from the Petition of the Town of St. *Albans*, which would never have been there inſerted, had *Citizens* and *Burgeſſes* never been ſummon'd to Parliament till the 23*d* year of this King. This cannot well be too often mentioned, being of ſo great Moment, and therefore I make bold to repeat it, to keep it freſh in my Reader's Memory.

Ib. p. 34, 35. * But ſince the Doctor undertakes to give us ſome tolerable account from that *Clauſe* in the *Writ* to the Archbiſhop of *Canterbury*, for the *ſummoning* of the *Inferior Clergy* to this *Parliament* we are now diſcourſing of, that this was the *firſt Writ* of *Summons*, whereby it appears they were ever call'd to Parliament for the Reaſon given in this *Writ*, *viz.* that *that which concerns All*, *ſhould be approved by All*; and concludes, that what brought the *Inferior Clergy*, brought alſo the *Citizens* and *Burgeſſes* to this *Parliament*, after near thirty years Intermiſſion; I ſhall endeavour to ſhew, that this Reaſon tho' ſeemingly ſpecious, yet hath no great ſubſtance in it; for if that *Clauſe* in the *Writ* was ſufficient to move the King now to ſummon the *Inferior Clergy*, and the *Citizens* and *Burgeſſes* to the ſame Parliament, it might as well have prevail'd with Him to have done it, when He had the War with *Wales* upon his Hands, and being in great want of Money. He ſummon'd thoſe three particular *Conventions* of the *Clergy* and *Commons* of the *South* and *North* of *England*, for the granting Hin a *Benevolence in that his extream Neceſſity*. 'Tis true, we cannot poſitively prove by any *Writs* of *Summons* to Parliament, that the *Inferior Clergy* were ever ſummon'd thither before in this King's Reign, any more than the *Citizens* and *Burgeſſes*, yet it doth not follow therefore, that they were *never ſummon'd* to any Parliament of this King's before this of the *three and twentieth*, ſince they might have been *ſummon'd* to ſeveral Parliaments before, had thoſe *Writs* to the *Biſhops* and *Lords*, as well as to the *Commons*, been now to be found upon the *Rolls* or any-where elſe. And ſuppoſe the Doctor had not by chance lit upon thoſe *Writs* of the *18th* and *22d* of this King, whereby he would prove the *Knights* of *Shires* to be preſent in Parliament, three years before he vouchſafes the *Citizens* and *Burgeſſes* the like favour, no doubt but He would have urged this *Clauſe* in the *Writ* of the *23d* of this King as a ſufficient Reaſon, that the *Knights* of *Shires* likewiſe were now *firſt ſummon'd*, as well as the *Repreſentatives* of *Cities* and *Boroughs*.

But beſides all this, the caſe is not parallel between the bringing of the *Inferior Clergy* into Parliament, and this King's doing the ſame by the *Citizens* and *Burgeſſes*; for there might be a very good reaſon why He ſhould by this Clauſe of *præmunientes*, cauſe the Archbiſhops of *Canterbury* and *York* to *ſummon* their *Inferior Clergy* to appear by their *Proctors* in Parliament, becauſe by this means He could deſire *an Aid* of them every time a *Parliament* met, which was in thoſe times once, and ſometimes twice in two or three years at fartheſt; whereas before their coming into *Parliament*, He had no opportunity of obtaining any *ſuch Aid* from them, but when they met the two Archbiſhops in their reſpective *Provincial Synods*, which were not in the *King's Power* to call, but in the *two Archbiſhops* to aſſemble, as they thought fit; and though they might do it ſometimes at his deſire, yet this command they would often diſobey, as indeed the Archbiſhop of *Canterbury* did at firſt in this very *Summons* now before us, as hath been plainly enough proved by thoſe learned Pens, that have lately handled this Subject. But beſides all this, when the Clergy were met in ſuch a Synod, and that the King did either by One of the Archbiſhops, or elſe by *certain Commiſſioners* deputed on purpoſe, deſire an *Aid* or *Subſidy* of them, either out of their *Eccleſiaſtical* Revenues, or *Perſonal* Eſtates, they might deny it when ever they pleas'd, or if they granted it, it was often done at the *Inſtance* and *Perſuaſion* of the Biſhops, rather than their *own Inclinations*. Whereas (if you will believe the Doctor) the Condition of the *Citizens* and *Burgeſſes* of *England*, was wholy different from that of the *Clergy*; theſe were always free from being *Taxed* without their own *Conſents*, whereas the other (as the Doctor repreſents them) were Men of *Mean* and *Servile* Condition, and who enjoy'd no *Liberties* or *Priviledges*, ſo much as of exerciſing their *Trades* and *Profeſſions*, but what they derived from the *King's Charters*; ſo that being wholy his *Vaſſals*, He could impoſe what *Aids* or *Taxes* He pleas'd upon their Perſonal Eſtates (for Lands they had little, but what belong'd to their ſeveral Houſes or Dwellings) ſo that the bringing of theſe *Citizens* and *Burgeſſes* into *Parliament* at this time ſeems no ways ſuitable to the Arbitrary temper of this Prince, who indeed loved *Abſolute Power*, as much as his Father or Grandfather: Only when he ſaw the Nobility and People would not ſuffer it, He had ſo much diſcretion as to part with it, as any one may obſerve, that pleaſes to conſult *Matt. Weſtminſter* and *Walſingham* in the Reign of this King; and what hath been written from them in this laſt Volume of my General Hiſtory.

But to return to the matter before us; what could the King propoſe to Himſelf by bringing them now into Parliament, I cannot imagine, unleſs it were to give them a liberty often times to *refuſe*, as well as to *grant* thoſe *Taxes* the King demanded of them; which you may ſee from this Hiſtory they often did in the Reigns of King *Edward* the *Third*, and *Richard* the *Second*, when being joyn'd with the *Knights* of *Shires*, they obtain'd ſo much Power, that no *Bills*, or Demands of *Money* from the King could be brought into the *Houſe* of *Peers*, till it had been firſt propoſed and conſented to by the *Commons*. And ſo much for the Great Improbability of the King's bringing in the *Knights*, *Citizens* and *Burgeſſes* in *Parliament* at this time.

And as for the poſitive proofs which have been offered to the contrary, *&c.* that they were preſent in all former Parliaments in the laſt King's Reign, as well as this, I ſhall leave to the Reader's conſideration; and will now proceed to the Account the Doctor gives us, concerning what *Cities* and *Boroughs* at firſt ſent their *Repreſentatives* to *Parliament:* which he doth as follows.

* Ib. p. 35.

* Having thus *proved* the *time* when, and the *Cauſe* why, *Citizens*, *Burgeſſes*, and the *Tenants* of *the Kings Demeſnes* were at firſt *ſummon'd* to *Parliament*, we ſhall proceed to *diſcover*, what *Cities* and *Boroughs* ſent their *Repreſentatives*, or *Citizens* and *Burgeſſes*, upon ſuch Summons. The Anſwer to this is very ſhort, that they were only the *Dominici Civitates*, and *Burgi Regis*, the King's *Demeaſne-Cities* and *Burghs*, ſuch as had *Charters* from the King, and paid a *Fee-Farm Rent* in *lieu* of the *Cuſtoms* and other *Advantages* and *Royalties* that belonged to the Crown, and were *originally taken* and gather'd by the *King's Collectors* and *Officers*, whether *Bailiffs*, *Port-Reves*, *Seneſchals* or *Stewards*, or by what other Names they were called: But afterward *collected* and *received* by *Officers choſen* by the *Cities* and *Burghs*, according to *Licence granted* by the King's *Charter*, to the *uſe* of ſuch *Cities* and *Burghs*, or perhaps ſometimes by *Permiſſion* only.

† Ib. p. 35. *App. N.* 1. *A.*

This doth abundantly appear (ſays the † Doctor) by the Account given of Great *Yarmouth* in the *Appendix*, where after the *Deſcription* of *that*, and *Gorleſton* taken out of *Domeſday* Book, it is ſaid thus, (which I put into *Engliſh*) 'and it is to be underſtood, 'that the Progenitors of Our Lord the *King* held the aforeſaid '*Burgh* (that is, *Yarmouth*) in their *own Hands*, receiving all the 'profits iſſuing from the ſaid Port, until the *time* of King *John*, 'who *granted* it in *Fee-Farm* to the *Burgeſſes*, paying to Him and 'his Heirs *fifty five pounds* by the year; for the *payment* whereof 'they had nothing but the *Cuſtoms*, and other *Profits* of the *Port*, 'neither might they at any time of the year take any *Cuſtoms* of 'things *bought* and *ſold* in the *Mercate* upon the Land.

* Ib. p. 35, 36. *Vid. Append. N.* 1. *A.*

Ib. *Append. N.* 1. *B.*

* Not long after King *John* had granted his *Charter*, there happened a *Controverſie* between *Gorleſton* and *South-Yarmouth* in *Luthinglond*, both on the other ſide of the River, and *Great-Yarmouth*, about certain *Cuſtoms* and *Priviledges* in the 12*th* of *Henry* the *Third*, and again in the 34*th* of *Edward* the *Firſt*, which was *determined* in the *Exchequer* by the *Lord Treaſurer*, the *Chancellor* of *England*, the *Juſtices* of both *Benches*, and others of the *King's Counſel* (in the manner already mentioned) by which *Record* it is evident, that *Great-*

Great-Yarmouth was holden of the King in *Fee-Farm*, was *ſtiled Villa Regis*, the *King*'s *Town*, and *Liber Burgus*, a *Free-Burgh*, and enjoyed ſuch *Liberties* as belonged to a *Free-Burgh*; only by, and *in reſpect* of the *Charter*.

I have fairly tranſcribed the Doctor's Arguments and Authorities for his Opinion, and ſhall now examine the truth of them; and as to his general Aſſertion in the firſt Paragraph, *that only the King's* Demeſne-Cities *and* Burghs, *ſuch as had Charters from Him, and paid a* Fee-Farm *Rent in lieu* of the *Cuſtoms and other Advantages and Royalties that belonged to the* Crown, *&c.* that it were theſe, and only ſuch as at firſt were *Burghs*, and ſent *Members* to Parliament I abſolutely deny, ſince the greateſt part of the *Antient Boroughs* by *Preſcription*, were never of the King's *Demeſne-Cities* nor *Boroughs*; nor had any ſuch Charters from the King for the payment of a *Fee-Farm* Rent, in lieu of all *Cuſtoms*, *&c.* for moſt part of the Towns of *England* were *Boroughs* before ever they were *Cities*, or *Towns-Corporate*, and the greateſt part of the *Borough-Towns* immediately holding of *Biſhops*, *Abbots*, or *Temporal Lords*, never paid any ſuch *Fee-Farm* Rent in lieu of *Cuſtoms*, and other *Advantages* and *Royalties* from the Crown, the King having nothing at all to do in moſt of thoſe *Boroughs*. And as for what he hath cited from his own *Appendix*, relating to the *Borough* of *Great-Yarmouth*, it doth not at all concern the matter in diſpute, ſince the Grant of the *Cuſtoms* or *Duties* of the Port of *Yarmouth*, was made to them after they were a *Borough*, and when they were already a Town-Corporate, as appears by the very words of this *Record* concerning *Yarmouth*, cited by the Doctor, wherein that Town is called a *Borough*, and the Inhabitants *Burgeſſes*, before King *John* granted it to them in *Fee-Farm* at the Rent aforeſaid; and though in the Controverſie between *Gorleſton* and *South-Yarmouth*, and *Great-Yarmouth*, it was determined, that the latter was holden of the King in *Fee Farm*, and was *Liber Burgus*, a *Free-Borough*, and enjoy'd ſuch Liberties as belonged to a *Free-Burgh*, only *by* and *in reſpect* of their *Charter*; this (though it be true) doth not at all contradict what I aſſert, the queſtion between us being, whether *Cities* and *Boroughs* have any Right of ſending *Members* to *Parliament*, but as they are *Free-Boroughs* made ſo by *Charter* from the King, which the Doctor affirms, and I deny. And I ſhall leave it to the Reader to judge, whether it doth not appear by the Record it ſelf, that *Yarmouth* was a *Borough*, and had *Burgeſſes* before ever it was made a *Free-Burgh*, and conſequently as ſuch a *Borough* might ſend *Members* to *Parliament*.

But let us now ſee what the Doctor ſays in oppoſition to this, which is as follows.

* It was, and is the *General Opinion* of *Lawyers*, that ſuch *Towns* as ſent *Burgeſſes* to *Parliament*, (tho' but very ſeldom, and paid *Tenths*, when they were granted in *Parliament*) were *Burghs*, notwithſtanding they had not, nor perhaps now have, any *Charter*, *Fair*, *Market*, *Franchiſe*, or other *Liberties*, which ſhould *conſtitute* and *make* them *Burghs*: But this is a mighty miſtake; for there *were antiently*, and are yet, many *Towns*, that ſent their *Repreſentatives* to *Parliament*, which were not *Burghs*, but only Towns of *Antient Demeſnes*, and theſe (in the *granting* of *Taxes* eſpecially) *conſulted*, and gave their *con-*

* Ib. p. 36. *Common's Journal*, 1 *Maii* 1628.

ſent with the *Citizens* and *Burgeſſes*, who in all *Taxes* upon Goods and *Perſonal Eſtates*, did uſually *give* and *pay* about *one Third*, or *Fourth*, more than the other *Towns*, which were neither *Cities* or *Burghs*, or *Ancient Demeſnes*, before the *Tenths* and *Fifteenths* were *conſtantly* and *regularly* ſetled.

Ibid. * *Rot. Clauſ.* 34 Ed. I. *M.* 15. *Dorſ. in Cedula Append. N.* 13. *Append. N.* 11, 12, 13.

This will be fully *evinced* by the following * *Records*; *Edward* the *Firſt* intending to Knight his Son, *ſummon'd* the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and *other Great Men to be before Him* and *his Council*, on the *Morrow* after Holy Trinity, to treat of and *grant* an *Aid*, which was due upon that occaſion. He alſo ſent to all the *Sheriffs* of *England* to cauſe to come *before Him* and *his Council* on the ſame day, *two Knights* of every County, and of every City *two Citizens*, and of *every Burgh one* or *two Burgeſſes*, as the *Burgh* was *greater*, or *leſs*, to *Treat*, *Ordain*, and *Conſent*, &c.

I find the Doctor is reſolved to deny the Opinion of the Learned Lawyers that were Members of Parliament in the year 1628. and whether they or the Doctor are in the Right let the Reader judge; but they believed at the time when this matter came to be debated, (which is ſomething above threeſcore and ten years ſince) that all thoſe *Towns* that ſent *Burgeſſes* to *Parliament* and paid *Tenths*, when *granted* in *Parliament* were *Boroughs* although they had no *Market*, *Franchiſe*, or other *Liberty*, which ſhould conſtitute them ſo. Now what hath the Doctor to object againſt this? Why, that in the latter end of the Reign of *Edward* the *Firſt*, which is near four hundred years ago, there *were*, and yet *are* many *Towns*, that ſent their *Repreſentatives* to *Parliament*, which were not *Burghs*, but only Towns of *Antient Demeſnes*, and theſe (in the *granting* of *Taxes* eſpecially) *conſulted* and gave their *conſent* with the *Citizens* and *Burgeſſes*, *&c.* and this he proves from that *Record* which is printed at large in his *Appendix*, as alſo by Mr. *Petyt* at the end of his *Rights of the Commons aſſerted*, and which I have had occaſion to mention more than once in this preſent Diſcourſe; the Subſtance of which is, that all thoſe *Orders* of *Men* above mention'd, being aſſembled *before* the *King*'s *Council*, and having receiv'd their Demands on behalf of the King, after their retiring and deliberating apart, at laſt they all unanimouſly agreed, to *grant* the King an *Aid* for making his Son a *Knight*, and for the War againſt *Robert Bruce*; and the *Prelates*, *Earls*, *Barons*, and *Other Great Men*, and alſo the *Knights* of *Shires*, unanimouſly *granted* to the King for *themſelves* and *whole Community* of the *Kingdom* a *Thirtieth part* of all their *Temporal Moveable Goods*; the reſt not being to my preſent purpoſe I omit.

Ib. p. 37.

But the next † Paragraph (ſince it more relates to the matter in hand) I ſhall give you at length, together with what follows.

Alſo the Citizens *and* Burgeſſes *of* Cities *and* Burghs, *and* Others *of the* King's Demeſnes, aſſembling *together*, *and* treating *about the Premiſes*, *conſidering the* Burthens *incumbent upon the King as was before mention'd*, *unanimouſly granted unto Him for the Cauſes abovesaid*, *a* Twentieth part *of their Moveable Goods.* And then he proceeds thus, Who, and what the **Cæteri**, the *Reſidue*, or *Others* of the *King's Demeſnes* were, is plainly diſcover'd in another *Record* about the ſame matter.

It is to be remembred, *that on the* Morrow *of Holy Trinity laſt paſt, the* Prelates *and other* Great Men *of the Kingdom, for* themſelves *and the* whole Community *of the* Kingdom, granted *to the Lord the King, for* themſelves *and the* whole Community *of the ſame Kingdom, a* Thirteenth part *of all their Temporal Goods, without* Cities, Burghs, *and the* King's Demeſnes. *And the* Citizens, Burgeſſes, *and* Tenants *of the aforeſaid* Demeſnes, *granted a* Twentieth part *of their Goods, as well* toward *the* Knighthood *of* Edward *the King's Son, as* towards *the* Defence *of* Scotland, *againſt* Robert Bruce *and his* Complices, *the King's Enemies*, and the form of the aforeſaid Grant is more fully noted in the *Memorials* of *Trinity-Term* laſt paſt.

By this Record (continues the * Doctor) it is very plain, that the *Prelates*, *Earls*, *Barons*, and *Knights* of *Shires conſulted* together, and *treated* about their *Thirtieth* part, which they granted for *themſelves* and *whole Community* of the Kingdom; as alſo that the *Citizens*, *Burgeſſes*, and *Tenants* of the *King's Demeſnes*, *treated* and *conſulted* by themſelves apart, and granted a Twentieth part of their Goods, which was a Third part more than the *Lords* and *Knights* gave; ſo that the *Tenants* of the *King's Demeſnes*, were now Members of Parliament.

* Ibid.

I deſire the Reader would obſerve from what hath been ſaid, whether the Doctor does prove from theſe *Records*, that which he hath ſo poſitively aſſerted, that none but the *King's Demeſne*, *Cities*, and *Boroughs*, were then ſummon'd to *Parliament*, and *granted* this *Tax* of a *Twentieth part* of their Moveable Goods; for tho' theſe *two Records* themſelves plainly diſtinguiſh the *Citizens* and *Burgeſſes* of the *Cities* and *Burghs* from the *Tenants* of the *King's Demeſnes*, as Perſons holding by *two ſeveral* ſorts of *Tenures*, yet the Doctor doth here confound them, and make them all one, and that by the word **Cæteri**, muſt be underſtood the *Reſidue*, or *Others* of the *King's Demeſnes*, as if it related to all the *Cities* and *Boroughs* being ſo alſo; whereas if theſe words were to be underſtood in that Senſe only, the words following, *viz.* and *Tenants of Antient Demeſnes* would be impertinent, if all of them had been ſo alike: But in this laſt *Record* it is put ſeparately, *the Cities*, *Boroughs*, *and the King's Demeſnes*, which are plainly enough diſtinguiſhed from the former, and the Doctor might with much better colour aſſert, that the *Citizens* and *Burgeſſes* were all one ſort of Men, than that they were all *One* with the *Tenants* of *Antient Demeſne*, only, becauſe theſe three laſt ſorts of People not being then part of the *Community* or Body of the County, were wont in thoſe times to ſit together, and to agree what *Aid* they would grant the King. But I need not go farther, than the very next *Record* which the Doctor hath cited in this very Page, which is, the King's *Commiſſion*, and *Aſſignment* of Commiſſioners to *levy*, and *collect* the *Twentieth*, and *Fifteenth* granted in the firſt of *Edward* the *Second*, which proves the ſame thing, though not in the Senſe, the Doctor would put upon it, and I ſhall here give you his Tranſlation of this Record.

* The

* Rot. Pat. 1. Ed. II. p. 1. M. 7.

* The King to the Knights, Freemen, and whole *Community* of the County of *Middleſex*, as well within Liberties as without, *Greeting*. 'Whereas the Earls, Barons, Knights and Freemen, and the *Communities* of Counties of our Kingdom, have courteouſly and gratefully granted to Us a *Twentieth part* of their Moveable Goods, and the *Citizens*, *Burgeſſes*, and *Communities* of *Cities* and *Burghs* of the ſame Kingdom, and alſo the *Tenants* of the *Antient Demeſne* of our Crown, a *Fifteenth part* of their Moveable Goods, *&c.* Now I will leave it to the Impartial Reader to determine, whether any thing can more expreſs the different Orders and Degrees of Men, than theſe words, the *Communities* of *Counties*, and alſo thoſe that follow in *Latin*, *nec non* **Tenentes** *de* **Antiquis Dominicis** *Coronæ Noſtræ*.

† Ib. p. 38.

And indeed the † Doctor himſelf in the leaf following grants, that theſe *Tenants* in *Antient Demeſnes* did not continue long to grant thus ſeparately; for about the middle of the Reign of this preſent King *Edward* the *Second*, or in the beginning of his Succeſſors, he ſays, that the *Tenants* in *Antient Demeſnes* are no longer mention'd in the *Commiſſions* of the *Taxors* and *Collectors*, as *Grantors* of thoſe Taxes: So that all the Doctor hath here proved, is, what no body denies, that hath peruſed theſe *Records*, that the *Tenants* of the *King's Towns* and *Mannors* in *Antient Demeſne*, then granted their ſhare of all *Taxes* that were laid upon Moveable Goods, and that in *Parliament*, after the ſame rate and manner as the *Cities* and *Boroughs*, until ſuch time as thoſe *Tenants* came to give all other *Taxes* with the *Body* of the County, and then all Diſtinction between them and the reſt of the Inhabitants of the *Shires* being taken away, they came to have *Votes* in the Choice of the *Knights* of *Shires*, and to pay their ſhare towards their *Expences* , as they do at this day.

All that remains doubtful in the above cited *Record* of the *34th* of *Edward* the *Firſt*, is, in what manner theſe *Tenants* in *Antient Demeſne* were ſummon'd by the *Sheriffs*, ſince there is no particular Clauſe to be found in the *Writs*, for their being *ſummon'd* to this or any other Parliament; none but *Citizens* and *Burgeſſes* being therein mention'd. And in this very Record it ſelf, it is expreſs'd, that two Knights *of every County, and of every City* two Citizens, *and of every Burgh* two Burgeſſes, *choſen by the* Communities *of the ſaid* Cities *and* Boroughs, *came before the King's Council to* Ordain *and* Conſent *in like manner*, &c. which is the only clauſe, that can any ways inſinuate, that theſe *Tenants* in *Antient Demeſne* were the *Citizens* and *Burgeſſes* above mention'd; but theſe words cannot be taken in that Senſe, and it is indeed more than what the Doctor himſelf aſſerts, who ſays in the leaf aforegoing, *that there were antiently many Towns that ſent their* Repreſentatives *to* Parliament, *which were not* Burghs, *but only Towns of* Antient Demeſnes, and the *Record* it ſelf only mentions *Cities*, and *Boroughs*, and not ſuch ſmall Towns as could be neither the one nor the other.

Not that I am of the Doctors mind neither, that every of theſe Towns in *Antient Demeſne ſent One* or *two Burgeſſes* to Parliament, for that had been to have given them as Great a Priviledge as the *Cities* and *Boroughs* themſelves; and therefore I rather incline to believe, that all the Major part of the Inhabitants of theſe Towns in *Antient Demeſne*, met together, and *elected* certain Perſons of their own Order or Body to *repreſent* them, as long as they continued to give *Taxes* ſeparately from the *Body* of the County; but of theſe things which are ſo obſcured by length of time, I ſhall not be poſitive; only thus much appears from a *Record* of the Eighth of *Edward* the *Third*, which is alſo cited by the Doctor as follows.

'Upon *Complaint* of the *Barons*, *Knights*, *Citizens*, and *Burgeſſes* 'to the King in *Parliament*, that the *Taxors* and *Collectors* for *Bribes* '*ſpared* ſome Men, and by *Colour* of their *Office extorted* from O'thers more than they ought to pay, and *apply'd* it to their own '*uſe*; with requeſt to Him, that they might pay toward the *Fif*'*teenth* and *Tenth* then granted, as they had done to the laſt *Tenth* 'and *Fifteenth*, there were ſent *Commiſſioners* into every County in '*England*, to *agree* and *compound* with the *Inhabitants* of *every Town* 'that was to *pay* a *Fifteenth*; and alſo with the *Communities* of *Cities* 'and *Burghs*, and *Men* of the *Towns* of *Antient Demeſnes*, which paid 'a *Tenth*, *ad* tractandum *&* concordandum *cum* Communitatibus Civitatum *&* Burgorum, *ac* Hominibus *Villarum*, *&* Dominicorum *antiquorum*, *qui hujuſmodi* Decimam *&* Quintam-Decimam *ſolvere tenentur*, for the Sums they were to pay; which *Sum* was *fixed* upon the *particular Towns*, *Cities* and *Burghs* for the future, and collected and rated moſt commonly, by the *Inhabitants* (I ſuppoſe) amongſt themſelves; the chief *Collectors* and *Taxors* in every County were reſerved to be *Taxed* by the *Treaſurer* and *Barons* of the *Exchequer* as before.

Id. p. 39.

From whence we may make ſeveral uſeful Obſervations; 1. That though only the *Barons*, *Knights*, *Citizens*, and *Burgeſſes* made this *Complaint* in Parliament concerning the Corruption of theſe *Taxors* and *Collectors*, and that thereupon *Commiſſioners* were ſent into every County of *England*, as above ſaid; yet you may take notice that they were to *treat* with the *Community* or *Commons* of *Cities* and *Boroughs*, and with the Men of *Towns* and other Places of *Antient Demeſnes* by themſelves, as Perſons wholy Diſtinct from the former; but whether theſe Tenants in *Antient Demeſne* had any *Repreſentatives* in the laſt Parliament above-mention'd, is not here expreſſed; however it is moſt likely they had, though after this time the Doctor ſays, and perhaps truly enough, that he cannot find them any more mention'd for the reaſon he hath already given; and we may alſo from this *Record* obſerve, the occaſion and manner of firſt ſettling *Fifteenths* and *Tenths*, which way of *Taxing* was long in uſe in this Kingdom. But ſince the Doctor in his next Paragraph hath given us a greater Light into this matter, I will here ſet down his own words.

* I could never find the *Roll*, or any *Book* of this *Eſtabliſhment* of this Eighth year of King *Edward* the *Third*, but in a † *Book* of *Fifteenths* and *Tenths* in the Third year of King *Henry* the *Fifth*, where the *Particular Sums* of every ordinary *Town*, and of every *City*, *Burgh*, and || *Town* of *Antient Demeſnes* in all Counties of *England* are noted, there is often *Reference* to the *particulars* of ſuch a *Roll* in that *Eighth* year. After which time, when *Tenths* and

* Ibid.

† *With the King's Remembrancer in the* Exchequer

|| *Every Town there that paid a Tenth, and was nei-*

Fif-

ther City, nor Burgh, was Antient Demeſne.

Fifteenths were reduced to a certainty, the *Parliament* for the moſt part **granted** *Taxes* of thoſe *Denominations*, as *half* a *Tenth* and *Fifteenth*, a *whole Tenth* and *Fifteenth*, *two Tenths*, and *two Fifteenths*, &c. according to the *Exigency* of the Kings Affairs.

I think there cannot be a plainer Diſtinction made between the *Cities* and *Boroughs*, and *Towns* of *Antient Demeſne*, than the Doctor hath here given us in this Paragraph, and in the Marginal Note upon it, which I do not at all gain-ſay, ſince it plainly confutes what he at firſt aſſerted, *viz. that all* Cities *and* Boroughs *of* England *before the 23d of* Edward *the* Third, *were* Taxed, *as the King's* Antient Demeſnes; and yet notwithſtanding this plain Difference, he would (if he could) again confound the *Demeſne-Cities* and *Boroughs*, with thoſe that were never ſo at all; and therefore I ſhall here tranſcribe what he ſays farther concerning them as follows.

* Ib. p. 39.

* There hath been often mention made of the Kings *Demeſne-Cities* and *Burghs*, as well as of his Tenants of Antient Demeſne, in this Treatiſe. And it will much tend to the underſtanding of it, and of Antient Records and Hiſtory where they are mention'd, to know what they were. And if they be duly conſider'd, they are not much unlike one another, having their Names from the ſame thing, that is, from holding of the King by *Fee-farm.* For the Towns and Lands which are found in *Domeſday-Books* under the Title of **Terra Regis**, were then and afterwards kept in his Hands, and managed by *Præpoſiti* or *Bayliffs*, (as were moſt of the Towns and Lands of *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and Other *Great Men*) and called his, and their Demeſnes; which in proceſs of time were let to farm to Tenants for a conſiderable part of their true value, an half part, third or fourth at leaſt; and this Rent was called a *Fee-farm*-Rent; the Tenants eſteeming what theſe Eſtates were worth above the Rent, or in reſpect of the Tenure to be to them, *ut*, or *tanquam de feodo*, as if they were holden in Fee, paying their Rent and Tallages.

† Ib. p. 40.

† Of the ſame Condition were *Cities* and *Burghs*, (as the Doctor would have it) at firſt kept in the *King's Hands*, and the *Cuſtoms* and *Profits* that aroſe from Trade, gathered by his *Bayliffs* and *Officers*, which aſterward were let out in *Fee-farm* to the *Communities* of *Cities* and *Burghs*, which commonly were made ſuch by the ſame *Charters*, by which the *Cuſtoms* in kind, or the *true Value* of them, as then collected, were changed into *Fee-farm-Rents*, and the King's *Officers* or Others in lieu of them, were made *Officers* as well to the *Cities* and *Burghs*, as to Himſelf. This is clearly apparent from the Narrative of *Great-Yarmouth* in the *Appendix*, N. 1. A. N. 1. B. and from the *Charter* N. 2. as alſo from the *Second Charter* of *Donewic*, N. 3. B. as well as from Others, and may further be confirmed by the following Record, of which I ſhall only give you the Doctor's *Engliſh* Tranſlation.

Adventus Vicecom. An. 5. Ed. III. *finiente, incipiente 6. in Craſtino S. Mich. apud Remem. Theſaurar. in Scaccario.*

The *Americiaments* of the *Men* and *Burgeſſes*, Farmers of divers Towns, holden of the King in *Fee-farm*, who came not to the *Exchequer* to make their *Proffer* (*i. e.* the beginning of their Accounts) on the morrow of St. *Michael*, in the year of the Reign of King *Edward* the *Third*, after the Conqueſt, the *Sixth* beginning, the *Fifth* ending.

Nor-

Northumberland.	Of the Men of the Town of *Bamburgh*, becauſe they came not to the *Exchequer* to make their *Proffer* at the day aforeſaid.	*Five Marks.*
Bedford.	Of the Men of the Town of *Bedford*, for the ſame,	*Five Marks.*
Eſſex.	Of the Men of the Town of *Colcheſter*, for the ſame,	*Five Marks.*
Dorſet.	Of the Men of the Town of *Bridport*, for the ſame,	*Five Marks.*

I have given you the Doctor's Quotation at large, that you may the better obſerve the difference between thoſe *Towns* and *Mannors* that were the King's *Antient Demeſnes*, and thoſe *Cities* and *Boroughs* that were not ſo: And I deſire no better Teſtimony to confute what he hath laid down, than the very *Record* he hath here cited. For though it be granted that the Kings *Antient Demeſnes* were often let out to Tenants at *Fee-farm* Rents, and upon payment of certain reaſonable *Talliages* when the King pleas'd to impoſe them; yet it doth no where appear, that all the *Cities* and *Burghs* of *England* either then were, or ever had been the King's *Antient Demeſnes*; and it happens too very unluckily for the Doctor's Opinion, that the Town of *Bamburgh* in *Northumberland*, never was a *Borough* that ſent *Members* to *Parliament*, and it is now wholy ruin'd, and nothing left of it but the old Walls; and therefore the *Fee-farm-Rent* which the Men of that *Town* then pay'd the King, was for the Lands or Houſes they held of Him, and could not be for any *Liberty* or *Priviledge* relating to Trade. Nor did the letting out the *Cuſtoms* and *Profits* that aroſe from Trade at a *Fee-farm-Rent* to the *Communities* of ſuch *Cities* and *Boroughs* by *Charters*, thereby conſtitute them either *Cities* or *Boroughs*; for as to the *Cities*, it is plain by the *Priviledges* granted by the ſeveral *Charters* the Doctor hath cited in his *Appendix*, from *p.* 25 to the end, that they are in every one of them call'd *Cities*, and the *Grants* are made to them as ſuch in the very beginning of their *Charters*; *viz.* the *Cities* of *London*, *Wincheſter*, *Lincoln*, *York* and *Norwich*, (which are all the Inſtances he hath given us) and the King therein calls the Inhabitants of them *Citizens*: and that they were *Communities* or *Corporations* before, ſtill further appears, that in moſt of them there is mention made of their *Gilda Mercatoria*, (by which the Doctor himſelf underſtands their *Liberty* to trade as a *Society* or *Corporation*) as a thing then in being, to which only ſome New Priviledges are added. And though the Charter of * King *John* to the City of *York* begins with theſe words, *Sciatis Nos* conceſſiſſe Civibus Noſtris *de* Eboraco, *Omnes Libertates & Leges, & Conſuetudines ſuas, & nominatim* Gildam ſuam Mercatoriam & Hanſas ſuas *in* Anglia *& Normania*, & Leſtagia ſua per totam Coſtam maris, quieta, *ſicut ea unquam melius & liberius habuerunt tempore Regis* Henrici *Avi patris Noſtri:* Yet the word *conceſſiſſe* here ſignifies no more than a

* *Cart.* 1 *Johan. p.* 1. *N.* 75. *Ap. N.* 21.

Confirmation of their *Liberties* and *Cuſtoms*, and particularly their *Gilda Mercatoria*, ſince they were to enjoy it and all the reſt, as well or better, than they had done in the time of his Grandfather King *Henry*; which had been to no manner of purpoſe, if thoſe *Liberties* had never been enjoy'd before this *Charter*. And the like I may ſay to the *Boroughs* he mentions, *viz.* *Yarmouth* and *Dunwich*, both which in their Reſpective *Charters* (cited by the Doctor) whereby they were made *Free-Boroughs*, are call'd the *Boroughs* of *Yarmouth* and *Dunwich*, and the *Inhabitants* of them *Burgeſſes*; and I ſuppoſe as ſuch, they might have ſent *Members* to Parliament before the Grant of the *Liberties* contain'd in thoſe *Charters*, which indeed made them *Free-Boroughs* or *Corporations*, as an addition to their former Priviledges. And though in that to *Yarmouth*, there is no mention of their *Gilda Mercatoria*, yet it is certain they had One granted either by King *John* or *Henry* the *Third*, albeit, their *Charters* are not recited in the Doctor's *Appendix*: but however thus much is mention'd, that *they had all the* Liberties *granted them of a* Free-Borough, of which certainly this of enjoying a *Gilda Mercatoria*, or Trading Gild muſt be One. Nor could they have had the *Cuſtoms* of the Port of *Yarmouth* granted to them at the *Fee-farm-Rent* there mention'd, had there not been a *Corporate Body* thereby erected, which was both to receive the *Duties* upon all Goods imported, and was alſo anſwerable for the *Rent* the King was to receive in *lieu* of them.

But that the Town of *Dunwich* had their *Mercatory-Gild*, and was a Corporation before King *John*'s *Charter* (though it be thereby alſo expreſly granted) appears by theſe words, *Conceſſimus etiam eis Hanſam & Gildam-Mercatoriam, ſicut habere conſueverint*, *that is*, We have granted them alſo their *Trading-Society* and *Mercatory-Gild* * or Company, in the ſame manner as they were wont to enjoy them; and that this *Priviledge* of a Trading-Company or Society, was not confined to *Sea-Ports* alone, appears alſo by the *Charter* of King *Henry* the *Third* to *Wallingford*, which immediately follows in the ſame *Appendix*, whereby He Grants to his *Burgeſſes* of *Wallingford* for ever, all their *Liberties*, *Laws* and *Cuſtoms*, as well and as honourably as they held them in the time of King *Edward* the *Confeſſor*, and of his Great Grandfather King *William*, and of *William* his Son, and of his Grandfather King *Henry*, (to wit) *the* Gilda-Mercatoria, *with all other their* Laws *and* Cuſtoms: *which* is rather a *Confirmation* of their *Former Priviledges*, than a Grant of *New* ones.

Now from all theſe *Charters*, it is plainly evident, that the Doctor did not conſider the Senſe of them, when he made uſe of them; or elſe he would not have ſo poſitively aſſerted, as he hath done, 'That in the Reign of King *Edward* the *Confeſſor*, as likewiſe afterward in the Reign of *William* the *Conqueror*, we find the *Burgeſſes* or Tradeſmen in great Towns had in thoſe times their Patrons, under whoſe protection they traded, and paid an Acknowledgment thereof; or elſe were in a more *ſervile* Condition, as being in *Dominio Regis, vel Aliorum*, altogether under the Power of the King, or other Lords. And it ſeems to me, that then they traded not, as being in any *Merchant-Gild*, Society and Community,

So the Doctor interprets thoſe words in his Notes upon this Charter.

‘nity, but meerly under the *Liberty* and *Protection* given them by their Lords and Patrons, who probably might have power from the *King* to *licence* ſuch a number in this or that Port or Trading-Town: Whereas it is evident, that long before his pretended *Conqueſt*, the *Great Cities* and ſeveral conſiderable *Borough-Towns* of *England* were Politick Bodies or Corporations.

So that it appears from what the Doctor himſelf hath cited, that far the greateſt part of the *Cities* and *Boroughs* of *England* were never the King's *Antient Demeſnes*, nor were created *Cities* or *Free-Boroughs* by his *Charters* ſince the Conqueſt.

And this the * Doctor himſelf in part acknowledges in the next Paragraph, as follows, ‘Having ſeen what the *Civitates & Burgi Domini Regis*, the King's *Demeſne Cities* and *Burghs* were, we ſhall next ſhew what, and how many of the preſent *Parliament-Burghs* were *Antient Demeſnes*. And in doing this, I will follow the Direction of an Antient Writ, to the Treaſurer and Barons of the *Exchequer* in the 48*th* of *Edward* the *Third*, when the Men of the *Town* of *Lindon* in the County of *Roteland*, complained to the King, that notwithſtanding it was neither a *Burgh*, nor *Antient Demeſne* of the Crown, yet it was *taxed* a *Tenth*, whereas they ſhould have been *taxed* only a *Fifteenth*. In this Caſe the King Commands the *Treaſurer* and *Barons* of the *Exchequer*, that if it did appear by his *Book* called *Domes-day*, or by other *Rolls* and *Memorials* of the *Exchequer*, or any other competent way, that it was neither *Burgh* nor *Antient Demeſne*, they ſhould accept a *Fifteenth*, and diſcharge them of the *Tenths*, &c.

* Ibid. p. 41.

I do not deſire more for my purpoſe, than what the Doctor here hath granted; for whereas he hath poſitively aſſerted, that King *Henry* the *Third*, and *Edward* the *Firſt*, had before the 23*d* year of his Reign aſſeſſed *London*, and all the *Cities* and *Boroughs* of *England* at a *Sixth* or *Seventh part* of all their Moveable Goods, as they were *His Cities* and *Towns* in *Antient Demeſne*, here he falls ſhort of that General Aſſertion; for no body can deny, that many of the preſent *Parliament-Burghs* were *Antient Demeſnes*; yet beſides that, they were alſo ſuch *Antient Boroughs*, as were *accuſtomed* to ſend *Members* to *Parliament*: And if they had enjoy'd that *Priviledge* only as they were *Towns* in *Antient Demeſne*, how come they to continue to ſend *Burgeſſes* to *Parliament* at this day, when all the *ſmaller Towns* that held in *Antient Demeſne*, have long ſince left off ſending any *Members* thither, and have been for *time beyond Memory* taxed with the *Body* of the County, as the Doctor himſelf acknowledges? but I am ſenſible that he has ſtill a Refuge to fly to, which he does a few pages further, when he ſays, that all Other *Cities* and *Boroughs* that were not *Antient Demeſne*, ſent *Members* to *Parliament*, only as they had been made *Cities* and *Free-Boroughs* by the *Charter* of the Kings ſince the *Conqueſt*, or elſe of ſome other Lords; which Opinion I ſhall conſider further by and by. In the mean while it is ſufficient for our preſent purpoſe, that it appears by this *Record*, concerning the Town of *Lindon*, that it was to be tryed by *Domes-day-Book*, and other *Records* of the *Exchequer*, whether that Place was a *Borough*, or elſe one of the King's *Antient Demeſnes*; which manifeſtly ſhews they were two different things.

* Ib. p. 41. And in the next Paragraph, the * Doctor hath given us from *Domeſday*-Book an Account, which of the preſent *Boroughs* were *Antient Demeſne* at the time of that Survey, and which were not; for which I refer the Reader to the Book it ſelf: only it does not make for the Doctor's Opinion, that the *three Other Towns* which he would have to be amerced five Marks a piece, for not making the *Proffers* in the *Exchequer*, *viz. Bedford*, *Colcheſter* and *Bridport*, are all omitted among the *Boroughs* that were then of *Antient Demeſne*, and yet every one of theſe ſend *Burgeſſes* to *Parliament* at this day.

† P. 42. In the following † Page, the Doctor proceeds to give us an Account of the Original of ſuch *Boroughs* as are not to be found in *Domes-day-Book*, and ſhews, that at the time of that Survey, none of the now *Boroughs* of *Cornwall*, *Devonſhire* and *Wiltſhire* are entred as ſuch, being only deſcribed as *Ordinary Towns*, ſome of which held of the King, and Others of other Lords; only *Exeter* is call'd a *Borough*, and deſcribed by it ſelf. *Totnais* is call'd a *Borough*, under the Title of *Terra Judhael de* Totnais; and *Ochementone* (I ſuppoſe now *Okehampton*) a *Burgh* under the Title of *Baldwin* the Sheriff; no other Name (ſaith the Doctor) of the preſent *Burghs* to be found in this County in Domes-day-Book, unleſs, as hath been noted before, thoſe which are placed under the *Title* of *Terra Regis*.

|| Ibid. 43. In *Wiltſhire*, || He can find none, but thoſe that were reckon'd under *Terra Regis*, the particular Names of which I need not ſet down; ſo that he can find no other Names of the preſent *Burghs* in the *Deſcription* of *Wiltſhire*, but ſuch as were *Antient Demeſnes.*

And ſo it is in other Shires and Counties; ſuch eſpecially as have now many *Burghs* in them, as *Somerſetſhire*, *Hampſhire*, *Suſſex*, *Lancaſhire* and *Yorkſhire*; in every of theſe, there are now ſeveral real or reputed *Burghs*, whoſe Names are not to be found in the *Conqueror's Survey*.

* Ibid. * And therefore we are next to ſhew, or at leaſt make a probable Conjecture what the Original of many (if not all) our preſent *Burghs* was; which to me ſeems to have been only from *Charters*. We will begin with thoſe of *Cornwall*, which are moſt obſcure, and then Inſtance in ſome others.

He firſt mentions the Town of *Helleſton*, and refers us to King

Append. N. 8. p. 15. † *John's Charter* in his *Appendix*, wherein He grants, that the Borough of *Helleſton* ſhall be a *Free-Borough*, and that his *Burgeſſes* of the ſame Town ſhall have *Gilda Mercatoria*, a Trading Gild, and ſhould be acquitted thro' his whole Realm of *Toll*, *Pontage*, *Paſſage*, *Stallage*, *Leſtage*, *&c.* From which it appears, that this *Town* was a *Borough* before it was made a *Free-Borough*; only by the Grant of this *Trading-Gild*, they were now made a *Corporation* which they were not before, and had other *Priviledges* alſo granted them: not but the *Inhabitants* might buy and ſell in their *Mercate* as they were a *Common Borough* (paying the King's Duties) before ever this *Charter* was granted, and that *Ordinary Boroughs* had *Mercates* before ſuch *Charters* were made, appears by what the Doctor himſelf hath cited in the Page aforegoing, from *Domes-day-Book*, concerning the Borough of *Ochementone. Baldwinus Vicecomes* Tenet *Ochementone de Rege, ubi ſedet Caſtellum, ibi quatuor Burgenſes, & Mercatum valet* IV. *Solidos* (i. e.) Baldwin, the Sheriff holds *Ochementone* of the King, where there is a *Caſtle*, and *Four Burgeſſes*, and a *Mercate* that yields four Shillings, that is, ſo much Toll by the year.

Ibid.

The Doctor's next Inſtance, is, the Town of *Truro*, or *Truru*, which was ſome time the poſſeſſion of *Richard de Lucy*, a Perſon of great Note in the *Reigns* of King *Stephen* and *Henry* the *Second*; in the Eighth of whoſe Reign, he was made *Juſtice* of *England*. From him it came to *Reginald Fitz-Roy*, who was one of the *Illegitimate* Sons of King *Henry* the *Firſt*, and was created *Earl* of *Cornwall* by King *Stephen*, in the Fifth of his Reign, and died in the 21*ſt* of *Henry* the *Second*. He by his *Charter* granted to his *Free-Burgeſſes* of *Triuereu*, *that they ſhould have all their* Free Cuſtoms, *and ſuch as were uſed in* Cities, *and the ſame in all things which they had in the time of* Richard de Lucy, (*that is to ſay*) Sac. Soc. Tol. Them, *and* Infrangenetheuf, and granted them, *that they ſhould not* plead, *or be* proſecuted *in* Hundred *or* County Courts, *nor for any* Summons *ſhould go any where to any* Law-Buſineſs *without the Town of* Triuereu, *&c.* From which it is evident, that this Town of *Triuereu* or *Truro* was a *Free-Borough*, before the *Grant* of this *Charter*, and might have been ſo (as far as I know) before the *Conqueſt*, ſo that the reſt of the *Priviledges* there mention'd, that were added over and above, did not make it a *Free-Borough*.

I have been the larger in tranſcribing this, becauſe it may ſerve for a Pattern for all other *Boroughs* of the like ſort; and it gives us a great deal of Light, what it was that then diſtinguiſhed a *Free-Borough* from another. I have no more to add concerning it, only that the *ſame Charter* was alſo confirm'd by King *Henry* the *Second*; as were both theſe by another of *Inſpeximus* by * *Edward* the *Firſt*.

* Chart. 13 Ed. I. *M.* 61.

The † Doctor's next Inſtance, is, a certain *Charter* granted by *Richard* Earl of *Cornwal*, Brother to King *Henry* the *Third*, whereby He made **Dunheved** or **Lanceston** a *Free-Burgh*, and amongſt other Liberties *granted* to the *Burgeſſes* to chooſe their own Bailiffs, who were to anſwer the *Farm* of the *Burgh*, which was to Himſelf an *Hundred Shillings* to the Priory of St. *Stephen*, in *Lanceſton Sixty five Shillings* and ten Pence, and to the *Lepers* of St. *Leonard* of *Lanceſton*, an *Hundred Shillings* of his *Alms*. By which, and alſo by their having leave to *erect* a *Gildhall* in the ſame *Borough*, it plainly appears, that by this *Charter* the Town of *Lanceſton* was made a *Corporation*. The reſt of the *Charters* of the ſaid Earl *Richard*, to make *Liſcard* a *Free-Borough*, and the like to *Bodmin* and *Leſtwithiel*, where by thoſe Places being made *Free-Boroughs*, do plainly ſhew, that each of them had granted them *Gilda-Mercatoria*, or a *Trading-Gild*; by all which, and by thoſe that follow in the following Pages, it is Evident, that where-ever there was a *Free-Borough*, there was alſo *erected* a *Community* or *Corporation* for the governing and carrying on the Trade within the ſaid *Free-Boroughs*.

† Ib. p. 44.

And

Idem p. 46. And the Doctor hath here given only one Example of a *Town*, that was only made a *Borough*, which is *Preſton* in *Lancaſhire*, and was made ſo by King *Henry* the *Second*; yet had New Liberties granted by King *John*, when Earl of *Moreton* and *Lancaſter*, confirm'd by King *Henry* the *Third*, and *Edward* the *Third*. And by this *laſt Charter* it appears, that they had the ſame Priviledges granted them, which had been granted to the *Burgeſſes* of *Briſtol*, by which it ſeems they were alſo made a *Free-Borough* or *Town-Corporate*.

I paſs by the reſt of the *Charters* he has there cited, which are of the ſame kind; only in *Confirmation* of what I have now ſaid, ſhall tranſcribe the Doctor's Obſervation upon this Head.

Idem 47. From theſe Inſtances we may make a more than probable *Conjecture*, that all *Free-Burghs*, though now never ſo obſcure, had their *beginnings* from *Charter*, which was *granted* as well for the *Advantage* of the *King*, *Earl*, or Other Great Man, *Lord* of the *Burgh*, as for the profit of the *Burgeſſes* themſelves. For a *Free-Burgh*, in the true ſenſe of the word, was only a *Town* of *Free-Trading* with a *Merchant-Gild*, or *Community*, without paying *Toll*, *Pontage*, *Paſſage*, *Stallage*, &c. and being *free* from certain *Fines* or *Mulcts*, from *Suit* to *Hundred* and *County-Courts*, *or being proſecuted or Anſwering there, or any where elſe, but within their own Burgh, except in Pleas of the Crown:* With other *Priviledges*, *Liberties* and *Cuſtoms*, according to the *Tenor* of their particular *Grants* and *Charters*. And a Free *Burgeſs* was no other, than a Man that exerciſed Free Trade, according to the *Liberties* and *Priviledges* of his *Burgh*, whether he reſided in it, or whether he had *Liberty* to live and *trade* other where.

With which Concluſion of the Doctor's, I have no great occaſion to find fault, ſince he grants enough for my purpoſe, *that a Free-Borough was only a Borough of Free-Trading with a Merchant-Gild, Community, or Corporation, and was exempt from the foreſaid Duties, and from certain* Fines *or* Mulcts, *and* from Suit to Hundred, and County-Courts, *or being proſecuted or Anſwering there, or any where elſe, but within their own Burgh, except in Pleas of the Crown.* From all which it plainly appears, that every *Free-Borough* was a *Town-Corporate*, and it will alſo follow, that being by their *Charters* exempted from *Suit* to the *Hundred* and *County-Courts*, they could have nothing to do in the *choice* of *Knights* of *Shires*, and conſequently could not be *taxed* with the *Community* or *Body* of the County; and from thence it muſt naturally follow, that if there were nothing elſe in it but this, theſe *Free-Boroughs* required to have ſome *Repreſentatives* in *Parliament* to Grant *Taxes* for them, and to *Conſent* to ſuch *Laws* as ſhould oblige the whole Nation; ſince the *Cities*, *Free-Boroughs*, and other *Ordinary Boroughs* of *England* were too Great and Opulent a Body of Men to be *Taxed* or *Talliated* either by the *King*, or their own *Particular Lords Spiritual* or *Temporal*, towards the publick Occaſions of the King and Kingdom, without their *own Conſents*. Therefore ſince theſe *Free-Boroughs* were many of them created before the *Norman* Conqueſt, as divers Others of them were afterwards, it was neceſſary that even in the times of the *Engliſh-Saxon* Kings, or at leaſt as ſoon as the Rigid and Arbitrary Government of King *William* the *Firſt*, and his three *Succeſſors* began to abate, that they ſhould have their *Repreſentatives* in *Parliament* for the ends abovemention'd.

And we find about the ſame time, that the *Royal-Boroughs* of *Scotland*, and the *Cities* and Great Trading-Towns of *France* ſent their *Burgeſſes* or *Deputies* to their Great *Councils* or *Parliaments*, many years before the Reign of *Edward* the *Firſt*, when the Doctor will allow them to have been *firſt ſummon'd* to our like Aſſemblies in *England*. But ſince he endeavours to put off this neceſſary Conſequence, by ſuppoſing that before their *Appearance* in *Parliament*, they were liable to be *Taxed* or *Talliated* at the pleaſure of the *King*, or ſome other *Immediate Lord* that held under Him; I ſhall in the next place conſider what the Doctor hath further *advanced* upon that Head.

* Upon *Account* of theſe *Liberties*, ſays the Doctor, the *Prince*, or *Lord* of the *Burgh*, received *Toll* and *Cuſtoms* for the *Goods* bought and ſold, or in proceſs of time a *Fee-Farm-Rent* or Annual *Compoſition* in a ſtated Sum, always *leſs* than the true value, in *lieu* of them. And a reaſonable *Talliage* or *Aid*, when for his *neceſſity* He had reaſon to impoſe it. And that *Talliage* was due and paid by *Citizens* and *Burgeſſes* to our Antient Kings, only in *Conſideration* of their *Liberty* of *Buying*, *Selling* and *Trading*, and the *Liberties* they had *granted* them to that purpoſe, and ſo to do will be clearly evinced by what follows.

* Ib. p. 47.

† In the Eleventh of *Henry* the *Third*, *New-Sarum* was made a *City* by the King's Letters Patents, and *given* to the then *Biſhop*, his *Succeſſors* and *Canons* there, and their *Succeſſors*, as their *proper Demeſne*, which Clauſe is thus tranſlated. We further *grant* to the ſaid *Biſhop* and his *Succeſſors*, that for the neceſſity of himſelf or his *Church*, he might take a *reaſonable Talliage* or *Aid* of his *Citizens*, when the *King* or his *Heirs* made a *reaſonable Talliage* in his Demeſnes.

Ibid.
† Ryley's *Placit Parliamentar.* f. 271.

And for the proof of this the || Doctor further cites from the ſame *Record*, that in the 33d year of *Edward* the *Firſt*, the *Biſhop* of *Salisbury* requiring an *Aid* or *Talliage* of the *Citizens* of **New-Sarum**, according to the *Grant* of *Henry* the *Third*, the *Citizens* refuſed payment; but upon application of the *Biſhop* to the *King*, He granted his Precept to the Sheriff of *Wiltſhire*, to *ſummon* by two Legal Men, the *Mayor* and *Community*, (not all the Burgeſſes, but the governing part) of *New-Sarum*, to appear before Him and his *Council* at *Weſtminſter*, to ſhew Cauſe why they *ought* not to be *Talliated*, according to the *Charter* and *Grant* aforeſaid.

|| Ibid. f. 273.

After which follows a long Account of the *Pleading* and *Proceſs* between the *Biſhop* and the *Citizens* of *New-Sarum*; wherein after hearing the *Reaſons* and *Pleadings* on both ſides, the *King* gave this Sentence, that the *Citizens* ſhould be for that time *Talliated*, for the Profit they had received by their *Liberties* from the time of the *firſt Grant* of their *Charter*, until then. And afterward *chooſe* whether they would *uſe their Liberties*, and *be Talliated* according to their *Charter* for the future, or *renounce* them, and not be *Talliated*: whereupon the *Citizens* did *chooſe* to *renounce* their

Liberties, and a few days after *ſurrender'd* them to the King by the *Hands* of their *Mayor*.

The Iſſue of this was, that after the ſaid *Renunciation*, the *Citizens* being reconcil'd to their *Biſhop*, he and they joyn'd in a *Petition* to the King, wherein reciting the former *Charter* from King *Henry*, and their late *Renunciation* of the *Liberties* therein *granted*, they humbly requeſted to have them *regranted* to them, on Condition to *ſubmit* to pay *Talliage* by the *Biſhop*, in the ſame manner as was in the *former Grant*; upon which the *King* gave them a *New Charter*, upon the ſame Conditions as his Father had granted them before.

Ibid. p. 49. From which *Proceſs* and *Judgment*, the Doctor draws the following Obſervation, *viz.* that the *Emolument* and *Profit* mention'd in this *Judgment* and *Charter*, did ariſe from *Buying*, *Selling*, and *Trading*; and the *Liberties* (by Reaſon whereof the *Citizens* were *Talliated*) there ſpoken of, were *granted* for the *Furtherance* and *Incouragement* of them, which all *Free-Citizens* and *Free-Burgeſſes* injoy'd as *Members* of a *Free-City* or *Burgh*. And 'tis evident they were called *Free-Cities* (or more frequently) *Free-Burghs*, and the *Members* thereof *Free-Citizens* and *Free-Burgeſſes* (almoſt in all *Charters*) from theſe *Liberties* and *Free trading* only, notwithſtanding they were *liable* to reaſonable *Talliage* impoſed by the King, when his *neceſſity* required it; and from their paying a *Fee-Farm*-Rent, and being *obnoxious* to the King's *Talliage*, either expreſs'd, or implied in the *Charters*, by the Profit received, moſt of the *Cities* or *Burghs* in *England* were called *Civitates & Burgi Dominici Regis*, as his *Demeſne*-Lands, were called *Terræ Regis Dominicæ*, and the Tenants of them *Tenentes Regis Dominici*, for the ſame Reaſon, and for others as before hath been ſaid.

I will not deny, but that much of what the Doctor here ſays is true, concerning *Free-Cities* or *Free-Boroughs*, when they had ſuch *Priviledges* granted them as he mentions; but I ſuppoſe he could not deny (if he were now alive) that thoſe *Priviledges* he mentions were not Eſſential to a *City* or *Borough*; for no doubt but the *City* of *New-Sarum* would have continued to have ſent *Members* to *Parliament*, as it had already done in this King's Reign, notwithſtanding their *Surrender* of their *Priviledges* above-mention'd into the King's Hands; and ſo likewiſe thoſe *Free-Boroughs*, if they had been *Boroughs* before (as moſt of them were) would have had ſtill a Right to ſend *Burgeſſes* to *Parliament*, notwithſtanding the *Priviledge* of a *Gilda Mercatoria*, with thoſe other *Liberties* granted by thoſe *Charters*, had ~~that~~ never been *granted* them at all; or that the King had ſeized them into his own Hands as *forfeited*: ſince they were only for the carrying on of their *Trade* to Greater Advantage, but were not abſolutely neceſſary to their being a *City* or *Burgh*. And if thoſe that held of the King were *liable* to be *Talliated* by Him, yet it was only in reſpect of thoſe *Liberties* and *Priviledges* they thereby enjoy'd; and in conſideration of which, as the Doctor allows, the *King* or any other *Inferior Lord* had a *Power* to *Talliate* them, when the King *Talliated* his *Demeſnes*; and theſe being once *ſurrender'd* or *forfeited*, the King or the *Lord's Right* to *Talliate* them ought to have ceaſed; all which appears by this *Judgment*

ment between the *Biſhop* and the *Citizens* of *New-Sarum*: And tho' the King might *Talliate* ſuch *Free-Cities* and *Boroughs*, yet it was not to be exerciſed wantonly, and upon every ſlight occaſion, but only when the neceſſities of the Kingdom requir'd it; and when it was exerciſed otherwiſe, it was looked upon as a Grievance.

I do not doubt, but King *Edward* the *Firſt*, going about to *renew* this *Cuſtom*, in the 33*d* year of his Reign, it proved the Cauſe of that famous Statute *de Tallagio non Concedendo*, which was made the year following, ſince it is very probable, that the *Cities* and *Boroughs* of *Antient Demeſne* found it to lie very heavy upon them to be *double-Taxed* in one and the ſame year, firſt by the *King's Prerogative*, and then by their *Repreſentatives* in *Parliament*.

But as for ſuch *Talliages* as were paid to the Earls of *Cornwall*, and Dukes of *Lancaſter*, and to the *Biſhop* of *Salisbury*, and other *Temporal* Lords, as in the *Record* laſt cited, I ſhall make ſome Obſervations upon what the Doctor hath concluded from thoſe *Charters*.

Firſt, it appears from thoſe *granted* by the Earls of *Cornwall*, that they reſerved to themſelves a *Power* of *Talliating* ſuch *Towns* or *Boroughs*, as they thereby created *Free-Boroughs*, but then this was only in reſpect of the *Trading Priviledges*, and other *Liberties* which were thereby conferr'd, and not as they were a *Borough*; for I think I may truly affirm, that the *Greater part* of thoſe *Towns* that now ſend *Burgeſſes* to *Parliament*, were never in that County made *Free-Boroughs* by *Charter*, nor had any *Corporations* erected in them, and I think theſe are altogether as Antient, if not more Antient, than the *Free-Boroughs*, ſince theſe can only claim that *Priviledge* by *Charter*, whereas the others do it by *Preſcription*; though by this *Preſcription* I would not be ſo underſtood, as if that *Priviledge* did not at firſt ariſe either by *Grant* or *Charter* of ſome of the *Engliſh-Saxon* Kings, or elſe of ſome others ſince the *Conqueſt*: But thoſe *Charters* being long ſince *loſt*, and not to be found upon *Record*, and they having alſo ſent *Burgeſſes* to *Parliament* time *beyond Memory*, have now nothing to ſhew but *Preſcription* for ſuch their *Liberty*.

And of this *Barnſtable* in *Devonſhire* may ſerve for an evident Example, which having loſt a *Charter* granted them by King *Athelſtan*, * petition'd King *Edward* the *Third*, and his *Council* in Parliament in the 14 ~~*Seventeenth*~~ year of his Reign, wherein the ſaid Town ſets forth, that they had been a Free-Borough, *à tempore cujus contrarii Memoria non exiſtit*; and as ſuch had enjoy'd *divers Liberties*, and *Free-Cuſtoms* by a *Charter* of King *Athelſtan*, and this among others, *quod ad ſingula Parliamenta Noſtra, & dictorum Anteceſſorum Noſtrorum* Duos Burgenſes pro Communitate *ejuſdem* Burgi *mittere ſolebant*; and therefore that *Charter* being loſt, they deſired a *Confirmation* of it from the *King*, who thereupon † directed a Writ of *Enquiry* to ſeveral Gentlemen, and Others therein mention'd, to examine whether the ſaid *Burgeſſes* had enjoy'd all thoſe *Liberties* ſo granted by the ſaid *Charter* of King *Athelſtan*, or not.

* ~~*Vid.* Bundel. of eſcheats in the Tower.~~ Rot: Parl. 14 Ed: 3. p. 1. m2 dors: pro Burgens: de Barnstaple

† Ibid.

And by the || Return of this *Commiſſion*, it appears, *firſt*, that there were *Free-Boroughs* in *England* before the *Conqueſt*, which the Doctor will not allow of. *Secondly*, that they ſent two *Burgeſſes* to all

|| *Rot. Pat.* 17. Ed. III. *part.* 1. *M.* 2*a dorſ.*

all *Parliaments* of the King and his Progenitors, which is a *Claim* by *Preſcription*, though their *Charter* were *loſt*. And *Laſtly*, that the *King* and his *Council* in *Parliament*, allow'd the matter of their *Claim* to be true, or elſe they would not have thought it worth their while to have iſſued out a Second *Commiſſion* to enquire into the truth of it, and to make their report to the *King* and his ſaid Council.

But to add ſomething more concerning the *Right* which the *Earls* and *Lords* of thoſe *Free-Boroughs* reſerved to themſelves of *Talliating* them in the manner aforeſaid, this was only as they had the Dominion of thoſe *Earldoms* granted them by the *King* as *Count Palatines*; which may appear by the *Grants* of the Earls of *Cornwall* abovemention'd, in ſome of whoſe *Charters* they tie *themſelves* and their *Heirs* from *Talliating* the ſaid *Boroughs*, when the King *Talliates* his Boroughs throughout *England*, and in others of thoſe *Charters* there is no mention of any *Right* reſerved to *Talliate* them at all: in which Caſe I do ſuppoſe they were *diſcharged* from having any ſuch *Tax* laid upon them, as is pretty plain by this Caſe of the *Biſhop* of *Salisbury* above-mention'd; where he founds his *Claim* of *Talliating* the City of *New-Sarum*, not a *Town* built by his *Predeceſſors*, and holding their *Houſes* within the ſaid *City* of him, but purely from that *Clauſe* inſerted in the King's *Charter*, wherein that *Power* is particularly *reſerved*, and that the *Citizens* had themſelves agreed to it. And yet the Biſhop had been ſo favourable to them in the Exerciſe of this *Power*, that from the *Eleventh* of *Henry* the *Third*, when *New-Sarum* was made a *City* by the King's Letter's-Patents, to the *three and thirtieth* of *Edward* the *Firſt*, when the *Biſhop* firſt *Talliated* them, it was above *Threeſcore* years; during which time, tho' the preſent King and his Father had frequently *Talliated* their *Demeſnes*, yet they had paſſed hitherto without any ſuch *Payment*.

To conclude, I ſhall now leave it to the Reader's Judgment to *Determine*, whether moſt of the *Cities* and *Boroughs* of *England* were the King's *Cities* and *Boroughs*, in the ſame ſenſe and manner as his *Demeſne-Lands* were called *Terræ Regis Dominicæ*, as the Doctor hath aſſerted. For it plainly appears by what he hath tranſcribed from *Domeſday-Book*, as alſo from the *Charters* he hath cited of the King's of *England*, and Earls of *Cornwall*, that not a *Third part* of the *Boroughs* they made, were the King's *Antient-Demeſnes*, at the time of the *Conqueſt*, if any will give themſelves the leiſure to examine the Doctor's Liſt of theſe *Boroughs* in this Treatiſe upon which I animadvert. And every one that underſtands any thing of the Law muſt needs know, *that no Lands are looked upon as part* of the *Antient Demeſne* of the Crown, which was not ſo, when that *famous Survey* of the King's *Towns* and *Demeſnes* in *England* was recorded in *Domeſday-Book*.

Having diſpatched this Head, I ſhall now proceed to the reſt of what the Doctor hath there deliver'd concerning the *Right* of *Electing* and *Returning Citizens* and *Burgeſſes* to *Parliament*, where he ſays as follows; * 'I ſhall conclude this *Treatiſe* with the Anſwers 'to theſe two Queſtions.

Firſt,

* Ibid. p. 51.

‘ *Firſt*, who named them, and by whoſe *Direction* and *Appointment* it was, that ſuch, or ſuch *Burghs* choſe, and ſent *Burgeſſes* or *Members* to *Parliament*, and no others?

‘ *Secondly*, who then were, or ought to be *Electors*, in *Real*, or *Reputed Burghs*?

‘ To the *Firſt*, it was left to the *Sheriff* of each County, to *Name* and *Direct* * which were *Burghs*, and which were not, by thoſe *Indefinite* and *General* words in the Writ. De *Qualibet Civitate Duos Cives & de quolibet Burgo Duos Burgenſes*, &c. *eligi facias*, &c. *i.e.* cauſe to be *choſen* two *Citizens* of every *City*, and two *Burgeſſes* of every *Burgh*.

In anſwer to this, I muſt allow the *Sheriff* of each County to Name and Direct his *Precepts* to the *Antient Boroughs*; not that it ever was in his power to create *New ones*, nor had he a *Right* to exempt the *Old ones* from ſending *Members* if they deſired it, for he was to act only as a *Miniſterial Officer*, and not as a *Judge*: and if he refuſed to ſend his *Precepts*, or to make *Returns* of the *Elections* of thoſe *Cities* and *Boroughs*, he was liable to be complain'd of to the *King* and his *Council* in *Parliament*, as appears by the *Petition* of the Town of St. *Albans* already mention'd to King *Edward* the *Second*, againſt the *Sheriff* of *Hertfordſhire*, for refuſing to *return* the *Burgeſſes* they had *choſen*. We ſhall now examine the Proofs † he brings for it, as follows.

‘ The firſt * *Returns* extant of *Knights*, *Citizens* and *Burgeſſes*, are in the twenty Sixth of *Edward* the *Firſt*, and in that of *Wiltſhire* for that year *Annexed* to the *Writ*, there were *returned* two *Knights* for the *County*, two *Citizens* for *New-Sarum*, two *Burgeſſes* for *Dounton*, two *Burgeſſes* for the *Devizes*, two for the *Burgh* of *Chippenham*, and two for *Malmesbury*, with their *Manucaptors*; and the Writ was ſent to the *Conſtable* of *Merleberge* (that is the *Conſtable* of the *Caſtle* there) And to the *Bailiffs* of the *Liberty* of **Caln** and **Worthe**, who return'd no Anſwer. To the *City* of *New-Sarum*, and theſe ſix other *Burghs*, the Sheriff of this year made his Precepts, and for them only made his Returns.

I cannot ſee by what the Doctor has here laid down, how the *Sheriff* was left to *judge* what *Towns* were *Boroughs*; for tho' he had ſent a Precept to the *Conſtable* of *Merleberge*, and the *Bailiffs* of *Caln* and *Worthe*, yet he could have no Anſwer, that is, they had neglected to cauſe any *Burgeſſes* to be *choſen*, and therefore the *Sheriff* could not do more than lay in his power, to make his *Return* of *Burgeſſes* for thoſe Places from whence there had been *no Returns* made to him, or perhaps were out of his Liberty or Bailywick to make any ſuch Returns at all, they having the Return of all Writs within themſelves. But what follows I confeſs is more material, when the Doctor proves from ſeveral *Returns* of *Sheriffs*, which are ſtill upon *Record*, that in the Counties of *Wilts*, *Bucks*, *Gloceſter* and *Worceſterſhires*, from the Twelfth year of *Edward* the *Third*, to almoſt the end of his Reign, the *Sheriff* often took a *Liberty* to *Return* ſometimes more, and ſometimes fewer *Burgeſſes* for thoſe Counties, and yet ſtill they made the ſame Returns, *non ſunt Plures Civitates, neque Burgi infra Ballivam meam*, that there were no more *Cities*, nor *Burghs* within his *Bailiwick*: That is, within

* Id. p. 52.

† Ibid.

* *Retorn. Brev. Parl.* 26. Ed. I. *in Turri Lond.* Wiltſhire.

Ibid.

the *County*, notwithſtanding all the Towns the Doctor there names, had been reputed antient *Boroughs*, and as ſuch had ſometime or other ſent *Burgeſſes* to *Parliament*, for which he alſo cites ſeveral Records, and then proceeds thus.

Ibid. p. 54. *See Returns of theſe ſoveral Counties in* Pryn's *Parliamentary Regiſter.* Part 2.

'And ſo it was in *Yorkſhire*, *Lincolnſhire*, *Cornwall*, *Dorſet*, *Devon*, *Somerſet*, *Southampton*, *Surry*, *Suſſex*, and *moſt* if not all *Counties* in *England*, where there were, at the time of the Returns, any *ſmall*, *poor*, *inconſiderable Burghs*, and where the Sheriffs were more or leſs kind to them, they *return'd* or *omitted* them at Pleaſure, and for all whatever I could find, notwithſtanding all my Endeavours, without the *direction* of the *King* or his *Council*.

**Stat. at large,* 5 Rich. 2 *Cap.* 4. p. 169.

'In the Fifth of *Richard* the *Second*, there was a Law made, * that if any Sheriff of the Realm ſhould be from thence forth negligent in making his Returns of Writs of the Parliament, or that he ſhould *leave out* of the ſaid *Returns* any *Cities* or *Boroughs*, which be bound, and of *old time* were wont to come to the *Parliament*, he ſhall be puniſhed in the manner as was accuſtomed to be done in the ſaid Caſe in the ſaid time paſt. But notwithſtanding this Law, the *Practice* of the *Sheriffs* remained the ſame it was before, as will be proved by what ſhall in part next be ſaid concerning the meaning and reaſon of theſe Returns.

As I cannot deny the matter of Fact, that the *Sheriffs* did often times neglect to return *Burgeſſes* for divers of the *meaner* or *poorer* ſort of *Boroughs*, when coming to *Parliaments* was found a great Charge to their reſpective Towns, and who on that Account were *taxed* as *Boroughs*, at a *higher Rate* than other *Towns* of the *County*; ſo I ſhall not deny, but that when-ever the Sheriffs did this, it was looked upon as a fault which deſerved puniſhment; and this the Doctor's Friends muſt own from this Statute, which was made to prevent it, ſince by ſuch a Practice the *Houſe* of *Commons* was not only deprived of its compleat Number of *Members*, but the *King* was alſo defeated of his *Aid* or *Taxes* by the *Sheriffs* excuſing thoſe *Boroughs*, who were then wont to pay (as the Doctor obſerves) about a *Third part* more than the reſt of the *Inhabitants* of the County.

But he ſays further, that notwithſtanding this Statute of *Richard* the *Second*, the Practice of the *Sheriffs* continued ſtill the ſame: ſupſoſe it did; pray, is it the leſs a fault, becauſe it was not puniſh'd ſo often as it ſhould have been? But ſince the Doctor here endeavours to give a plauſible Reaſon to excuſe the *Sheriffs* for acting thus, and why they were *connived* at, I ſhall from him tranſcribe the following *Paragraphs*.

Ibid p. 55.

'When the Sheriffs made their Returns, that there was not any, or more *Cities* and *Burghs* in ſuch or ſuch Counties, than for which they had *returned* Burgeſſes, no Man can believe they were ſo *ignorant*, as not *to know*, there were other *Burghs*, or more than they had returned *Burgeſſes* for, and therefore ſome other than the very literal meaning of thoſe Words muſt be found out.

'And to my Apprehenſion, the reaſons (which alſo ſhew the meaning) of theſe Returns in theſe words, *Non eſt aliqua Civitas vel aliquis* Burgus, or *non ſunt plures Civitates vel Burgi*, (than what were return'd) *in Balliva mea*, was for that many times, there was no

‘ *able*, *fit*, *Perſons* for that Service to be found in the other *Burghs* of the County, at the time of the Return, (the choice being always made in thoſe days out of their own Body, and not of *Foreigners* or *Country-Gentlemen*) and Secondly, for that the *Burghs* were ſo *poor*, as they were not *able* to *pay* the *Burgeſſes* their *Wages* or Expences.

Ibid.

Retorn. Brev. Parl. 21 E. 3. Devon.

‘ This Aſſertion ſeems to be manifeſtly evinced by ſome other Returns made in different words, tho' of the ſame Senſe and Import, in 21 *Ed.* 3. after the *Burgeſſes* return'd for *Exon*, *Barnſtable*, *Plympton*, *Tavyſtock*, *Toryton*, and *Totnes*, The Sheriff of *Devonſhire* cloſeth his Return with theſe words, *Non ſunt plures Civitates vel Burgi in Balliva mea quæ retornari poſſunt.* There are not any more *Cities* or *Burghs* in my *Bailywick*, which can be returned, thereby *omitting* all other *Burghs* in that County; by theſe Words it ſhould ſeem, that either there were no *Burgeſſes fit* or *qualified* for the *Service* of *Parliament*, in the other *Burghs*, or that they were ſo *poor*, as they could not bear the *Expences* of ſuch as ſhould ſerve for them; for the Sheriff *denies* not, that there were more *Burghs* in his County, but *affirms* they were ſuch as could not be Returned, and if not for *theſe*, 'tis hard to imagine, for what *other Reaſons* they were ſuch.

Ibid. *In thoſe years.* Wigorn.

‘ In the Returns from *Worceſterſhire* in the 8*th* and 12*th* of *Edward* the *Second*, and 12*th*, and 14*th* of *Edward* the *Third*, the Sheriff ends them thus, after the Returns of *Knights* for the *County*, and *Citizens* for *Worceſter* (which I give you in *Engliſh*) there is not any *Burgh* in my *Bailywick*, from whence any *Burgeſſes* can come to *Parliament*, for the Reaſons without doubt above-mention'd, tho' *Wyche* (now *Droitwich*) had ſent Burgeſſes to Parliament in 26, 28, 29, and 30 of *Edward* the *Firſt*, and in 2 and 4 of *Edward* the *Second*, and in 28, 29 of *Edward* the *Firſt*, they received their Expences as appears by the Writs, *de Expenſis Militum*, *Civium & Burgenſium*, then directed to the *Bailiffs* of that Town, and are to be found in the *Cloſe-Rolls* in thoſe years.

In the two next Pages the Doctor gives us divers Precedents of the like *Omiſſions*, of the *Returns* of *Boroughs* in the Counties of *Cornwall*, *Devon*, *Lancaſter* and *Lincoln*, wherein the *Sheriffs* after their *Returns* of ſome *Boroughs* there mention'd, omitting divers others that had formerly ſent *Members* to *Parliament*, as *Lancaſter* and *Preſton* for example, for whom the *Sheriffs* made the like Returns as before, *Non ſunt alii Burgi in Balliva mea*, the meaning of which *Return*, particularly for the two Towns laſt mention'd he ſuppoſes to be ſhew'd, in the 38*th* of *Edward* the *Third*, when the *Sheriff* of *Lancaſhire* after the Return of the *Knights*, gives the reaſon why *Citizens* and *Burgeſſes* ought not, nor were wont to come, in theſe words, *that there were not any Citizens or Burghs within that County, from which any Citizens or Burgeſſes ought, or were wont to come to the ſaid Parliament, for, or by reaſon of their Inability or Poverty.* The like Return was made by the *Sheriff* of this County, in the 39*th* and 50*th* of *Edward* the *Third*. And the Returns of this County are cloſed after this manner, with ſome ſmall variation in the Reigns of *Edward* the *Third*, *Richard* the *Second*, *Henry* the *Fourth*, *Fifth*, and *Sixth*, and *Edward* the *Fourth*, and

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P. 57.

and no *Burgeſſes* return'd for any *Town* or *Towns* in all that time, from the 33*d* of *Edward* the *Third*, which was 124 years, and how much longer cannot well be known: And then the Doctor gives ſome Preſidents of theſe Returns in every King's Reign; from all which Inſtances and Examples, he makes this General Obſervation, *viz.*

Ibid. p. 59. 'By theſe few *Returns* and *Inſtances* of very many more which might have been produced, if needful, 'tis abundantly proved, that from the 23*d* of *Edward* the *Firſt*, when the *firſt Writs* were ſent forth for the *choice* of *Citizens* and *Burgeſſes*, and alſo during the Reigns of *Edward* the *Second* and *Third*, *Richard* the *Second*, *Henry* the *Fourth*, *Fifth* and *Sixth*, and *Edward* the *Fourth*, it was left to the *Diſcretion* and *Judgment* of the *Sheriffs*, which *Burghs* were *fit* and *able* to *ſend Burgeſſes*, and which not. And that if *antient able Burghs* became *Poor* and *Indigent*, and *unable* to *pay* the *Expences* of their *Burgeſſes*, or had none *fit* to *chuſe*, it was a *juſt* Ground for the *Sheriff* to *excuſe* them, from the *trouble* and *charge* of Electing, and ſending Burgeſſes, notwithſtanding the Statutes of 5 *Richard*, 2 *C.* 4. 1 *Hen.* 5. *C.* 1. 8 *Hen.* 6. *C.* 7. 23 *Hen.* 6. *C.* 15. And alſo, That the *plain Negative Returns*, of *Non ſunt aliqui Civitates vel Burgi in Balliva mea*, or *Non ſunt plures Civitates vel Burgi in Comitatu Prædicto*, &c. are to be *explain'd* by thoſe *other Returns*, of *Non ſunt aliquæ Civitates*, *vel aliqua Civitas*, *nec plures Burgi* (in this or that County) *unde Cives vel Burgenſes venire facere poſſum*, or *unde Cives & Burgenſes venire poſſunt*, *vel venire debent*, *vel venire ſolebant*, and other different Expreſſions before mentioned, *Propter debilitatem eorum & paupertatem.* Thoſe *Abſolute Negatives* in Terms only, being *equivalent in Signification* to the other, and *import* no more, than, that thoſe *Burghs* the *Sheriffs* did not *return*, at ſuch times, were *poor* and *inconſiderable*, and that either they had not *fit* Perſons to *ſend*, or for their *Poverty* could not *pay* their *Wages*, or bear the *Expences* by Law due to them. And all this was done by *Virtue* of that *General Clauſe* in the Writs, *De qualibet Civitate duos Cives, & de quolibet Burgo duos Burgenſes*, &c. For in the Charters of *Antient Burghs*, there was no *Clauſe* or *Grant* for the *choice* or *ſending* of *Burgeſſes* to *Parliament*, nor have I ever *ſeen* or *heard* of any *particular Directions* from the *King* and *Council*, or others, to the *Sheriffs*, for the ſending their *Precepts* to *this* or *that Burgh* only, and not to others.

Now I have fairly tranſcribed the Doctor's Opinion, and the Authorities he hath given us for it: I ſhall in the next place examine whether the Evidence He hath brought will Juſtifie his Concluſion, that it was wholy left to the *Diſcretion* and *Judgment* of the *Sheriffs*, which *Burghs* were *fit* and *able* to ſend *Burgeſſes*, and which not; and notwithſtanding thoſe ſeveral *Statutes* which he himſelf has mention'd, that were made on purpoſe to prevent it. For beſides his fundamental Errour, that the *firſt Writs* of *Summons* for the *choice* of *Citizens* and *Burgeſſes*, were iſſued out in the 23*d* of *Edward* the *Firſt*, (which I hope I have already confuted) I cannot ſee what *Right* the *Sheriff* of any County could *claim* to exerciſe ſo arbitrary a *Juriſdiction*: It could not be by *Common-Law*, for that is only *Antient Cuſtom*, and the Doctor will not allow any *Citizens* and *Burgeſſes* to be *ſummon'd* to *Parliament*, from the 49*th* of *Henry* the *Third*, to the year abovemention'd; and that in the 49*th*, being but once (according to the Doctor's *Tenet*) could never create a *Cuſtom*; neither could it be by any *Statute*, for all thoſe (as he acknowledges likewiſe) are directly againſt him, and that of the 5*th* of *Richard* the *Second*, which the Doctor himſelf hath cited, ſufficiently declares againſt him, ſince it is thereby *provided*, ' that ' if any *Sheriff* of the Realm ſhould be from thenceforth negligent ' in making his *Returns* of *Writs* of the *Parliament*, or that he ' ſhould leave out in the ſaid *Returns*, any *Cities* or *Burghs*, *which* ' *be bound, and of* **old time** *were wont to come to the Parliament*, he ' ſhall be *puniſhed* in manner, as was *accuſtomed* to be done in the ' ſaid Caſe, in the ſaid time paſt.

Upon which *Statute*, I cannot but ask the Doctor's Friends, whether it is not plain from thence, that the *Citizens* and *Burgeſſes* were *of old Time* obliged to come to *Parliaments*, (that is, to be ſummon'd to them) in the *French*, it is *d'Ancientè*, from time of *Antiquity*, which muſt have been for above a *Hundred* years at leaſt; whereas if the firſt conſtant appearing of *Citizens* and *Burgeſſes* in *Parliament*, were but in the 23*d* of *Edward* the *Firſt*, it follows, that from that time to the 5*th* of *Richard* the *Second*, was not *fourſcore and five* years, and that being within the memory of many Men then alive, could not be called *of* **old** *or* **antient Time**; and what is yet more evident, the *firſt clauſe* of this *Statute*, makes no diſtinction between the *Antiquity* of the *Biſhops* and *Lords* being *ſummon'd* to *Parliament*, and that of the *Commons*, ſince it is there expreſly *enacted*, ' that all and ſingular Perſons and *Communities*, which from * ' henceforth ſhall for time to come have *Summons* of *Parliament*, ' ſhall come as before to *Parliament*, in the manner as they are ' bound to do, *and hath been accuſtomed within the Realm of* Eng' land *of old time*; and whatever Perſon of the ſaid Realm, who ' from henceforth ſhall have the ſaid *Summons* (be he *Archbiſhop*, ' *Biſhop*, *Abbot*, *Prior*, *Duke*, *Earl*, *Baron*, *Banneret*, *Knight* of the *Shire*, ' *Citizen of City*, *Burgeſs of Burgh*, or other *ſingular Perſon* or *Com*' *munity*) do abſent himſelf, and come not at the ſaid *Summons*, ' (except he may reaſonably, and lawfully *excuſe* himſelf to our So' vereign Lord the King) he ſhall be *amerced*, and otherwiſe *pu*' *niſhed* according as of *Old Times* hath been uſed to be done within ' the ſaid Realm in the like Caſe. And then follows the *Clauſe* above cited, concerning *Sheriffs*; but the former part of this *Statute* the Doctor hath omitted for Reaſons eaſie enough to be gueſſed at.

* *i. e. the Communities or civil Bodies of Counties and Cities and Boroughs.*

I ſhall now make ſome Obſervations on theſe *Clauſes* in this *Statute*: *Firſt*, that both the *Lords* and *Commons* are alike liable to be *amerced* (that is, fined to the King) if they ſhall neglect to come to Parliament, *and that, according as of* **old**, *or* **antient Time**, *had been uſed*; which ſhews, that both the coming of the *Lords*, *Peers* and *Commons* are expreſſed in this *Statute* as of *like Antiquity*, and the *Puniſhment* to be alſo the ſame for their not appearing upon Summons. *Secondly*, that *Sheriffs* in Caſe they neglect to make *due Returns* of ſuch *Cities* and *Boroughs* as were bound to come to Parliament of *Old Time*, ſhall be *puniſhed* as has been *accuſtom'd in* *time: paſt* ſo that there is not only a *Cuſtom* here aſſerted for the *Citizens* and *Burgeſſes* coming to *Parliament*, but alſo for the *Puniſhment* of the *Sheriffs*; which ſhews, that they had been frequently *fined* and *amerced* for ſuch refuſal or neglect, tho' the Caſes concerning it do not appear in the *Year-Books*: By this then it is plain, that the Doctor is miſtaken in his Aſſertion, *that it was wholy left to the* Diſcretion *and* Judgment *of the* Sheriffs, *which* Burghs *were* fit *and* able *to ſend* Burgeſſes *to Parliament, and which not.*

And ſuppoſe the *Sheriff* of any County, inſtead of *excuſing* a *poor Borough*, had for favour omitted to *ſummon* a *Rich* and *Able* one, can any Man think that he had not been liable to the *Petition* or *Complaint* of ſuch a *Borough*, and alſo, according to this *Statute*, to be *puniſhed* or *amerced* for ſo doing?

But perhaps will ſtill be urged by thoſe of the other ſide; if this Statute, or any other had taken any effect, how comes it to paſs, as appears from theſe *Precedents* cited by the Doctor, that the *Sheriffs* did continue to make the *ſame Returns*, and to *excuſe* many *poor Boroughs*, as well after this *Statute*, as before? Sure they would not have dared to have done ſo, had not this *Statute* never, (or at leaſt very rarely) been put in execution: But to this I anſwer, that the *Common practice* of a thing forbidden by Law, or the *ſeldom executing* the *Penalty* upon *Offenders*, does not give them a *Right* to break it at their *Diſcretion*, as was ſeen in the Act for *Conformity*, in the Reign of King *Charles* the *Second*, before He began to order a more ſtrict execution of that Law upon all ſuch *Diſſenters* as were taken at *Conventicles*; the like I may ſay concerning the *Statute* of *Carriers*, travelling on the Road with more than *five Horſes* in their *Waggons*, which tho' ſometimes put in Execution, yet does not deter *Offenders* from doing it notwithſtanding; ſo likewiſe tho' *divers Sheriffs* in the times the Doctor mentions, did often make *falſe Returns*, and omit the ſending their *Precepts* to ſuch *poor Boroughs* as they had a mind to *excuſe*, yet that did not give thoſe *Sheriffs* any Right ſo to do, ſince ſuch *poor Boroughs* (as the Doctor allows in the Caſe of *Toriton*) might upon *Petition* to the King have been *excuſed* from ſending *Burgeſſes* to *Parliament* for ever; for otherwiſe if the *Sheriff* ſhould have exerciſed ſuch a *Power* of Right (as the Doctor ſuppoſes) and that from the General words in the Writs, *de qualibet Civitate Duos Cives, & de quolibet Burgo duos Burgenſes*, he might not only have *excuſed* what *Boroughs* he had pleaſed, but likewiſe ſent his *Precepts* to thoſe that never were *Boroughs*, and have thereby made them *Parliamentary-Boroughs* for ever, which would have given the *Sheriffs* of *England* as Great a Power as the *King* Himſelf, in creating *new Boroughs* at their Pleaſure.

Yet even this Opinion (as abſur'd as it is) Mr. *Prynne* endeavours to maintain in his third part of his *Brevia Parliamentaria*, or * Regiſter of *Writs* of *Summons*: I ſhall here give you the ſum of his Arguments. First he begins with the *uncertain Returns* of the *Sheriffs* for the *Boroughs* in their *Reſpective Counties*, they being ſometimes *more*, and ſometimes *fewer*, according as they pleas'd to favour thoſe *Boroughs* they had a mind to excuſe; which ſince it is but the *ſame Argument*, that has been made uſe of by Doctor *Brady*, I only mention it, having, I hope, return'd a ſufficient Anſwer

*P. 225,226.

ſwer to it already. Now that which only deſerves our Notice, is, how ſo many *New Boroughs* came to ſend *Burgeſſes* to *Parliament* in the Reigns of the two *Edwards* the *Second* and *Third*, and their *Succeſſors*, as low as the time of King *Edward* the *Fourth*? In anſwer to this therefore, it muſt be acknowledged, that in all thoſe Reigns there are not to be found any *New Boroughs* created by the *Kings*, Earls of *Cornwall*, or other Earl's, *Charters* to ſeveral Towns whereby they made them *Free Boroughs*, and gave them an *enabling Clauſe* to ſend *Burgeſſes* to *Parliament*; therefore this Priviledge or Duty (call it which you pleaſe) muſt have ariſen one of theſe two ways; either from *Preſcription*, but Mr. *Prynne* undertakes to prove, that they could not ſend by *Preſcription*, becauſe he ſuppoſes that there were no *Citizens* and *Burgeſſes* ſummoned to *Parliament* before the 49*th* of *Henry* the *Third*: Or it muſt (as he ſays) have proceeded from the meer *Diſcretion* or *Judgment* of the *Sheriffs*, to whom it was left to ſend their *Precepts* to what *Towns* they pleaſed that were then called, or look'd upon as *Boroughs* in Common Acceptation, without ever troubling themſelves to conſider what *Right* they had to that *Title*; and this he endeavours to make out from theſe following Inſtances.

Firſt, that in the latter end of King *Edward* the *Firſt*, there were but one hundred and twelve *Cities* and *Boroughs* in *England* (taking in the *Cinque-Ports*) which ſent *Members* to *Parliament*; yet that in the following Reigns we may find *new Precepts* iſſued by the *Sheriffs* and *Returns* made upon them, of no leſs than nineteen *New-Boroughs*, which (for ought as can be diſcover'd) never took upon them to *elect* or *ſend* any *Burgeſſes* before; beſides ſeveral other *Precepts* that were ſent to other *reputed Boroughs*, which yet made no *Returns* upon them.

Secondly, that tho' neither *Richard* the *Second*, *Henry* the *Fourth*, nor *Henry* the *Fifth*, ever made any *New-Boroughs*, yet that about the middle of *Henry* the *Sixth*'s Reign, there were *new Precepts* ſent out for five *New-Boroughs*, which cannot be found to have ever ſent any *Burgeſſes* to *Parliament* before, *viz. Gatton* in *Surrey*, *Heytesbury*, *Hyndford*, *Weſtbury* and *Wootton-Baſſet* in *Wiltſhire*, which tho' but mean and inconſiderable Places, yet ſend *Burgeſſes* to *Parliament* at this day; and that in *Edward* the *Fourth*'s Reign, there was but one *New-Borough*, which began to ſend *Burgeſſes*, viz. *Grantham* in *Lincolnſhire*, and had never ſent any before: And Mr. *Prynne* * further aſſerts, that there have been fourteen New *Boroughs* ſet up in *Cornwall*, and in other Counties no leſs then ſixty four erected, ſince the time of *Edward* the *Fourth* by the Practice of *Sheriffs*, ſet on by the *Ambition* of Private Gentlemen, ſeeking to be choſen *Burgeſſes* for them, and the Deſire the *Burgeſſes* of thoſe poor Towns had to chuſe them, who were courted and feaſted by them only for that purpoſe.

* Ib. p. 229, 230.

So that upon the whole matter † notwithſtanding what Others may conceive, (and what this Author himſelf once inclin'd to believe) that the Right of *Cities* and *Boroughs* to ſend *Members* to *Parliament*, might Originally proceed from ſome *Antient Charters* of former Kings, heretofore granted to them; yet ſince his diſcovery of the old *Original Returns* of *Writs* for electing *Knights* and *Burgeſſes*

† Ibid.

Ibid. 23.

geſſes found by him in *Cæſar's Chappel* in the *White Tower*, he had rectified his former Miſtakes, being abundantly ſatisfied that neither bare *Antient Cuſtom*, nor *Preſcription*, before, or ſince the *Conqueſt*, nor our King's *Charters*, but the *Sheriffs* of each Counties *Precepts* and *Returns* of *Elections* of *Citizens* and *Burgeſſes*, for ſuch *Cities* and *Boroughs* as they thought meet, by *Authority* and *Power* granted them in, and by this general Clauſe, in the King's *Writs* of *Summons* to *Parliament*, iſſued to the *Sheriffs* of every County, before every *Parliament*, enjoyning them in theſe words, (which I here tranſlate) *that they cauſe to be elected two Citizens out of each City, and two Burgeſſes out of each Borough to appear in Parliament, without deſigning which or how many Cities and Boroughs by name in each County ſhould have* Precepts *ſent to them to elect them:* So that, according to him, from this general *Direction*, the *Sheriff* hath uſed a kind of Arbitrary Power in the execution of this general *Clauſe*, according as his Judgment guided, or his Favour, Affection, Partiality, Malice, influenced him, or the Solicitations of any private *Boroughs* to him, or of Competitors for *Citizens* or *Burgeſſes* places within his County, ſway'd him: this is moſt apparent by ſome *Sheriffs* in ſeveral Counties, returning more *Boroughs* and *Burgeſſes* than their *Predeceſſors*, others cauſing *Elections* and *Returns* to be made for ſuch *New-Boroughs* which never *elected*, or ſent any before, nor after their *Sherifalties*, as he thinks evident from P. 232. the *Returns* he there inſtances, which ſince they are alſo mention'd by Dr. *Brady*, I will not repeat.

This is the Sum of Mr. *Prynne*'s Arguments and Authorities, who indeed carries this point a pretty way further than what the Doctor has done in his laſt Treatiſe; for whereas he aſſerts the *Sheriff*'s Power from the *General Clauſe* above-mention'd, of omitting what *Boroughs* he pleas'd; Mr. *Prynne* maintains, that the Sheriffs had a Power not only of omitting, but alſo of naming, or rather creating *new Boroughs* at their Pleaſure; the falſhood of which Opinion I think will not prove hard to demonſtrate.

I ſhall not repeat what is already ſaid in Anſwer to the Doctor's Notion, only take notice, that it is built upon the ſame falſe Foundation with Mr. *Pryn*'s, that the *Sheriffs* were impowr'd from that *General* and Indefinite *Clauſe* in their *Writs* of *Summons*, of uſing an Arbitrary Power, in iſſuing out their *Precepts*, and making their *Returns* to and from what *Boroughs* they pleas'd; which can no ways be warranted from thoſe General words; for the *Sheriffs* are thereby impower'd *to cauſe* two Citizens, *and as many* Burgeſſes *to be choſen out of each* City *and* Borough, *that is, thoſe that were then known to be ſuch*, and not to excuſe, much leſs ſuppreſs which of them they pleas'd, and ſo to create New ones at their ſole Wills; but were certainly obliged to proceed according to ſome known Rule in the execution of this *Great Truſt*, or elſe they could never have been ſubject to the *Penalty* in the Statute of the *5th* of *Richard* the *Second* above-mention'd. And for the further proof of this, I deſire that thoſe of the Doctor's Opinion would ſatisfie us by what Rule *Simon Montfort* proceeded, in the *firſt Summons* that they ſuppoſe he made of *Citizens* and *Burgeſſes* to *Parliament*, in that remarkable year of the *49th* of *Henry* the *Third*; for it appears that thoſe very *Writs* of *Summons* which the * Doctor hath cited for the *Cities* and *Boroughs* ſending *Members* to that *Parliament*, were not directed to the *Sheriffs*, but to the *Cities* and *Boroughs* themſelves; ſo that *Montfort* muſt have either appointed the *Cities* and *Boroughs*, which were thus writ to, to ſend *Members* to *Parliament* according to his ſole Direction, or he muſt have proceeded by ſome known *Liſt* or *Rule*, what *Towns* were *Cities* and *Burghs*, and what were not; and this way of directing *Writs* might have been us'd for ſeveral other *Parliaments*, tho' they do not appear, the *Writs* of *Summons* not being now extant.

If theſe Gentlemen will ſay *Montfort* had no other Rule for it, than what his own *Judgment* and *Diſcretion*, with the Advice of thoſe of his *Faction* thought fit to *preſcribe*, this is *gratis Dictum*, and withal highly improbable; ſince it appears not only from the *Records* the Doctor has cited, but alſo from the *Hiſtories* of thoſe Times, that there were divers *Cities*, *Boroughs* and *Free-Boroughs* then in being, which were poſſeſſed of ſeveral *Great Priviledges* that other Towns had not; and it further appears by the *General Title* to theſe *Writs* of *Summons* to the *Cities* and *Boroughs*, (which follow thoſe for the *Knights* of *Shires*) that it was then very well known what *Towns* were *Cities* and *Boroughs*, and what were not; the words are theſe, *Item in eadem forma ſcribitur Civibus Ebor. Civibus* Lond. *& cæteris Burgis Angliæ, quod mittant*, &c. without ſpecifying which they were, which would have been a very improper way, if thoſe *Towns* had been then firſt erected into *Burroughs*.

Beſides, if *Montfort* and thoſe of his Party had no other *Rule* to go by than their own particular Fancies in this Affair, it would have made them to have *ſummon'd* none, but the *Great Cities* and *Rich Boroughs* of *England*, which were able to bear the *Expence* of ſending up their *Repreſentatives* to *Parliament*; and that had been ſufficient to have countenanced his Proceedings, and not to have ſent *Writs* to all the reſt of the *Boroughs* of *England*, as it ſeems he did, by the words *Cæteris Burgis Angliæ*, without any Diſtinction, whom he muſt rather have diſobliged, than careſſed by laying this *New* and *unheard* of *Burthen* upon, of coming up to *Parliament*.

This alſo carried along with it a *Right* of giving *Taxes* by themſelves, and that in a larger Proportion than the reſt of the *Towns* of ſeveral Counties: which way of proceeding was not ſuitable to the Politick Contrivance of *Simon Montfort* and the Barons (as he ſays) of his Faction, whoſe Buſineſs it was to make as many *Friends*, and as *few Enemies* as they could; leaſt they ſhould quit theirs, and joyn with the King's Party.

But if on the other ſide the Gentlemen above-mention'd will own, that *Montfort* had then ſome known Rule to act by, and that it was upon *Record* in the *Exchequer*, or ſome other Place, what *Towns* were *Cities* and *Boroughs*, and what were not; the ſame *Rule* might be obſerved ever after, ſuppoſing (as Mr. *Prynne* does) that the *Cities* and *Boroughs* continued to ſend *Members* to *Parliament* all the reſt of this King's and his Succeſſor's Reigns; or if theſe Gentlemen will follow the Doctor's Opinion, and not allow them to have been *ſummon'd* again till the 23*d* of *Edward* the *Firſt*, the difficulty will prove the ſame; by what *Rule* thoſe *Sheriffs* that firſt ſent out their *Precepts* to Elect *Citizens* and *Burgeſſes* to *Parliament* then were? For I have already proved, that this *General Clauſe* in their *Writs* did impower and direct them to ſummon *Members* from ſuch *Places*, as were then actually *Cities* and *Boroughs*, but did not leave it to their *Diſcretions*, what were to be accounted ſo, and what not; ſince that had given them as *great* a *Prerogative* as the *Crown* it ſelf could exerciſe. But if (as Doctor *Brady* himſelf acknowledges) in the Caſe of the Town of *Lindon*, it was to be tryed by *Domes-day-Book*, and the *Records* of the *Exchequer*, which were *Boroughs*, and which were *Ordinary Towns*; this was certainly a *ſtanding Rule* for all other Places, and the *Sheriffs* might have kept among the *Records* of their Courts, perfect *Liſts* of ſuch *Cities* and *Boroughs* from the *Exchequer*, as were in their Reſpective *Counties*, though they are now loſt, as being of no uſe, ſince this matter is long ſince ſetled by a long conſtant uſage and practice.

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* B. A. P. p. 140.

Treat. of Boroughs, p. 41.

Having ſhewn the Great improbability and impracticableneſs of this Opinion, I ſhall conclude with a brief Anſwer to thoſe Arguments and Authorities Mr. *Prynne* has there given us to confirm it; which are in effect no more than this; that the *Sheriffs* of ſeveral *Counties* did in the Reigns he mentions, often ſend out *Precepts* to ſeveral *New Boroughs*, that had never ſent any *Members* to *Parliament* before, and conſequently that it was wholy in their *Power*, and left to their *Diſcretion*, to increaſe or omit them as they thought fit. But this will prove no Cogent Argument, ſince Mr. *Prynne* has not there made out the matter of *Fact*, *viz.* that thoſe *Boroughs* he mentions, never had any *Precepts* ſent them to elect *Burgeſſes* before the years he aſſigns; for the only proof he brings, that theſe *Boroughs* had never before ſent any *Burgeſſes* to *Parliament*, is, that he could find no *Returns* made by the *Sheriffs* of their *Election*, but only of thoſe he has diſcover'd, and therefore there could be none others ever iſſued; which does not by no means follow, unleſs he could have aſſured us, that he had gotten an *entire Collection* of all thoſe *Returns*, and that none of them had been loſt in ſo long a Tract of Time; but that it is more than probable, that many *Returns* for thoſe *Boroughs* he mentions, were loſt, or deſtroyed by ill-keeping, appears from theſe Conſiderations.

Firſt, That theſe *Returns* of the *Sheriffs* were never entred upon any *Rolls*, whereby they could be kept together, and found in an exact *Series* as other *Records* are; but were kept in diſtinct looſe *Bundles*, many of which Mr. *Prynne* himſelf preſerved from rotting by Duſt and Dampneſs in *Cæſar*'s *Chappel*; and who can tell how many of them had periſhed by the ſame cauſes, or perhaps from other Accidents? Or, it may be, through the careleſneſs of the Officers, whoſe buſineſs it was to preſerve them, had never been carried up at all, but were left to take their Chance, and ſo were loſt among a multitude of other *Records*, that when once executed, were looked upon as of little or no value?

And that this is moſt likely to be the truth of Fact, I ſhall prove from the Inſtances and Obſervations Mr. *Prynne* himſelf has given us; firſt he obſerves, that all the *Writs* of *Summons* for *Knights* of *Shires* are loſt, from the 49*th* of *Henry* the *Third*, to the 23*d* of

Edward the *Firſt*, as alſo all the *Writs* for their *Expences*, till the 28*th* of that King; and certainly the *Returns* of *Sheriffs* for the *Cities* and *Boroughs* are more likely to have been loſt, as not being enter'd upon the *Roll*, but preſerved in looſe Bundles. *Secondly*, that as for the *Cinque-Ports*, viz. *Dover*, *Rumney*, *Sandwich*, *Winchelſey* and *Haſtings*, tho' there are no *Returns* at all to be found for their ſending any *Members* or *Barons* to *Parliament* before the Reign of *Edward* the *Third*, yet he grants, it appears from the *Clauſe-Rolls*, that they ſent them in ~~of~~ the 49*th* of *Henry* the *Third*; B.A.P. p.140. and Dr. *Brady* hath publiſhed the *Writ* to the *Barons* of *Sandwich*, for the *Electing* of two *Members* for that *Parliament*, and Mr. *Prynne* likewiſe grants from other *Patent-Rolls*, that they ſent their *Barons* to *Parliament* during the Reigns of *Edward* the *Firſt* and *Second*. Now if the *Sheriff's* Precepts for the Electing *Burgeſſes*, and the *Returns* of them by the *Cinque-Ports* are loſt, and this for thoſe that were then the moſt conſiderable *Boroughs* of *England*, can any one think, that the like *Precepts* and *Returns* were not loſt and deſtroy'd for many other *Antient Boroughs* of *England*? But this will ſtill further appear from another of * Mr. *Prynn's* Inſtances, concerning the *Returns* for theſe five *New Boroughs* (as he ſuppoſes them to be) in the Reign of *Henry* the *Sixth*, viz. *Gatton*, *Heytesbury*, *Hyndford*, *Weſtbury* and *Wootton-Baſſet*, which he grants to be even then, but poor, inconſiderable Places.

* *Brevia Parliament*. p. 228.

Now I will leave it to the Reader's conſideration, whether it be at all probable, that the *Sheriff* ſhould then take upon him to advance ſuch *poor Towns* into *Boroughs*, and make them Elect *Burgeſſes* to *Parliament*, and conſequently to pay their *Expences*, which muſt then be a great Charge and Burthen to them, and that too in an Age, when not the *Neighbouring* Gentlemen, but only *Inhabitants* of thoſe Places were capable of being *Elected*: Or whether thoſe *Towns* would have ſat down contented with ſuch an *Impoſition*, when upon their *Petition* to the *King* and his *Council* in *Parliament*, they might have been *relieved* and *diſcharged* from that Service; as in the Caſe of *Toriton* mention'd by Dr. *Brady*, of which I ſhall ſpeak further by and by. And no doubt but that there were ſeveral Others *exempted* upon the like Account, tho' the *Charters* for ſuch *Exemptions* might be loſt, and ſuch as theſe, I judge ſome of thoſe *Boroughs* to have been, which having *diſcontinued* ſending any *Members* to *Parliament* for ſeveral Ages, yet were reſtored to their *Antient Priviledge* by Order of the long Parliament in 1640, when *Wages* being then almoſt quite diſus'd, that *Service* was looked upon rather as an *Advantage* than a *Burthen*.

But tho' ſeveral poor *Antient Boroughs* did eſteem it a Charge and Trouble to them, yet that it was looked upon as a *Great Priviledge* by other *Great* and *Richer-Towns*, that could ſuſtain that *Expence*, appears from the *Petitions* of St. *Albans* and *Barnſtable* already mention'd, in which they inſiſted upon their Priviledge of ſending *Burgeſſes* to *Parliament* as their *Antient* and *undoubted Right*, and which was allow'd them by thoſe Kings to whom they *petitioned*: ſo that the Doctor's concluding *Remark* upon this Head, is untrue, † *that no* Burghs *during all the Reigns* (*he inſtances in*) *from the time of* Edward *the* Firſt, *to* Edward *the* Fourth, *ever complain'd*

† *Treatiſe of Boroughs*, p 59.

of

ty will prove the ſame; by what *Rule* thoſe *Sheriffs* that firſt ſent out their *Precepts* to Elect *Citizens* and *Burgeſſes* to *Parliament* then were? For I have already proved, that this *General Clauſe* in their *Writs* did impower and direct them to ſummon *Members* from ſuch *Places*, as were then actually *Cities* and *Boroughs*, but did not leave it to their *Diſcretions*, what were to be accounted ſo, and what not; ſince that had given them as *great* a *Prerogative* as the *Crown* it ſelf could exerciſe. But if (as Doctor *Brady* himſelf acknowledges) in the Caſe of the Town of *Lindon*, it was to be tryed by *Domes-day-Book*, and the *Records* of the *Exchequer*, which were *Boroughs*, and which were *Ordinary Towns*; this was certainly a *ſtanding Rule* for all other Places, and the *Sheriffs* might have kept among the *Records* of their Courts, perfect *Liſts* of ſuch *Cities* and *Boroughs* from the *Exchequer*, as were in their Reſpective *Counties*, though they are now loſt, as being of no uſe, ſince this matter is long ſince ſetled by a long conſtant uſage and practice.

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B.A.P. p.140.

* *Brevia Parliament.* p. 228.

Now I will leave it to the Reader's conſideration, whether it be at all probable, that the *Sheriff* ſhould then take upon him to advance ſuch *poor Towns* into *Boroughs*, and make them Elect *Burgeſſes* to *Parliament*, and conſequently to pay their *Expences*, which muſt then be a great Charge and Burthen to them, and that too in an Age, when not the *Neighbouring* Gentlemen, but only *Inhabitants* of thoſe Places were capable of being *Elected:* Or whether thoſe *Towns* would have ſat down contented with ſuch an *Impoſition*, when upon their *Petition* to the *King* and his *Council* in *Parliament*, they might have been *relieved* and *diſcharged* from that Service; as in the Caſe of *Toriton* mention'd by Dr. *Brady*, of which I ſhall ſpeak further by and by. And no doubt but that there were ſeveral Others *exempted* upon the like Account, tho' the *Charters* for ſuch *Exemptions* might be loſt, and ſuch as theſe, I judge ſome of thoſe *Boroughs* to have been, which having *diſcontinued* ſending any *Members* to *Parliament* for ſeveral Ages, yet were reſtored to their *Antient Priviledge* by Order of the long Parliament in 1640, when *Wages* being then almoſt quite diſus'd, that *Service* was looked upon rather as an *Advantage* than a *Burthen*.

But tho' ſeveral poor *Antient Boroughs* did eſteem it a Charge and Trouble to them, yet that it was looked upon as a *Great Priviledge* by other *Great* and *Richer-Towns*, that could ſuſtain that *Expence*, appears from the *Petitions* of St. *Albans* and *Barnſtable* already mention'd, in which they inſiſted upon their Priviledge of ſending *Burgeſſes* to *Parliament* as their *Antient* and *undoubted Right*, and which was allow'd them by thoſe Kings to whom they *petitioned:* ſo that the Doctor's concluding *Remark* upon this Head, is untrue, † *that no* Burghs *during all the Reigns* (*he inſtances in*) *from the time of* Edward *the* Firſt, *to* Edward *the* Fourth, *ever complain'd* of

† *Treatiſe of Boroughs*, p 59

of the Sheriffs *for not* returning *them* Boroughs, *or the not ſending* Precepts *to them*, *as taking away their* Birth-Rights, &c. *nor was it accounted an* Advantage, Honour, *or* Priviledge *to be bound to* ſend Burgeſſes to Parliament, *but rather on the* contrary, *it was* reputed *a* Burthen *and a* Grievance *for* Poor *and* ſmall Burghs *to ſend them*; and then he inſtances in the Caſe of *Toriton* in *Devonſhire*, which *petition'd* the King in Parliament to be *diſcharg'd* of *ſending Burgeſſes* to Parliament, which was *granted*.

Id. p. 60.

Rot. Pat. 42. Ed. III. *part.* 1. *M.* 8. 21.

vid. RS. col. p. 502. for that they h[illegible] never used to send any men to Parliament is before y 24 year of King Edward 3d. when the Sheriff of Devonshire [illegible] ly and maliciously returned them to have been [illegible] ly to Parliament

This I do not oppoſe, only it is to be *noted*, that in their *Petition*, they do not deſire to be *exempted* from that Service, *as having any Antient Right to it*, but ſet forth, *that they were no* Antient Borough, *nor had ever been* accuſtomed *to ſend* Burgeſſes *to* Parliament *before the* 21ſt *of King* Edward *the* Third; which whether true in matter of Fact or no, is not the Queſtion; for admitting it was an *Antient Borough*, it does not therefore follow, becauſe ſome *poor Boroughs* were willing to be rid of that *Charge*, and *attendance* in *Parliament*, that therefore there were none that accounted it an *Honour* or *Priviledge* to be ſo *obliged*; ſince certainly (in Caſe thoſe *poor Boroughs* could have afforded it) it was a *Great Priviledge* and *Honour* to give their *Conſents* to the granting of *Aids* and other *Taxes*, and to have a ſhare in the *Legiſlative Power* of the Nation. nor does it's being *Chargeable* and *Burthenſom* at all derogate from it's *Honour*, ſince even the *Attendance* of the *Knights* of *Shires* themſelves is a great *Charge* and *Trouble*; however, that does not make it no *Priviledge* and *Honour* to ſerve in *Parliament*; for it is an old Rule, *qui vult ſentire Commodum, ſentire debet & Onus*.

I ſhall now conclude with ſome ſhort *Remarques*, upon what Mr. *Prynne* has ſaid concerning the Partiality and favour of *Sheriffs*, in making divers *new Boroughs* to gratifie the Ambition of *Neighbouring* Gentlemen, who deſired to be choſen *Members* of *Parliament*. This indeed is not only very improbable, but highly impracticable, when *Wages* were paid by all *Cities* and *Boroughs* to their *Members* for the time they had ſerved; and which, as Dr. *Brady* himſelf acknowledges, was the main reaſon that made ſuch *poor Boroughs* ſo willing to be rid of the *Burthen* of ſending *Burgeſſes* to *Parliament*; ſo that before the latter end of the Reign of *Henry* the *Eighth*, the *Sheriffs* could not do it, till thoſe *Wages* generally were left off from being levied, or paid by the Reſpective *Cities* and *Boroughs*, which is not many years agone, no longer than the Reigns of *Henry* the *Eighth*, and his Succeſſors; when *Gentlemen* of Eſtates came to be commonly *choſen*, inſtead of the *Burgeſſes* of thoſe *Towns*, and by that time all the *Boroughs* of *England* that ſent *Members* to *Parliament*, were ſo well known and ſetled, that no *Sheriff* durſt at his Peril have iſſued out his *Precepts* to any new *Towns*, who had not been accuſtomed to ſend *Burgeſſes* in former times; for neither the *King* nor Houſe of *Commons* themſelves, would ever have endured ſuch an *Encroachment* and abuſe of the *Sheriff's* Power.

Beſides, if this had been a thing eaſie to be done, and which the *Sheriffs* could have juſtified as a Common practice, I ſee no reaſon why they might not have gratified their *Neighbours*, after once Wages were diſcontinued, and have ſent Precepts to *Agmundeſham*, *Wendover*, *Milborn-Port*, and ſeveral other Antient Towns of *England* to Elect *Members* of *Parliament*, though they had been excuſed from ſending any for above three hundred years, becauſe of their poverty; ſeeing that great Obſtacle of paying *Wages* being removed, there might have been *Neighbouring* Gentlemen enough to be found, who would have been very deſirous of that Honourable Imployment, and it is very likely would (had it been practicable) have gratified the *Sheriffs* very well for their ſo doing. And yet we do not find they ever durſt venture on ſo dangerous a Project, nor iſſue out any *Precepts* to thoſe *Towns* to chuſe *Members*, * till upon their *Petitions* to the Houſe of *Commons* in 1640, they were order'd to ſend out *Precepts* to thoſe *Towns*, and ſeveral others, that then deſir'd to be reſtor'd to their *Antient Priviledge*; in granting which, whither the Houſe of *Commons* in 1640, did well or ill, is not my preſent Buſineſs to examine. I ſhall conclude this Head with ſome ſhort Remarques upon † Mr. *Prynn*'s 8*th* Obſervation, that upon the Conſideration of the Premiſſes, (that is, of thoſe *Boroughs* he there mentions, who in the year 1640, had the *Priviledge* of ſending *Burgeſſes* to *Parliament* again revived and regranted to them.) He is of Opinion, that ſince the Statutes of 5 *Richard* the *Second*, c. 4. 1 *Henry* the *Fifth*, c. 1. 23 *Henry* the *Sixth*, c. 25. no *Sheriffs* by vertue of the King's *Writs* of *Summons*, and forecited *Clauſes* in them, can erect, or enable any *New-created*, or *old* long *diſcontinued Boroughs*, to chuſe and return *Burgeſſes* to our *Parliaments*, what ever they *antiently* did or might do before theſe Acts.

* *Vid.* Pryn. *Brevia. Parliament.* p. 238.

† Ib. 238. b.

In all which, though I agree with this Author concerning the matter of *Law*, yet I cannot ſee any reaſon why the *Sheriffs* ſhould have had greater Power to make what *Boroughs* they pleas'd to Elect *Members* to *Parliament*, or to *excuſe* thoſe they pleas'd to favour, before thoſe Statutes than afterwards. For whoever will take the Pains to conſult thoſe Statutes, will find, that they rather make againſt, than for this Author's Opinion; becauſe that of *Richard* the *Second* declares, that all ſuch who have *Summons* to *Parliament*, ſhall henceforth come thither, as hath been *accuſtomed of old Time*, and which is there as much declared to be the *Right* of the *Citizens* and *Burgeſſes*, as of the *Biſhops* and *Peers*; but as for the other Statutes of *Henry* the *Fifth* and *Sixth*, they were made to reſtrain and prevent the Abuſes of *Sheriffs* in making *falſe Returns*, not to abridg any Authority they before lawfully enjoy'd or exerciſed.

I ſhould have proceeded to the ‖ Doctor's *ſecond* Queſtion, who antiently were, or ought to be *Electors* in real or *pretended Burghs*? in deciding of which, he endeavours all he can to * prove (if poſſible) 'that the *Election* of *Parliament-Men* in all *Cities* and '*Boroughs*, was, and ought to be in the *Mayor* or *Bailiffs*, and 'a ſelect number of the *Common-Council*, and richer *Burgeſſes* of 'thoſe Places, and not in the poorer Burgeſſes and ordinary Freemen; becauſe (I ſuppoſe) thoſe being a great Many, are not ſo eaſily *bribed*, or managed by the *Court-Party*, to *pack* a Parliament by Brow-beating, Threats, or perhaps open Force; as it is evident was intended, if a Parliament had been *Elected* according to King *James* the *Second*'s new Model. But though I could ſay a great deal againſt

‖ Id. p. 60.

* Ib. p. 68. 69. *ad finem.*

againſt what the Doctor has there laid down for plain proofs, which indeed are not ſo; yet ſince theſe Papers have already ſwell'd to too great Bulk, and that I fear tiring the Reader's patience, I ſhall leave the *Cities* and *Boroughs* of *England* in the quiet poſſeſſion of their *Antient Liberties*, and Methods of *Election* of *Citizens* and *Burgeſſes*, which they now enjoy, by the happy coming in of our late Illuſtrious King *William* the *Third* of ever glorious Memory, who by the *Bleſſing of Heaven* broke and diſappointed all thoſe *Popiſh* and *Arbitrary* Deſigns then on foot, to deſtroy both our *Religion* and our *Civil Liberties*; which yet never could have been throughly effected, without *new Modelling* of *Corporations* by taking away their *Old Charters*, and granting Others upon thoſe Terms and Conditions the then Government thought fit to allow them. The main Project of this was, to reduce the *Electors* of all the *Cities* and *Boroughs* of *England* (which make above *two Thirds* of the Houſe of *Commons*) into as few Hands as they could, and thoſe were, in *Town's Corporate*, either *known* or *ſuſpected Papiſts*, or elſe open *Diſſenters* from the Communion of the Church of *England* as eſtabliſhed by Law.

P. 82. I ſhall now conclude this Diſcourſe, with anſwering an Objection to Mr. *Petyt*'s Supplemental Argument, which was firſt made uſe of by him in his *Right of the Commons aſſerted*; whereby he would prove from the *Titles* to ſeveral *Statutes* made in the Reigns of *William* and *Alexander* the *Firſt* and *Second* Kings of *Scotland*, that the *Citizens* and *Burgeſſes* of the Principal *Cities* and *Boroughs* there, being alſo ſummon'd *Time beyond Memory*, there were always *Commons* in thoſe *Parliaments*; and conſequently that Government being the ſame in all the *Eſſential Parts* of it with Ours, it muſt have been ſo in *England*, likewiſe, long before the 49*th* of *Henry* the *Third*. I muſt confeſs that Dr. *Brady* in his Anſwer to this
* P. 98. Treatiſe of *Mr. *Petyt*'s, has turn'd this Argument againſt him, and there proved, that the *probi Homines Scotiæ*, and the *Liberi Tenentes* mention'd after the *Comites* and *Barones* in thoſe *Laws*, were only the King's leſs *Tenants in Capite*, and ſuch as are called *Lairds* at this day, though they neither are, nor ever were *Peers* of *Scotland*, and ſo conſequently ſat as *Commoners* in thoſe *Antient Parliaments*; yet however, that the whole Civil Body or *Communitas Regni* (as it is ſtil'd in ſeveral *Antient Statutes*) always conſiſted of the *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and other *Great Men* or *Tenants in Capite*, the Doctor evidently proves by the Title to the
† *Statut.* Rob. III. *f.* 63. † Laws of King *Robert* the *Third*, who began his Reign *Anno Domini* 1390. (being the tenth year of our *Richard* the *Second*) of which I ſhall give you the *Engliſh* Tranſlation, referring the Reader to the Doctor himſelf for the *Latin* One.

B. *A.* P. p. 99. The Parliament of our Lord *Robert* the *Third*, &c. King of *Scots* held at *Scone* on the twenty firſt of *February*, in the year of Grace 1400, and in the Eleventh year of his Reign (with the Continuation of the ſubſequent-Days) the *Biſhops*, *Priors*, *Dukes*, *Earls*, *Barons*, *Free-holders* and *Burgeſſes*, who hold of our Lord the King *in Capite*, or in Chief, being call'd and ſummon'd thither according to the uſual Cuſtom.

Then having ſhewn the *Antient Conſtitution* of the *Scotiſh* Parliaments, the Doctor for the Reader's ſatisfaction further tells us, when, and how it came to be alter'd; and for that end, he has there tranſcribed from the * Book of Statutes of that Kingdom, an Act made in the Seventh Parliament of King *James* the *Firſt* of *Scotland*, whereby the *ſmall Baronnes* and *Freehalders* were diſcharged from coming to *Parliaments* in their own Perſons, which being ſomewhat long, I ſhall give you here the Subſtance of it in the *Scotiſh-Engliſh* of that Time, and leave the Reader to peruſe the Act at large at his leaſure: It is to this effect.

Ibid.

* P. 17. n. 102.

The King with the conſent of the Haill Council generallie hes Statute, and Ordained, *that the ſmall Barronnes, and Free-Tennentes neid not cum to* Parliaments, *nor General Councels, ſwa that of ilk Schireſdome there be ſend, choſen at the Head Court of the Schireſdome, twa, or maa Wiſe Men, after the largeneſs of the ſaid Schireſdome,* &c. *the quhilk ſall be call'd Commiſſares of the Schires,* &c. *quhilks Commiſſares ſall have full and haill Power of all the laif of the Schireſſedome under the witneſſing of the Schireffis Seal, with the Seales of diverſe Baronnes of the Schire, to heare, treate, and finallie to determine all Cauſes to be proponied in Councel or Parliament*; then follows a Clauſe, that they ſhall have *Coſtage*, that is, Wages of *ilk Schire*; and concludes, *that all Biſhoppes, Abbotes, Priors, Erles, Lordes of Parliament, and Ban-rentes,* the *quhilkis, the King will be received and ſummoun'd to Councel and Parliament be his ſpecial Precept.*

Then to ſhew that this Statute was only made by the *Tenants in Capite*, the Doctor has there alſo tranſcribed the Title to this Act, which being in *Latin*, I ſhall give it you in *Engliſh*.

‘ In the Seventh Parliament or General Council of the moſt Illuſtrious Prince *James*, by the Grace of God of *Scotland*, held at *Perthe* on ‘ the firſt of *March*, *Ann. Dom.* 1427. and of his Reign the 23*d*, (with ‘ a Continuation of Days and Times) there being ſummon'd ‘ and called after the due and accuſtomed manner the *Biſhops, Abbots, Priors, Earls, Barons* and *Free-holders*, who hold of our Lord ‘ the King *in Capite*, and of each *Borough* certain *Burgeſſes*, who appearing, *&c.* yet this Statute was not ſo ſtrictly obſerved, but the *Tenants in Capite* did ſometimes after it's being enacted, come again to *Parliament* in a *Body*, and not by *Repreſentatives*, till this *Law* was renew'd and confirmed in the Eleventh Parliament of King *James* the *Sixth*, holden at *Edenburgh*, *July* 29. 1587. wherein after a ſhort recital of this † Act of King *James* the *Firſt*, there is appointed the manner of *Electing* the ſaid *Commiſſioners* of *Shires* by the *ſmall Barons*, or *Free-Tenants* in a Court, or Meeting to be held only for that purpoſe, together with the qualifications of the Perſons to be Elected, *and that* nane *having* voit *in their Election, bot ſik as hes * Fourtie Shilling Land in Free Tennendrie halden of the King and hes their actual Dwelling and Reſidence within the ſame Schire. And that the Compeirance of the ſaid † Commiſſioners of the Schires in Parliaments or General Councelles, ſall relieve the Haill Remanent ſmall Barronnes and Freehalders of the Schires of their Suites and preſence, aucht in the ſaids Parliaments.* By which Titles to the Statutes of King *Robert* the *Third*, and that of *James* the *Firſt*, and this ſubſequent Statute of *James* the *Sixth*, it plainly appears, (ſays the

Ibid.

† Ib. *n.* 113. 290.

* *Which is now near as much as ten pounds* per Ann. *preſent State of* Scotland, *p.* 77.

† Id. p. 291.

* Ib. p. 100. * Doctor) that the King's ſmaller *Tenants in Capite*, were the only *Commons* in the *Scotiſh* Parliaments; and by the laſt Clauſe of this Statute of *James* the *Sixth*, it likewiſe appears, that the *ſmall Barons*, *Free-holders* or *Tenants in Capite*, thought it a *Burthen* to come to, and Remain in *Parliaments*; and therefore not being willing to undergo that trouble in all probability, they *petition'd* they might for the future appear, and be *repreſented* by *Commiſſioners* as they are at this day.

† Ibid. As to the *Boroughs* they make the *Third Eſtate*, † and do each of them ſend but one *Burgeſs* to *Parliament* (except *Edenburgh*, which ſends *two*) which are all *Choſen* by the *Common Council* of the *Towns*. There are in *Scotland* three ſorts of *Burghs*, that is to ſay, *Royal-Burghs*, *Burghs* of *Regality*, and *Burghs* of *Barony*: But the *Royal-Burghs* called *Burgi Dominici Regis*, or *qui de Rege tenent in Capite*, only ſend *Commiſſioners* to *Parliament*, and are in number *Sixty*.

Ibid. From all which Obſervations concerning the *Conſtituent Parts* or *Members* of the *Scotiſh* Parliaments, and the great *Affinity* or *Likeneſs* there was *antiently* between *Ours* and *Theirs*, the Doctor concludes it to be certain, that *Our* and their *Communitas Regni* was the ſame, that is, they were the *ſmall Barons* and *Tenants in Capite*; and it is highly probable, ſays he, that when this *Communitas* left off coming perſonally to Parliament in *England*, and came by *Repreſentation*, they were at firſt *repreſented* by *Two* of their own Number ſent from every *County*, and alſo that originally the *Burghs* that ſent *Members* to *Parliament*, were *Burgi Dominici*, the *King's* or *Royal-Burghs*, ſuch as *ever did*, and to this day in *Scotland* ſend *Burgeſſes* to *Parliament*.

But to give you all that the Doctor could ſay upon this Subject together, I ſhall here alſo add, what he has affirmed concerning the *Firſt Electors* of *Knights* of *Shires* in *England*, and who were the Perſons then Elected.

‖ P. 19. In his ‖ Anſwer to Mr. *Petyt*, he has already aſſerted, that the ſmaller *Tenants in Capite* with their Inferior *Military* Tenants, (in all probability) were the Men that *firſt Elected* two *Knights* in every *County*, out of the *Tenants in Capite*; and only they, as *Suitors* to the *County-Court* were the *Electors*, when at firſt the *Body* of them began to be thus *repreſented*, that 'tis very likely this was the reaſon of the Statute made afterwards in the 7*th* of *Henry* the *Fourth*, c. 15. *Ann. Dom.* 1406. that the *Election* ſhould be made in the *County-Court* by all the *Suitors*, *&c.* and that this likewiſe might be the Reaſon why the Statute of the 8*th* of *Henry* the *Sixth*, c. 7. by which any Man who had 40 *s. per Annum*, *of any Tenure*, was *permitted* to be an *Elector*, was altered, and ſo explain'd, that none but *Free-holders* of 40 *s. per Annum*, ſhould afterwards be *Electors*, appears by the 10*th* of *Henry* the *Sixth*, c. 2. made *Ann. Dom.* 1432. with reſpect perhaps to the leaſt part of a *Knights-Fee*, viz. 40 *s. per Annum*, which were then come into the Hands of very ordinary Men; for *antiently*, as he ſuppoſes, ſoon after or near the *Conqueſt*, there were very few, or no great *Socages*, that is, ſuch as held Great Eſtates in *Socage*; and neither the ſmall ones, nor the *Nativi* or *Copy-holders* were reputed * *Liberi* or *Legales Homines*, or performed the

* 11 Hen. I. C. 29.

Service proper to ſuch *Military* Tenants, or thoſe to whom they had alienated part of their Fees.

Having truly ſet down the *Antient* and *preſent Conſtitution* of the *Scotiſh* Parliaments, from Dr. *Brady*'s Anſwer to Mr. *Petyt*, as alſo his Opinion of our *firſt Knights* of *Shires*, I ſhall not deny the matter of Fact as to *Scotland*, to be as he has repreſented; but notwithſtanding the *Reſemblance* (which I grant) there was *antiently* between the Government of *that*, and *this* Kingdom; yet it does not follow, that it is either *Now*, or *Ever* was juſt the ſame in all points, as I can ſhew you from divers Inſtances. For the Authority of the King or Royal Prerogative, was antiently much more limited and reſtrained in *Scotland*, than it was in *England*; and the power of the *Nobility* or Great *Tenants in Capite*, was much more *Abſolute* in reſpect of the *King*, and alſo over their *Tenants* and *Vaſſals*, than ever it was in *England*, as I could prove particularly, were there any Occaſion for it. Nor does it follow, that becauſe the *Communitas Regni*, or *Civil Body* of that Kingdom, conſiſted wholy of *Tenants in Capite*, that therefore *Ours* muſt do ſo too; ſince in *Scotland* there is very little *Socage-Tenure*, and that which remains, is ſo wholy *Servile*, as to *plough* their Lord's Lands, *&c.* that it was much the ſame with our *Copyhold* Eſtates in *England*.

But on the contrary, there never was any ſuch thing in *Scotland*, as Tenure in *Free-Socage* by performing ſome few but honorable Services, or paying a certain Rent, as did the King's Tenants by *Petty-Serjeanty* in *England*, or elſe ſuch as held of the *Biſhops*, *Abbots*, *Priors*, and *Deans* and *Chapters* of *Cathedral-Churches*, who held only *in Libera Eleemoſina*, and therefore their Tenants could not hold of them by *Knight's-Service*; and further, the greateſt part of *Kent* was *Gavelkind-Land*, held in *Free-Socage*, either of the *King*, or the Archbiſhop of *Canterbury*, and Biſhop of *Rocheſter*, or elſe of the *Great Monaſteries* in that *County*; and this is the reaſon why in * *Domes-day*-Book there are (beſides the *King*) but *Twelve* other *Owners* of Lands held by *Knights-Service* in *Capite*, of which the *Lay-Tenants* are but *five*, all the reſt being *Biſhops* or *Abbots*.

* Vid. Dr. B's *Append. to his Introduct.* p. 3.

Now all theſe *Socage-Tenants* taken together, made a conſiderable number of Perſons of very good *Eſtates*, notwithſtanding the Doctor's Aſſertion, that the Tenants *in Socage* were for a long time after the *Conqueſt* very few; whereas about the middle of *Henry* the *Third*'s time, they were ſo numerous and conſiderable, that in certain *Writs* of that King, which He iſſued out to the *Sheriffs* for the *Summoning* in the *County-Courts* all ſuch to be made *Knights*, who held one *Knights-Fee*, or leſs than a whole *Knights-Fee* of any ſort of Tenure, *dum tamen de Tenemento ſuo, tàm militari, quàm Socagio poſſint ſuſtentari*, i. e. provided they could maintain themſelves (according to their Quality) out of their Eſtate or Tenement, as well of *Military*, as *Socage* Tenure. And the Priviledge of theſe *Socage-Tenants* was ſuch, that their Lords could not grant *Taxes* for them in *Parliament* at their pleaſure, as I have already proved from that Paſſage in *Bracton*, *ſunt quædam Communes Preſtationes quæ ad Dominum Feodi non pertinent*, &c. which I have cited at length in the former part of this Diſcourſe, and from whence

Rot. Clauſ. 24 Hen. III. *M.* 8. *Dorſo.* 26 Hen. III. *M.* 6. *de Militibus faciendis.*

alſo I have proved, that the *Tenants in Capite*, though they could grant *a Scutage* for *Themſelves* and their *Tenants*, yet they could not lay a *Carvage*, becauſe that *Tax* extended to all the Lands of the Kingdom, of whatſoever Tenure.

And theſe *Tenants* in *Free-Socage*, were as much *Freeholders*, as thoſe by *Military* Service, and as ſuch, ow'd ſuit to the *County-Court*, or elſe they could not have been there *ſummon'd* by the *Sheriffs* to come and take the order of *Knighthood*, as by the foregoing *Record* is appointed; and theſe Tenants in *Socage* were alſo as Capable as thoſe by *Knight's-Service*, to give their Votes for the *Repreſentatives*-of their Reſpective *Shires*, and might if they had ſufficient Eſtates, be *choſen* themſelves, as appears by the *Knights* for *Kent*, who muſt have been for the moſt part Tenants in *Gavelkind*, ſince the greateſt ſhare of the Lands of that County were of that Tenure, as hath been juſt now obſerved: Whereas the Conſtitution of *Scotland* was quite otherwiſe, the *Tenants in Capite* there were almoſt the whole Kingdom; and thoſe by *Knight's-Service* under them made ſo ſmall a Figure, that when *Commiſſioners* for *Shires* were firſt appointed (by thoſe Statutes above-mention'd) to be *choſen* to come to *Parliament*, inſtead of the *ſmall Barons* or *Tenants in Capite*, the Inferior Tenants by *Knight's-Service*, who held under them, were not reckoned among the *Liberi-Tenentes*, or Freeholders of the Kingdom, neither were they admitted to have any thing to do at the *Election* of the ſaid *Commiſſioners*, and even the ſmaller *Tenants in Capite* themſelves, which had not 40 *s. per Annum* Rent, ſtand excluded from giving any Votes at ſuch *Elections*, by the Statute of *James* the *Sixth* above-mention'd: But here in *England* the *Conſtitution* was, that all *Freeholders* of what Tenure ſoever, had equal Votes at the *Election* of *Knights* of the *Shires*; and therefore it is a very erroneous Aſſertion of the Doctor's, and no way probable, that the *Tenants in Capite*, with their Inferior *Military* Tenants, were at firſt the *only Electors* of *Knights* of *Shires*, or that the *Tenants in Capite* were the only *Perſons* ſo *Elected*; ſince I have already proved, that other *Inferior Tenants* (provided they were Men of ſufficient Eſtates and underſtanding) were altogether as capable of being choſen *Knights* of *Shires*; and theſe indeed in ſeveral Records were called *Grantz des Counties*, yet not as the Doctor imagines, from their being *Tenants in Capite*, but from their having great Eſtates in their Countries of what Tenure ſoever, as I have already proved in another Place, and therefore need not repeat here.

And therefore what the Doctor hath cited from the *Statutes* of the *7th* of *Henry* the *Fourth*, and 8*th* of *Henry* the *Sixth*, does not at all Countenance his Opinion, but the direct contrary; for he himſelf allows, that by the former of theſe Statutes all the *Suitors* at the *County-Court* of whatſoever Tenure, were *permitted* to give *Votes* at the *Elections* of *Knights* of *Shires*, which indeed was not a bare *permiſſion*, but a matter of *Right*; and if you pleaſe to peruſe that Statute of *Henry* the *Sixth*, cited by the Doctor, you will find it was not made to *abridge* that *Liberty*, but only to *reduce* the former Statute of *Electors* to a certain Value, and to exclude all Men of whatſoever Tenure, that had not 40 *s. per Annum* from giving any *Votes* at ſuch *Elections*; ſo that the Alteration was not (as he ſuppoſes) in the Tenure of the *Electors*, which continued ſtill the ſame *Socage-Tenants*, as well as thoſe by *Military Service*, having ſtill alike Votes at *Elections*, though as for *Copyholders*, they were not looked upon as *Freeholders*, and conſequently had not then, neither have at this day any *Right* to vote at the *Elections* of *Knights* of Shires.

But further to ſhew the improbability of the Doctor's Opinion, even from what he himſelf has proved concerning *Scotland*, that the Biſhops, Lords and *Tenants in Capite*, were not only antiently the *Community*, or whole *Civil Body* of the Kingdom, but are ſo to this day, the *Commiſſioners* for *Shires* did, and ſtill do only *repreſent* thoſe that *chuſe* them, and none Others; yet could not the King make even this *Alteration*, in appointing two of the *ſmall Barons* and *Tenants in Capite*, to appear for all the reſt by his own *ſingle Prerogative*; for the Doctor ſhews it was done by two ſeveral *Statutes*, to both which they gave their *Conſents*: and he further ſays (that it was not unlikely) that it was at their *Requeſt*, that the King conſented to it, to ſave the *Trouble* and *Charges* of all the reſt.

Now let thoſe of the Doctor's Opinion ſhew us any *Law* or *Statute* in *England*, whereby the *Knights* of *Shires* were ever appointed to *repreſent* all the *Military* Tenants of the Kingdom, and none other. and I ſhall then agree to whatſoever further they can ſay. But perhaps they will alledge, that whenever this *Alteration* was made, the King did it by his *ſole Prerogative*, as *Simon Montfort* made it at firſt by his own *Uſurped Power*, and that of his Faction; but this I deny, ſince I have already proved, that the Perſon laſt mention'd, had not ſuch an *Abſolute Power*, as to make ſo great a *Change*, without the expreſs Conſents of the *Tenants in Capite* themſelves, neither could *Edward* the *Firſt* do it (as the Doctor ſuppoſes he did) by his *Sole Prerogative*, for the leſs *Tenants in Capite* being then a very numerous and powerful Body, it was not in the Power of this King, to have ſo far abridged the Intereſt of all the *Tenants in Capite*, as appears by the indefinite words in the *Writs* of *Summons*, of giving the People a *Right* to chuſe any *two Knights* that were moſt *fit* for buſineſs, whether *Tenants in Capite* or no, is not mention'd, who could, when aſſembled in *Parliament*, make *Laws* for, and lay what *Taxes* they pleas'd, not only upon the Ordinary *Freeholders*, but even thoſe of whom they held their *Eſtates*; which had it been done without their *Conſents*, it is not likely they would ever have ſubmitted to it, without any Complaint; and I will give you one of the * Doctor's own Rerſons, why the *Tenants in Capite* were at firſt choſen *Knights* of *Shires*; *for* (ſays he) *it is ſcarce credible, that thoſe Men, the* Tenants in Capite, *which made ſuch a noiſe for their* Liberties, *would part with this Main Point, of being perſonally preſent, or the Body of them Repreſented by ſome of their own Number in every County*; and yet all this they tamely yielded to, without any *Oppoſition* or *Law* made for it, ſince we find in the Reigns of *Edward* the *Third*, and *Richard* the *Second*, Inferior Tenants to be choſen *Knights* of the *Shire*, as well as ſome of the *Tenants in Capite*, as I have already proved; which had it been (as the Doctor alledges) would no more have been ſubmitted to in

* B A.I p. 214.

this Kingdom, than in *Scotland*, without ſome *Law* or *Statute* to which thoſe *Tenants* at firſt gave their *Conſents*; and ſince there is no ſuch Law any where to be found, we may very well conclude, that the coming of *Knights* of *Shires* to *Parliament* is of that *Antiquity*, that it is as much beyond the Skill of any in this preſent Age to tell the *Original* of it, as it was ſo many Ages ago in the time of *Edward* the *Firſt*, when it was ſuppoſed, to be, *time out of mind*.

As for the *Cities* and *Boroughs* of *Scotland*, there is no ſuch great *Reſemblance* neither between Them and Ours of *England*; for whereas thoſe hold all *immediately* of the *King*, and are but *Sixty* in all; it is much otherwiſe here, for not a *Fourth* part of our *Cities* and *Boroughs* ever held *in Capite*, of the *King*, as I have already proved, againſt what the Doctor has aſſerted to the Contrary in another Place; and therefore ſhall ſay no more of it here: only cannot but take notice of his great *partiality* to the *Scotiſh Royal-Boroughs* above *Ours* of *England*; for whereas he ſays concerning the former, that they were ſuch, *as ever did, and do at this day, ſend Burgeſſes to Parliament*, I ſuppoſe the Doctor only meant that they ſent them *time out of mind*, *not* (to uſe his own words) *ever ſince Adam*, as he by way of Banter asks Mr. *Petyt* upon the *Commons* uſing the very ſame Phraſe in their *Petition* to King *Henry* the *Fifth*. So that it ſeems the Doctor can very well allow the *Scotiſh Cities* and *Boroughs to have ever had Repreſentatives* in their *Parliaments* beyond *time of Memory*; but as for thoſe of *England*, they muſt never have ſat there but *Once*, and that too in a time of *Rebellion*, till the 23*d* of *Edward* the *Firſt*. But ſure, if (as he there aſſerts) the *Conſtituent Members* of *Parliament* in both Kingdoms were the *ſame*, at leaſt the *Cities* and *Boroughs*, that held of the King *in Capite*, muſt have had the *like Priviledge*, or elſe there was one Order of Men leſs in our *Engliſh*, than in the *Scotiſh* Parliaments at that time, when (as the Doctor ſays) there were no *Repreſentatives* for *Counties*, and that the *Biſhops* and *Great Lords*, as *Tenants in Capite*, made but *one Eſtate* of *Nobility* with the *leſs Tenants* of the ſame Degree, who ſat in the *ſame Houſe* with the *Peers*. But perhaps the Doctor would ſay, (were he now alive) that *England* being a *Conquer'd Kingdom*, the *King* was *Abſolute*, and might model his *Parliament* as He pleas'd: If this were the Reply, I ſhould then refer him (as I do his Followers) to my *laſt Introduction*, and deſire them ſeriouſly to think of, and anſwer it, before they too poſitively aſſert that Opinion. And I hope in what I have ſaid on that Subject, I have uſed that Candor and Integrity as was requiſite for One, who deſires nothing more than the Diſcovery, and aſſerting of the *Truth*, which if I have not done as I ought, I ſhall own my ſelf beholding to any more able Pen, that ſhall ſhew me my Miſtakes, and will pleaſe to give greater Light to thoſe *Antient Hiſtories*, and *Records*, that have been made uſe of by both Parties in this weighty Controverſie.

B. A. P. p.86.

The enſuing Records are the Writs which were ſent by King *Edward* the *Firſt*, to Summon the Knights, Citizens and Burgeſſes to the Great Council, or Parliament at *Shrewsbury*, which was held in the eleventh year of his Reign, an Abſtract of which you will find in the aforegoing Appendix, *p.* 57, 58. which ſince they have never been as yet publiſhed, I have thought fit here to inſert 'em, for the ſatisfaction of the Curious Reader. I have not thought fit to print any more Records, becauſe you will either find them in the *Appendix*, or elſe are there refer'd to, as being already publiſh'd in Dr. *Brady*'s Treatiſes, which I have here undertook to Anſwer.

Rot. Walliæ 11 *E*. 1. *M*. 2. dorſo.

De Tractatu habendo de David *fil'* Griffini.

REX *dilecto & fideli ſuo Gilberto de Clare, Comiti Glouc' & Hertford, ſalutem. Quot fraudum & machinationum generibus lingua Walenſium ad inſtar Vulpium Progenitores noſtros Nos & Regnum invaſerit a tempore cujus poteſt hominis memoria recordari, quot Strages Magnatum, Nobilium & aliorum tam Anglicorum quam aliorum Juvenum atque ſenum, Mulierum & etiam Parvulorum fecerit; quot Caſtrorum & Maneriorum incendia tam noſtrorum quam aliorum Regni hujus poſuerit quotiens turbaverit & infecerit Regnum noſtrum, Deum vel Hominem non verendo, vix poſſet lingua Hominis per ſingula enarrare: Verum qualiter hiis diebus, ut præterita taceamus, Lewelinus filius Griffini Walliæ quondam princeps & David Germanus ejus ſpreto fidelitatis quam nobis fecerant debito aſſueta relinquere non volentes Proditionalius ſolito Villas noſtras ſubito combuſſerunt; & proh dolor! quibuſdam fidelibus noſtris occiſis quibuſdam combuſtis & aliis Diris Carceribus mancipatis Caſtra noſtra invadere auſu temerario præſumpſerunt fundendo minaniter ſanguinem inocentem vos ipſi qui noſtrorum laborum & Sumptuum participes extitiſtis propriis oculis conſpexiſtis. Set ille qui poſt peccatoris converſionem diutius expectavit ipſum induratum præcipitari permittit hujuſmodi fraudibus, Machinationibus, Incendiis & Cædibus inhumanis, ut apparet veriſimiliter imponere finem volens prius dicto Principe interfecto dictum David qui quaſi ultimus ſuperſtes de dictorum Proditorum genere habebatur captivatum per homines linguæ ſuæ noſtro Carceri deſtinavit, ſuper quo eidem gratias exſolvimus, ſicut ipſum factorem credimus hujus rei.*

Et quia vobiſcum, qui ut prædiximus, circa expugnationem dictorum fratrum & ſuorum Complicum dampna, Labores & Sumptus una nobiſcum ſuſtinuiſtis Colloquio *habito intendimus ordinare quid de David fieri debeat memorato quem ſuſceperamus Exulem nutriveramus Orphanum ditaveramus de propriis terris noſtris & ſub alarum noſtrarum Clamide foveramus ipſum inter Majores Palatii noſtri Collocantes; Vobis mandamus quod in Craſtino Sancti Michaelis proximo futuro ſitis ad Nos apud Salop Nobiſcum ſuper hoc & aliis locuturi; Et hoc nullatenus omittatis. Teſte Rege apud* Rochel 28. *die Junii.*

Conſimiles Literæ diriguntur Omnibus ſubſcriptis.

Edmundo fratri Regis Comiti Lancaſtr'.
Rogero le Bigod Com'.
Norff & Mareſcallo Angl'.
Johan' de Warenna Com' Surr'.
Henrico de Lacy Com' Lincoln.
Will' de Valencia.
Hum' de Bohun Com' Heref. & Eſſex.
Will' de Bello-Campo Comiti Warr'.
Roberto de Veer Com' Oxon'.
Gilberto de Umfravill Com de Anegos.
Roberto de Bruce Comiti Carrek.
Adæ le Deſpenſer.
Petro de Gouſl'.
Reginaldo de Grey.
Gilberto de Gaunt.
Nicholao de Segrave.
Mattheo de Lovayne.
Johanni de la Mare.
Henrico Huſee.
Rogero de Lancaſtr'.

Nicho' de Meynill.
Roberto de Tateſhale.
Ricardo de Grey.
Roberto de Bruce Dom. vallis Anund.
Galfrido de Nevill.
Johanni de Stayngreene.
Radulfo de Thorneye.
Waltero de Wygeton.
Roberto filio Walteri de Damnere.
Rogero la Zuſche.
Roberto fil' Rogeri.
Johan' de Wanton.
Normanno de Arcy.
Johan' de Sancto Johan'.
Will' de Veſchy.
Thomæ de Berkell.
Rogero de Colevill de Wyham.
Almar' de Sancto Almando.
Galfrido de Lucy.
Johan' filio Galfri' de Sancto Johan'.

Nicho' de Cryell.
Gilberto Peche.

Johan' de Bohun de Suſſex.
Johan' de Wahull.
Philippo de Kime.
Johan' de Balliolo.
Rogero de Moubray.
Hugoni le Deſpenſer.
Radulfo Pypard.
Roberto de Everingham.
Johanni de Sulleye.
Ade de Ganent.
Alexand' de Balliolo de Chileham.
Will' fil' Warini de Monte-Canniſ.
Will' de Monte-Canniſ. de Edwardſton.
Ric' fil' Johan'.
Johan' Giffard de Brimesfield.
Rico' de Cromwell.
Johan' de Brus.
Rico' de Brus.
Petro de Malo-Lacu.
Roberto de Ros.
Johan' de Eyvill.
Will' Bardolf.
Thomæ de Furnivall.
Will' de Huntingfeld.
Rado' Baſſet de Welledon.
Johan' de Boſco.
Rado' Baſſet de Drayton.
Theob' de Verdun.
Marmed' de Tweng.
Will' de Roſs.
Will' de Say.
Rogero de Somery.
Waltero de Faucumberg.
Johan' de Bella-Aqua.
Tho' fil' Will' de Criſtok.
Johan' de Vallibus.
Thom' de Moleton de Gilleſland.
Rob' de Grey.
Regin' de Argenteyn.
Will' de Ferrar'.
Gerrardo de Inſula.
Rog' de Leyburn.
John' de Bello-Campo.

Alano de Pluckenet.
Hug' Poynz.
Johan' de Cogan.
Ricard' de Albin'.
Henr' de Urtiaco.
Simoni de Monte Acuto.
Olivero Dynant.
Hugoni de Courtney.
Will' Martyn.
Will' de Brus.
Maug' de Sco' Albino.
Nicho' de Monte forti.
Pho' de Albin'.
Rogero Extraneo.
Edmundo de Mortuo Mari.
Nicho' Baron' de Stafford.
Andr' de Etleye.
Simoni Baſſet.
Griffino fil' Ween' Weir.
Petro Corbet.
Johan' Extraneo.
Rob' de Mortuo Mari.
Will' de Botiller de Weme.
Fulconi fil' Warini.

The following Writ to the Mayor and Sheriffs of *London*, being the ſame word for word with this to the Lords, need not be repeated, only I ſhall here ſet down the names of the Cities and Boroughs as they are found upon the Roll, to whom it is moſt likely the ſame Writs were directed.

Rot. Walliæ An. 11. Edwardi 1.

REX *Majori & Vicecomitibus London. Quot fraudum & Machinationum generibus*, &c.

Eodem modo Mandatum eſt ſubſcriptis.

Majori & Civibus Winton.
Majori & Ballivis Villæ Novi Caſtri ſuper Tynam.
Majori & Civibus Ebor'.
Majori & Ballivis Briſtol.
Majori & Civibus Exon'.
Majori & Civibus Lincoln'.
Majori & Civibus Cantuar'.
Majori & Civibus Karl'.
Ballivis Norwyic.
Majori & probis hominibus North'.
Ballivis Noting'.
Ball' de Scardeburg'.
Majori & Ball' de Grimesby.
Majori & Ball' de Lenn.
Ball' de Coleceſtr'.
Ball' & probis hominibus de Gernem'.
Majori & probis hominibus Heref'.
Majori & probis hominibus Ceſtr'.
Ball' & probis hominibus Salop.
Majori & probis hominibus Wygorn.

Note here is a ſpace left on the Roll, large enough to have inſerted the reſt of the Cities and Boroughs of England, *to whom without doubt the like Writs were alſo directed.*

Sub forma prædicta mandatum eſt univerſis & ſingulis Vicecom' per Angliam quod in quolibet Comitatu eligi facerent duos Milites de diſcretioribus & aptioribus Comitatus illius ad Regem pro Communitate ejuſdem Com' venturos. Ita quod ſint ad Regem in Craſtino Sancti Michaelis prædicto apud Salop cum Rege ſuper hiis *&* aliis *locuturi. Et hoc nullatenus omittant. Teſte ut ſupra.*

Item, ſub eadem forma mandatum eſt omnibus, ſubſcriptis quod ſint ad Regem ad diem prædictum, cum Rege ſuper hiis & aliis locuturi. Teſte ut ſupra.

Ric' de Holbrok.
Conſtabular' Caſtri Briſtoll.
Will de Saham, *Juſtice Itinerant*, 3. 9. & 12. E. I.
Rad' de Sandwico, *Juſtice of the King's Bench*, 17 E. I.

Johan' de Cobeham; *Judge Itinerant*, 55 H. III. M. 10. & 2 E. I. *Juſt. K. B.* 2 E. I. M. 5. *Bar' of the Exchequer*, 4 E. I.

Johan' de Reigate, *Juſtice of Aſſiſe*, 4 E. I. *Juſtice Itinerant*, 6 & 7 E. 1.

Johan' de Luvetot, *Bar. of the Exchequer*, 3 E. 1. *Juſt. Com. Bench*, 3 E. 1. *Juſt. Itinerant*, 8 E. I.

Roger' Loveday, *Juſt. Com. Bench*, 4 E. I. *Juſt. Itinerant*, 6 E. I.

Rad' de Hengham, *Ch. Juſtice of the K's. Bench*, 6 E. I.

Hamoni Hanteym.

Thom' de Weyland, *Chief Juſtice of the Com. Bench*, 6 E. I. *removed and baniſhed*, 16 E. I.

Egid' de Berkel.

Galfro' Aguillon.

Alano de Walkingham, *Juſtice of Aſſiſe*, 8 & 10 E. I.

Tho' de Sto' Vigore, *Juſtice of Aſſiſe*, 9 E. I.

Johan' Bek.

Ric' de Boyland, *Juſtice Itinerant*, 8 & 13 E. I.

Steph' de Penceſtre, *Juſtice of the Com. Bench*, 12 E. I.

Nich' de Stapleton, *Juſtice Itinerant*, 3 & 16 E. I. *Chief Juſtice of the Kings Bench*, 6 E. I.

Here follows a Blank, as if deſign'd for adding of more Names.

Rot. Parl. 51. *E.* 3. *N.* 45.

I*Tem porce qe de* Commune Droit *du Roialme de cheſcun Contee D'engleterre, ſont & ſerront elleuz deux Perſones deſtre a* Parlement *pur la* Commune *des dites* Contees, *ſave pur Prelatz, Dukes, Contes, Barons, & tieles qe tiegnent per Baronie, & q'ueux ſont & ſerront ſomonez per Brief de vener a* Parlement; *forſpris Citees, Burghs qi deviont eſlire de eaux meiſmes, tieles qi deviont reſpondre pur eux, les queux eſluz pur les* Communes *des ditz Contees, averont lour deſpenſes acuſtumez pur le temps de lour demoere, & dece ount Briefs a Viſconte de les lever. Qe pleaſe au Roi noſtre Seigneur, qe ſoit ordeine a ceſte preſent Parlement, qe les dites Deſpenſes ſoient levez de toutz les* Communez *de dites Contees, ſibien deinz Franchiſes come dehors; forſpris de la Franchiſes des Citees & Burghs, & forſpris de ceux qe Veignent iſſi per Briefs a Parlement per Somons & de lour Tenantz qe tiegnent en Bondage.*

Reſponſio. *Soit fait come devant ad eſte uſe ence Caſ.*

The ſame in *Engliſh.*

Alſo becauſe of *Common Right* of the Realm, there are and ſhould be elected from each County of *England* two Perſons to be at the Parliament for the *Commons* of the ſaid Counties; except for Prelats, Dukes, Earls, Barons, and ſuch as hold by Barony, and ſuch as are and ſhould be ſummon'd by Writ to come to Parliament; beſides the Cities and Boroughs who ought to elect from among themſelves, ſuch as who ſhould anſwer for them, the which being elected by the *Commons* of the ſaid Counties, ſhall have the accuſtomed Expences for the time of their ſtay, and for this have Writs to the Sheriff to levy them. May it pleaſe our Lord the King, that it be ordain'd at this preſent Parliament, that the ſaid Wages ſhall be levied of all the Commons of the ſaid Counties, as well within Franchiſes as without; except the Franchiſes of Cities

ties and Boroughs, and except thoſe who alſo come by Writs of Summon's to Parliament and their Tenants, whom they hold in Bondage.

Anſwer. Let it be done as has been uſed in the like Caſe.

ADVERTISEMENT.

SInce the finiſhing and printing off of the foregoing Sheets, I have been furniſhed by my learned and worthy Friend *William Petyt*, late Treaſurer of the *Inner-Temple* Eſq; and Keeper of her Majeſties Records in the Tower of *London*, with this laſt Record of the 51 of *Edward* the *Third*, which though not mentioned in the Treatiſe it ſelf, I deſire may be referr'd to *p.* 68, 69. of the foregoing Appendix, which being a Petition of the Knights of Shires, to the King in Parliament; and by him allow'd, may ſerve as an additional proof of the conſtant Claim the *Commons* have made before the King and Lords in Parliament, of their being therein repreſented of common Right of the Realm, that is by Preſcription, as well the Prelates, Dukes, Counts and Barons, is a ſufficient Conceſſion of their unqueſtionable Right.

I deſire the Reader would further take notice, that I have not only been obliged to that worthy Perſon abovementioned, whom, I muſt own, to have been my Maſter in all, that I have learnt from Records concerning this important Subject: But, beſides what I have already cited out of his Elaborate Treatiſe concerning the Antiquity of the Commons, muſt alſo own my ſelf obliged to him for the two firſt Records of the 11 *E.* 1. which he had the good fortune firſt to diſcover among the *Rotuli Walliæ*; as alſo for the ſupplemental Authorities to the Claim of the Town of St. *Albans* from the Writs of Expences above-mentioned, *p.* 61, 62, 63. By which it plainly appears, that the Claim of that Town of ſending Members to Parliament *Time beyond Memory*, was not only allow'd by the King and his Learned Councel in Parliament, but alſo aſcertain'd by their ſending Burgeſſes to ſeveral Parliaments both before and after that time, who had alſo their Expences allowed them by Writs directed for that purpoſe.

I muſt likewiſe own as much, concerning that material Record of the 14 & 17. *E.* 3. concerning the Claim of the Town of *Barneſtaple* mentioned *p.* 187. Wherein I deſire the Reader to take notice, that it is miſcited in the Margin, and inſtead of *Bundle of Eſcheats in the Tower*, it ſhould be, *Rot. Pat.* 14 *E.* 3. *Part.* 1. *M.* 2. dorſo.

The ſeveral Records concerning St. *Albans* and *Barneſtaple*, I have forborn to give you at length, becauſe I would not be too tedious, (the Work being near an End) but hope they may be one day publiſhed among the laborious Collections of the abovesaid Learned Author.

ADDENDA
TO THE
APPENDIX.

PAGE 35. line 28. after, *as at this day underſtood?* add, as well as they did at that great Council at *Lincoln*, 29 of *Edward* I. when after the *Commons* were riſen and gone home, they wrote that famous * Letter to the Pope, in the Names of themſelves and the whole *Community* or Body of the Kingdom, of which the Repreſentatives of the *Commons* ſummon'd to this Parliament were then certainly a part, and therefore, *&c.*

* Vid. *the precedent Hiſtory*, p. 145, 146.

Page 135, at the end of the ſecond Paragraph, after theſe words, *for the ſame Tenth*, &c. add, And that theſe two Knights mentioned in the Writ firſt cited, who were to be choſen and ſent by the ſeveral Counties, and were to be joined to two others to make up the four, were neither inveſted by the King, nor thoſe that ſent them with the like Power and Authority as the two former, may appear by the Words of the laſt Writs themſelves compar'd with the firſt, 'which commands the ſeveral Sheriffs of Counties to 'cauſe to be choſen and ſent up to *Weſtminſter*, two of the moſt 'diſcreet Knights, and the moſt able for Buſineſs, to be preſent 'at the Time and Place therein expreſs'd, with full Power for 'themſelves and the whole *Community* of the ſaid County, to ad'viſe and conſent for themſelves and the ſaid *Community*, to what 'the ſaid Earls and Barons have unanimouſly ordain'd concerning 'the Premiſes, ſo that for defect of ſuch Power, the ſaid Buſineſs 'may not remain undone, *&c.*

But in the ſecond Writ which commands the ſame Sheriffs to cauſe two others to be choſen and return'd together with the former, the Power of theſe latter is not ſo large as the others, it being only thus, that they ſhould be at *Weſtminſter* at the Day appointed by the Writ, *to hear and do whatſoever We* (*i. e.* the King) *ſhould then and there enjoin them*; by which words it plainly appears, that the two former of theſe Knights, were impower'd by their reſpective Counties to give their Advice and Conſent to what was propos'd to 'em by the Lords, whereas the other two were only to receive ſome further Inſtructions and Commands from the King, relating to ſome other Buſineſs, than that which the Lords and great Men had agreed on, ſo that granting this Aſſembly to have been a Parliament, (as I ſuppoſe it was not) the Doctor cannot at all make out, that either the concurring to the making of

Statutes, or their Conſent in granting of Money, was intruſted with more than the firſt two Knights, as will more fully be evident from the Writs themſelves, which I have truly tranſcrib'd from Dr. *Brady*'s Anſwer to Mr. *Petyt*'s Rights of the *Commons* aſſerted. Page 151.

Rex *Vic.* Northumbr. *ſalutem*; *Quia cum Comitibus, Baronibus, & cæteris Magnatibus de Regno noſtro ſuper quibuſdam negotiis* arduis, *Nos & idem Regnum Noſtrum contingentibus, in craſtino Sancti* Martini *prox. futur. apud* Weſtm. *Colloquium habere voluimus & tractatum, tibi præcipimus, quod eligi facias* duos Milites, *de Diſcretioribus, & ad laborandum Potentioribus de Comitatu predicto & eos ad Nos, uſq;* Weſtm. *venire facias. Ita quod ſint ibi in craſtino predicto, cum plena poteſtate pro ſe & tota Communitate Comitat. prædicti, ad conſulend. & conſentiend. pro ſe & Commnnitate illa, hiis, que Comites, Barones, & Proceres, prædicti concorditèr ordinaverunt in præmiſſis: Et ita pro defectu poteſtatis hujuſmodi, idem negotium infectum non remaneat, & hebeas ibi hoc Breve. Teſte Rege apud* Weſtm. 8 *die Octobris.*

Conſimiles Litera ſingulis Vice-comitibus Angliæ T. ut ſupra.

Rex Vic. Northumbr. *ſalutem. Cum nuper tibi præciperimus quod* duos Milites *de Diſcretioribus & ad laborandum Potentioribus ejuſd. Comitat. de conſenſu ejuſdem eligi, & eos ad nos uſque* Weſtm. *in craſt. Sancti* Martini *prox. futuro, cum plena poteſtate pro ſe & tota Communitate ejuſdem Com. venire faceres, ad conſulend. & conſentiend. pro ſe & Communitate illa, hiis quæ Comites, Barones, & Proceres de Regno noſtro in dicto craſtino ordinabunt: Tibi præcipimus firmitèr injungentes, quod præter illos* duos Milites *eligi facias* alios duos Milites *legales & ad laborandum Potentes, & eos una cum dictis* duobus Militibus *uſque* Weſtm. *venire facias, ita quod in dicto craſtino ſint ibidem, ad audiend. & faciend. quod eis tunc ibidem plenius injungemus. Et hoc nullo modo omittas. Et habeas ibi hoc breve. Teſte Rege apud* Weſtm. 9 *die Octobris.*

Eodem modo mandatum eſt ſingulis Vicecom. Angliæ, mutatis, mutandis. T. ut ſupra.

And now I have fairly given you theſe two Records from the Doctors own Copy, I ſhall leave it to the Reader's Conſideration, whether the forced Conſequences he has drawn from it are true or not, *viz.* ‘that from the variation of theſe Writs and other Records, it is moſt evident, that it was from this King's Authority this time, that the Houſe of *Commons* came to be fixed and eſtabliſhed in the preſent conſtant Form it now is, and hath heen in for many King's Reigns; and that the King in this Age was not altogether confin'd to any certain number of Knights, Citizens, or Burgeſſes, nor were the ſeveral ſtrict Forms and Uſages now practiſed, ever then thought of, or ſome legal Niceties and Punctilioes now in uſe, then judged abſolutely neceſſary.

The next Authority the Doctor hath made uſe of, to prove, that it was antiently in the King's Power to cauſe the Sheriff to return ſuch Members to Parliament as he ſuppos'd would beſt do his Buſineſs there; immediately follows in the next Leaf of the ſaid Anſwer, being a * Writ to the Sheriff of *Cumberland*. Id. p. 152. * *Rot. Clauſ.* 28 Ed. I. *m.* 3. *Dorſ.*

Rex Vicecom. Cumberl. *ſalutem. Cum nuper pro communi utilitate Populi Regni noſtri conceſſerimus, quod Charta de Foreſta in ſingulis ſuis Articulis firmitèr obſervaretur, aſſignando quoſdam de fidelibus noſtris in ſingulis Comitat. ejuſdem Regni, in quibus Foreſtæ noſtræ exiſtunt ad perambulationem in iiſdem Foreſtis faciend. Ita quod perambulationem illam diſtinctè & apertè factam ad nos, antequam aliqua executio, vel aliquid aliud, inde fieret, reportarent; & quod Juramentum Noſtrum, Jus Coronæ Angliæ, & Rationes & Calumpniæ noſtræ, Jus, Rationes, & Calumpniæ aliorum omnium ſalvæ forent. Nos licet dicti Fideles noſtri nunc primo ad nos detulerint, quod fecerint in negotio memorato, quia tamen* Prelati, Comites, Barones, *& cæteri* Magnates *dicti Regni in quorum preſentiâ, Noſtras & aliorum proponi, & audiri volumus rationes; Et de quorum Concilio in eodem negotio prout alias diximus intendimus operari; Maximè, cum ipſi ad obſervand. & manutenend. Jura Regni & Coronæ predictæ, una Nobiſcum juramenti Vinculo ſint aſtricti, juxta latus noſtrum tunc temporis non fuerunt. Ac pro eo ſimilitèr quod illi qui ſuas Rationes, quatenus illud negotium eos tangit proponere habebant, inde præmuniti non erant, eidem negotio, ſine ipſorum Concilio finem imponere non potuimus bono modo. Et quia negotium illud, quantum poſſumus, cupimus maturari, ita quod per Nos non ſtet, quin abſq; ulterioris dilationis incommodo effectum debitum ſortiatur; volentes cum* Prælatis, Committibus, Baronibus *&* Magnatibus *ſupradictis, ac aliis de* Communitate *dicti Regni, ſuper hoc & quibuſdam aliis arduis negotiis, Nos & ſtatum Regni predicti tangentibus habere Colloquium & Tractatum, tibi præcipimus, firmitèr injungendo, quod venire facias coram nobis ad* Parliamentum *noſtrum apud* Lincoln *in Octab. Sancti* Hillarii *prox. futur. duos* Milites *de Baliva tua; illos videlicet, qui pro* Communitate *Com. prædict. ad Parliamentum noſtrum ultimo præteritum per præceptam noſtrum venerunt: Et etiam de qualibet* Civitate *infra Balivam tuam, eoſdem Cives, & de quolibet Burgo, eoſdem Burgenſes, qui ad prædictum* Parliamentum *noſtrum alias ſic venerunt. Et ſi forte aliquis* Militum, Civium, *aut* Burgenſium *prædictorum mortuus fuerit, aut infirmus, per quod ad dictos diem & locum venire nequiverint, tunc loco illius mortui, aut infirmi, unum alium idoneum ad hoc eligi, & ad dictum Parliamentum noſtrum venire facias. Ita quod* Milites, Cives *&* Burgenſes *prædicti dictis die & loco modis omnibus interſint, cum plena poteſtate audiendi & faciendi ea quæ ibidem in præmiſſis ordinari continget pro communi commodo dicti Regni. Et eiſdem* Militibus *de* Communitate *Com. prædicti,* Civibus *de Civitatibus, &* Burgenſibus *de Burgis prædictis* Rationabiles expenſas ſuas *habere facias, in veniendo ad dictum Parliamentum Noſtrum, ibidem morando, & etiam redeundo: Tibi inſupèr præcipimus, ſicut prius, quod per totam Balivam tuam, ſine dilatione publicè facias proclamari, quod omnes illi qui Terras aut Tenementa habent infra metas Foreſtæ noſtræ in Ballivâ tuâ, & qui perambulationem in aliquo calumpniari voluerint, quod ſint coram nobis in* Parliamento *noſtro prædicto oſtenſuri in hâc parte Rationes ſuas & Calumpnias, ſi quas habent, & habeas ibi nomina prædictorum* Militum, Civium *&* Burgenſium, *& hoc Breve. T. Rege apud* le Roſe, *26 die Steptembris.*

This Record being long, I ſhall not give my ſelf the trouble to tranſlate it *verbatim*; but the ſubſtance of it is, 'That the

' Sheriffs ſhould cauſe to come before the King at his Parliament,
' to be held at *Lincoln* on the Octaves of St. *Hillary*, two Knights
' of each County, and two Citizens and two Burgeſſes of each Ci-
' ty and Borough of *England*, who came to the laſt Parliament,
' for the finiſhing and ſetling the *Perambulation* of *Foreſts*, &c.
' and that if any of the ſaid Knights or Burgeſſes were ſick or dead,
' Others ſhould be choſen in their rooms, who were likewiſe to
' appear at the ſame Parliament.

Yet notwithſtanding all this, it is no ſuch extraordinary ſtrain of this King's Prerogative, as the Doctor would infer from it; for whoever will conſider the Reaſons, that the King gives in this Writ, for ſo doing, *viz.* ' that tho' the ſaid faithful Subjects (the
' Commons, who had appeared in the laſt Parliament) had then
' laid before him, what they had done in that Buſineſs, yet ſince
' the Prelates, Earls, Barons, and other Great Men of the King-
' dom were not then preſent with him, and being willing to hear
' his own, as well as their Reaſons by whoſe Advice he intended
' to act in that Buſineſs; eſpecially, ſince they were oblig'd by
' their Oaths, together with himſelf, to obſerve the Rights of his
' Crown and Kingdom; and in like manner that thoſe, whom that
' Buſineſs did chiefly concern, were not then prepar'd to give in
' their Reaſons, and without whoſe Advice he could not put an
' end to that Affair; therefore becauſe he deſir'd to diſpatch it with
' all ſpeed, and that it might not receive any prejudice by further
' delays, he had appointed the ſame Knights, Citizens and Burgeſſes
' to appear before him in the next Parliament, as aboveſaid. All which conſider'd, the King had very good reaſon, nay, was in a manner oblig'd, to act as he did, ſince the former Parliament could do nothing in the Affair for which they were ſummon'd, by reaſon of the abſence of a great many of the Lords; ſo that it ſeems they were diſſolved *Re infectâ*. And therefore who were more fit to appear in the next Parliament, as being beſt acquainted with the Buſineſs about which they were ſummon'd, than thoſe Knights and Burgeſſes who had been choſen and appear'd at the laſt Parliament, wherein this great Buſineſs concerning the *Perambulation* of *Foreſts* had been firſt propos'd?

Not that the Sheriff had thereby any power blindly to return the ſame Perſons, without a *new Election* in the *County Court*; for thoſe general Words in the Writ, *Quod venire facias coram Nobis*, do not imply any ſuch thing; for beſides, that it is particularly directed, that in the room of thoſe, who were ſick or dead, other fit Perſons were to be elected, the following Clauſe in the Writ it ſelf ſufficiently ſhews, that all the reſt were to be ſo likewiſe. *Ita quod Milites, Cives & Burgenſes prædicti dictis die & loco, modis omnibus interſint, cum plenâ poteſtate audiendi & faciendi, ea quæ ibidem in præmiſſis ordinari continget pro communi commodo dicti Regni*, *i. e.* that the aforeſaid Knights, Citizens and Burgeſſes ſhould be preſent at the Day and Place aforeſaid, with full Power to hear and do thoſe things which ſhall there happen to be ordain'd concerning the Premiſſes, for the common good of the ſaid Kingdom.

Now how theſe Knights, Citizens and Burgeſſes, could be indu'd with this full Power of acting for thoſe they repreſented, without being again elected, I can by no means underſtand; ſo that the utmoſt that can be inferr'd from this Writ, is, that the King in a caſe of neceſſity then order'd the People to chuſe, and the Sheriff to return, as many of the ſame Members as were alive, or not being ſick, were able to ſerve again; which whether it could be done now, or not, is not the Queſtion; ſince I grant that in that Age which regarded more the Subſtance than the Circumſtances of things, the King might then exerciſe a higher Prerogative than he can do at this day, when things have been ſo long ſetled in a different courſe: It is ſufficient for our purpoſe, that the *Commons* then had, according to antient Cuſtom, their *Repreſentatives* in this Parliament of the 28th of *Edward the Firſt*, lawfully choſen and empower'd to act for them in the Buſineſs about which they were ſummon'd.

Theſe here printed are all the *Records* that I think fit to trouble the Reader with at this time; not but that I confeſs, I have been forced to omit ſome very material Inſtruments and Charters which I promiſed in my Hiſtory to publiſh in the *Appendix*, ſuch as is that memorable one recited at large in the Chronicle of *Lanercoſt*, containing King *Edward the Third*'s Releaſe of the Superiority which he or his Anceſtors had, or could pretend to over the Kingdom of *Scotland*.

This *Charter*, I confeſs, I omitted to tranſcribe, when I took that *Extract* out of it, which is ſet down in my Hiſtory; and I ſhou'd have been glad to have given it at large, ſince it is not to be found either in the *Cloſe* or *Patent-Rolls* in the *Tower*, having never been enter'd there, or elſe taken off from the Roll, when King *Edward* revoked that *Charter*, as being procur'd by the Power of the Queen his Mother and her Favourite *Mortimer*, during his Minority; but the reaſon why I cannot publiſh it now, as I promiſed, is, becauſe the *Cottonian* Library being lock'd up, ſince the death of the late worthy Owner Sir *John Cotton* Baronet, there is no eaſie acceſs to it, to take out any Books, or tranſcribe any thing contained in them. And I deſire that the Reader would accept of the ſame Excuſe as to any other Inſtruments which I have any way mention'd in the precedent Hiſtory to be publiſh'd in the foregoing *Appendix*.

Pag. 350.

8 JA 56

ADVERTISEMENT.

THE Author's not being in Town, when the aforegoing Appendix *was printed off, makes him place this, that ſhould have been ſet immediately before, after it, being the Names of the Authors Works, which I have had occaſion to make uſe of, either as Authorities, or elſe to juſtify their Opinion who have writ againſt* Dr. Brady, *and which I have for brevity ſake cited in the Margin by the firſt Capital Letters of their Names, with thoſe of the Treatiſes themſelves, being theſe that follow:*

Mr. *Petyt*'s Rights of the *Commons* aſſerted. *P. R. C.*

Dr. *Brady*'s Anſwer to it, printed firſt in *Octavo*, and afterwards in his Introduction to *Engliſh* Hiſtory, in *Folio*. *B. A. P.*

The ſame Author's Anſwer to Mr. *Attwood*'s *Jani Anglorum Facies Nova*. *B. A. J.*

Dr. *Brady*'s Gloſſary, at the end of his Introduction. *B. G.*

The End of the APPENDIX.

Mutanda & Addenda

To the foregoing

HISTORY.

THESE, had the Author been in Town, ſhou'd have been printed in their due place immediately after the Hiſtory, to which they belong, *viz.*

Page 80. *line* 41. *after theſe Words*, with *France*, *add*,* and there was then granted him a *Tenth* from the Lords and *Communities* of Counties, and a ſixth part of the Goods of Cities and Boroughs; which is very remarkable, ſince the Writs of Summons being loſt, Dr. *Brady* will not allow the Citizens and Burgeſſes to have been ſummon'd to this Parliament.

Pag. ead. after theſe Words, inſtead of, there was a Convocation, *&c. read,* And there had been a Convocation alſo † ſummon'd not long before to be held at the ſame Place, at the Feaſt of St. *Matthew* or 21*ſt* of *September*, wherein the Biſhops and Clergy, *&c. as it ſtands in the foregoing Hiſtory.* P. 81. *l.* 1. *d.* Proctors of the Clergy, *and read,* the Inferior Clergy, *viz.* the Proctors of the Deans and Chapters, with the Archdeacons, for I am now ſufficiently ſatisfied from the Reverend Doctor *Wake*'s Arguments and Authorities, againſt Doctor *A's Rights of an* Engliſh *Convocation*, in his *State of the Church, &c. p.* 231, to 238. that the Proctors of the Inferior Clergy, as choſen by themſelves, were not ſummon'd to this Parliament, tho' they were to that of the Year following, of which I ſhall ſpeak further, when I come to it.

P. 89. *l.* 16. *after the Words,* their Inhabitants, *add this:* Upon a Review of this Work, after it was printed off, I muſt own, that upon better conſideration of the Writs of * Summons this Year, being the 23*d* of *Edward* I. the Parliament which I have ſaid in the Hiſtory, p. 88. the laſt Paragraph, to have met at St. *Edmundsbury*, was not held there at all this Year; but as appears by thoſe Writs upon the Cloſe-Roll, was ſummon'd to meet at *Weſtminſter* on the 1*ſt* of *Auguſt*, and by reaſon of the King's abſence was firſt progu'd until the Sunday after *Martinmas*, and from thence was again progu'd until the Sunday before St. *Andrews* day, or the 30*th* of *November*; and to which (as appears by the Writ of Summons to the Archbiſhop of *Canterbury*) beſides the Proctors of the ſeveral Chapters of Cathedrals, thoſe choſen by the Inferior Clergy were now alſo ſummon'd; this is confirm'd by ſome of our † Hiſtorians of that time, who expreſly tell us, that on the ſecond day of this Parliament the King demanded of the Archbiſhop an

* *Chron. de* Lanercoſt.

† *Regiſt.* Johan. Romani Archiepiſc. Ebor. *Printed in Dr* Wake's *Appendix to Righs of the Church.* p. 21.

* *Rot. Clauſ.* 23 Ed I *M.* 2. *dorſ. & eod. Rot. M.* 3. *dor.*

† *Annal* Wig. Johan. Everſden.

Aid from the Clergy, and He and they having deliberated thereupon, granted him a *Tenth* upon certain Conditions, promiſing withal a farther Supply the next Year, if in the mean time a Peace were not made with *France*, or at leaſt a Truce in order to a Peace. And therefore this Parliament, which is ſaid in the † Hiſtory to have been held about this time at St. *Edmundsbury*, did not meet there till the morrow after *All Souls* Day, or 3*d* of *November*, *A D.* 1296. as appears by the Writs of Summons on the Roll, which I have cited in the Margin of the * Hiſtory under the following Year. Tho', I confeſs, I cannot tell how to reconcile this with the great Record in the *Tower* concerning the King's Superioriry over *Scotland*, which expreſly recites *Mackduff's*, Earl of *Fiſe*, proſecuting his Plea againſt the King of *Scots*, in the Parliament held at St. *Edmundsbury* in the 23*d* of *Edward* I. and of the *Scottiſh* King's ſending thither the Abbot of *Aberbrothok* to appear and anſwer for him; for that Record and thoſe Writs of Summons in the Cloſe Rolls are expreſly oppoſite to each other, unleſs we may ſuppoſe, that the Clerk or Notary, who was imploy'd to draw up all the Tranſactions between King *Edward* and *John Baliol*, King of *Scots*, ſome Years after, did by truſting only to his Memory, and not conſulting the Records, miſtake the Parliament, which was indeed held at *Weſtminſter*, and in which thoſe things relating to the King of *Scots* were tranſacted, for that which was held at St. *Edmundsbury* the Year following; when it was indeed impoſſible for any ſuch thing to have happen'd; for the King of *Scots* abovemention'd, being already ſubdu'd, and having ſurrender'd up his Kingdom to King *Edward* in *Auguſt* this Year, and being now a Priſoner, could not ſend any Envoys to the Parliament which was held on the 3*d* of *November* following; or could tranſact thoſe matters there, which I have related in the precedent Hiſtory; but in this I am not the only Perſon that have been miſtaken, ſince Dr. *Brady* having been alſo miſled by the *Scottiſh* Roll above-cited, has referr'd this Action of *Mackduff's* proſecuting his Appeal, and the King of *Scots* Anſwer thereunto by his Envoys, to the Parliament of St. *Edmondsbury*, which the Doctor, tho' erroniouſly, ſuppoſes to have been held this Year, and therefore wholly omits the mentioning the Parliament, which was indeed ſummon'd to, and held at *Weſtminſter* at that time, ſince that would have been directly to contradict his own Relation.

This I thought fit to advertiſe the Reader of, ſince I did not diſcover it till after the Work was printed, though had I been preſent when thoſe Sheets ſhould have paſſed my Review, I might then have alter'd them as I have now done, and intend to do, if ever this Work will bear another Edition; in the mean while, I look upon it to be my Duty as a faithful Hiſtorian, whenever I am convinced of any material Error or Miſtake, to rectify it as ſoon as I can; that my Readers may not be miſled by the ſeeming Authority even of Records themſelves, when they palpably contradict each other, as they do in the time of the Tranſactions mentioned in the precedent Hiſtory in the places above-cited.

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